



County Council Meeting Beaufort County, SC

This meeting will be held both in person at the County Council Chambers, 100 Ribaut Road, Beaufort, and also virtually through Zoom.

**Monday, May 09, 2022
6:00 PM**

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE AND INVOCATION - COUNCIL MEMBER McELYNN
3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF AGENDA
- [5.](#) APPROVAL OF MINUTES – MARCH 28, 2022
6. ADMINISTRATOR'S REPORT
- [7.](#) PRESENTATION OF A PROCLAMATION RECOGNIZING MAY 15TH - MAY 21ST AS EMERGENCY MEDICAL SERVICES WEEK
- [8.](#) PRESENTATION OF A PROCLAMATION RECOGNIZING MR. ROLAND GARDNER FOR HIS SERVICE TO BEAUFORT, JASPER, HAMPTON COMPREHENSIVE HEALTH SERVICES

CITIZEN COMMENTS

9. **CITIZEN COMMENTS - (ANYONE who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to no longer than three (3) minutes (a total of 15 minutes) and will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language)**

COMMITTEE REPORTS

10. LIASION AND COMMITTEE REPORTS

PUBLIC HEARINGS AND ACTION ITEMS

11. APPROVAL OF CONSENT AGENDA

12. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE TO ALLOCATE 2018 ONE CENT SALES TAX ADDITIONAL REVENUE TO THE SIDEWALKS AND MULTI-USE PATHWAYS PROGRAM (\$15,449,734.75).

Vote at First Reading on April 25, 2022- 11:0

13. FIRST READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTIONS IN DIVISION 3.2 (TRANSECT ZONES) AND SECTIONS IN DIVISION 3.3 (CONVENTIONAL ZONES) TO CORRECT AND CLARIFY PARKING SPACE REQUIREMENT CONFLICTS BETWEEN ZONING DISTRICTS AND THE PARKING SPACE REQUIREMENTS TABLE IN SECTION 5.5.40.B.

14. FIRST READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): APPENDIX A.13.50.D (GUEST HOUSES) TO CLARIFY THE STANDARDS FOR MINIMUM LOT SIZE REQUIREMENTS FOR GUEST HOUSES LOCATED IN THE MAY RIVER COMMUNITY PRESERVATION DISTRICT.

15. FIRST READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 6.1.40.G (BASE SITE AREA CALCULATIONS) TO CLARIFY THAT BOTH JURISDICTIONAL AND NON-JURISDICTIONAL WETLANDS MUST BE SUBTRACTED FROM THE GROSS SITE AREA TO DETERMINE BASE SITE AREA FOR DEVELOPMENT.

16. FIRST READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 5.11.100.F.1 (TREE REMOVAL ON DEVELOPED PROPERTIES) TO CLOSE A LOOPHOLE WHICH ALLOWS SPECIMEN AND MITIGATION TREES TO BE REMOVED POST-CONSTRUCTION OF SINGLE-FAMILY HOMES.

17. APPROVAL OF A RESOLUTION TO NAME THE LIND BROWN RECREATION CENTER OUTDOOR POOL IN HONOR OF MR. ALVIN SETTLES

18. APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND FUND THE PURCHASE OF REAL PROPERTY CONSISTING OF APPROXIMATELY 2.1 ACRES OWNED BY THE TECHNICAL COLLEGE OF THE LOWCOUNTRY (*FISCAL IMPACT: Purchase price is \$1,215,000 plus closing costs for all 5 properties*)

As approved on April 18, 2022 by County Council

CITIZEN COMMENTS

19. CITIZEN COMMENTS - (ANYONE who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to no longer than three (3) minutes (a total of 15 minutes) and will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language)

20. ADJOURNMENT

CONSENT AGENDA

Items Originating from the Community Services and Public Safety Committee

1. APPROVAL TO APPLY FOR (MAT-PDOA) GRANT RFP 2022 MEDICATION-ASSISTED TREATMENT-PRESCRIPTION DRUG AND OPIOID ADDICTION

Items Originating from the Executive Committee

2. APPROVAL OF THE REAPPOINTMENT OF D. PAUL SOMMERVILLE FOR A THREE YEAR TERM TO THE SOUTHERNCAROLINA ALLIANCE BOARD OF DIRECTORS

Items Originating from the Natural Resources Committee

3. RECOMMEND THAT THE BEAUFORT COUNTY LEGISLATIVE DELEGATION CONSIDER THE REAPPOINTMENT OF GERALD SCHULZE TO THE BEAUFORT - JASPER WATER & SEWER AUTHORITY BOARD OF DIRECTORS
4. APPROVAL OF APPOINTMENTS OF DENNIS ROSS FOR AT-LARGE AND RONALD BUCHANAN FOR STORMWATER DISTRICT 8 TO THE STORMWATER MANAGEMENT UTILITY BOARD WITH AN EXPIRATION DATE OF 2026

END OF CONSENT AGENDA



Caucus Beaufort County, SC

This meeting will be held both in person at St. Helena Library, 6355 Jonathan Francis Senior Rd, St Helena Island, SC 29920, and also virtually through Zoom.

**Monday, March 28, 2022
4:30 PM**

MINUTES

To hear Council's full discussion of a specific topic, or the complete meeting, watch the video stream available on the County's website. <https://beaufortcountysc.new.swagit.com/videos/157552>

1. CALL TO ORDER

Chairman Passiment called the meeting to order at 4:30 PM.

2. PLEDGE OF ALLEGIANCE

Chairman Passiment led the Pledge of Allegiance

3. FOIA

Chairman Passiment noted that the Public Notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act.

4. APPROVAL OF THE AGENDA

Motion: It was moved by Council Member McElynn, seconded by Council Member Glover to approve the agenda.

The Vote – The motion was approved without objection.

5. EXECUTIVE SESSION

Motion: It was moved by Council Member McElynn, Seconded by Council Member Rodman to go into executive session.

The Vote – The motion was approved without objection.

Executive session started at 4:40PM

6. ADJOURNMENT – The meeting adjourned at 6:09PM

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph F. Passiment, Jr., Chairman

ATTEST:

Sarah W. Brock, Clerk to Council
Ratified:



County Council Meeting Beaufort County, SC

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6:00 PM**

MINUTES

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1. CALL TO ORDER

Chairman Passiment called the meeting to order at 6:14 PM

PRESENT

Chairman Joseph F. Passiment
 Vice Chairman D. Paul Sommerville
 Council Member Logan Cunningham
 Council Member Gerald Dawson
 Council Member Brian Flewelling
 Council Member York Glover
 Council Member Chris Hervocho
 Council Member Alice Howard
 Council Member Mark Lawson
 Council Member Lawrence McElynn
 Council Member Stu Rodman

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Mr. Tyron Jackson led the Pledge of Allegiance and gave the invocation.

3. FOIA

Chairman Passiment stated public notice of this meeting had been published, posted and distributed in compliance with SC FOIA laws.

4. APPROVAL OF AGENDA

Motion: It was moved by Council Member McElynn, Seconded by Council Member Glover to approve the agenda.

The Vote – The motion passed without objection.

5. APPROVAL OF MINUTES

Motion: It was moved by Council Member McElynn, Seconded by Council Member Howard to approve the minutes from January 24, 2022.

The Vote – The motion passed without objection.

6. PRESENTATION OF A PROCLAMATION HONORING THE MONTFORD POINT MARINES

Council Member York Glover presented the proclamation.

7. ADMINISTRATOR'S REPORT

To see the Administrators full report please watch the video stream available on the County's website <https://beaufortcountysc.new.swagit.com/videos/157552>

8. CITIZEN COMMENTS

James P. Smalls
Arnold Brown
Rose Horsey
Bernie Wright
Rufus. Pickney
Julius Green
Carrie Major

9. LIASION AND COMMITTEE REPORTS

To see the full report please watch the video stream available on the County's website <https://beaufortcountysc.new.swagit.com/videos/157552>

10. MATTERS ARISING OUT OF THE CAUCUS EXECUTIVE SESSION

First Item out of Executive Session

Motion: It was moved by Council Member Flewelling, Seconded by Council Member Glover to repeal current school impact fees in place and repay what has already been collected.

Motion to Amend: It was moved by Council Member Cunningham, Seconded by Council Member McElynn to amend the motion to repeal all impact fees by first reading by title only.

The Vote on Motion to Amend: Voting Yea: Chairman Passiment, Council Member Cunningham, Council Member Dawson, Council Member Flewelling, Council Member Glover, Council Member Howard, Council Member McElynn. Voting Nay: Vice Chairman Sommerville, Council Member Lawson, Council Member Rodman. Voting Abstaining: Council Member Hervochon. The motion passed 7:3 with 1 Abstention.

Motion to Challenge the Chair: It was moved by Council Member Flewelling to challenge the chair. There was not a second so the motion failed.

Main Motion as Amended: It was moved by Council Member Flewelling, Seconded by Council Member Glover to repeal school impact fees, repay any school impact fees already collected and repeal all impact fees by first reading by title only.

The Vote on Main Motion: Voting Yea: Chairman Passiment, Council Member Cunningham, Council Member Dawson, Council Member Flewelling, Council Member Glover, Council Member Howard, Council Member McElynn, Council Member Rodman. Voting Nay: Vice Chairman Sommerville, Council Member Lawson. Voting Abstaining: Council Member Hervochon. The motion passed 8:2 with 1 Abstention.

Discussion: to see full discussion please click the link below.

<https://beaufortcountysc.new.swagit.com/videos/157552>

Second Item out of Executive Session

Motion: It was moved by Council Member Glover, Seconded by Council Member Rodman. to continue to give the Black Chamber of Commerce the \$50,000 DMO monies going through our procurement process.

The Vote - Voting Yea: Chairman Passiment, Council Member Dawson, Council Member Flewelling, Council Member Glover, Council Member Lawson, Council Member McElynn, Council Member Rodman. Voting Nay: Vice Chairman Sommerville, Council Member Cunningham, Council Member Hervochon, Council Member Howard. The motion passed 7:4.

11. APPROVAL OF CONSENT AGENDA (minus item 6)

Motion: It was moved by Council Member Dawson, Seconded by Council Member Rodman to approve the consent agenda minus item number 6.

The Vote – The motion was approved without objection.

(item 6) THIRD READING OF AN ORDINANCE FOR APPROVAL OF A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTIONS A.2.40 (PERMITTED ACTIVITIES), A.4.40 (PERMITTED ACTIVITIES), AND A.5.40 (PERMITTED ACTIVITIES) TO REVISE THE LADY’S ISLAND COMMUNITY PRESERVATION, LADY’S ISLAND NEIGHBORHOOD ACTIVITY CENTER, AND LADY’S ISLAND PROFESSIONAL OFFICE DISTRICTS TO INCLUDE SHORT-TERM RENTALS AS A SPECIAL USE.

Motion: It was moved by Council Member Glover, Seconded by Council Member Howard to approve the consent agenda minus item number 6.

The Vote – The motion was approved without objection - Council Member Flewelling recused himself.

12. THIRD READING OF AN ORDINANCE FOR APPROVAL OF A ZONING MAP AMENDMENT/REZONING REQUEST FOR NINETEEN (19) RURAL AND CRITICAL LANDS PRESERVATION PROGRAM PROPERTIES FROM VARIOUS ZONING DISTRICTS TO T1 NATURAL PRESERVE (T1NP)

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Howard to approve third reading of an ordinance for approval of a zoning map amendment/rezoning request for nineteen (19) rural and critical lands preservation program properties from various zoning districts to t1 natural preserve (t1np).

The Vote – The motion was approved without objection.

13. THIRD READING OF AN ORDINANCE FOR APPROVAL OF A TEXT AMENDMENT TO THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 82: IMPACT FEES, ARTICLE I, IN GENERAL; ARTICLE II, DEVELOPMENT IMPACT FEE PROCEDURES; ARTICLE, III, PARKS, AND RECREATION FACILITIES; ARTICLE V, LIBRARY FACILITIES; ARTICLE VI, FIRE FACILITIES; AND EFFECTIVE DATES.

14. THIRD READING OF AN ORDINANCE OF THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA ("COUNCIL") ESTABLISHING AND ADOPTING AN EMERGENCY MEDICAL SERVICES ("EMS") DEVELOPMENT IMPACT FEE ("IMPACT FEE") TO BE IMPOSED ON ALL NEW DEVELOPMENT IN THE COUNTY EXCEPT FOR NEW DEVELOPMENT IN THE TOWN OF HILTON HEAD ISLAND; TO ENSURE THAT EMS FACILITIES (EMS STATIONS AND EMERGENCY VEHICLES) WILL BE AVAILABLE AND ADEQUATE TO ACCOMMODATE THE NEED EXPECTED TO BE GENERATED FROM NEW DEVELOPMENT IN THE COUNTY (EXCEPT WITHIN HILTON HEAD ISLAND) BASED ON THE COUNTY’S LEVEL OF SERVICE STANDARDS FOR EMS FACILITIES AND CAPITAL IMPROVEMENTS PLAN (CIP), AND TO ASSIGN THE COSTS OF SUCH EMS FACILITIES ON A PROPORTIONATE SHARE BASIS TO NEW DEVELOPMENT

Motion: It was moved by Council Member Flewelling, Seconded by Council Member Hervochon to postpone items 13 and 14 indefinitely.

The Vote – The motion was approved without objection.

- 15. FIRST READING OF AN ORDINANCE FOR A BUDGET AMENDMENT YEAR FISCAL YEAR 2022. FISCAL IMPACT- FUNDING WILL BE FROM THE OPERATING SURPLUS OF FISCAL YEAR 2022**
- Motion:** It was moved by Council Member McElynn, Seconded by Council Member Flewelling to approve first reading of an ordinance for a budget amendment year fiscal year 2022.
- The Vote** – The motion was approved without objection.
- 16. APPROVAL OF A RESOLUTION FOR THE BEAUFORT COUNTY ASSESSOR TO EXTEND THE TIME FOR FILING FOR AN "AGRICULTURAL USE" VALUATION FOR THE TAX YEAR 2021 (R600 037 000 020H 000)**
- Motion:** It was moved by Council Member Howard, Seconded by Council Member McElynn to approve a resolution for the beaufort county assessor to extend the time for filing for an "agricultural use" valuation for the tax year 2021 (r600 037 000 020h 000).
- The Vote** - The motion was approved without objection.
- 17. APPROVAL OF A RESOLUTION FOR THE HILTON HEAD ISLAND AIRPORT TERMINAL FINANCING PLAN.**
- Motion:** It was moved by Council Member McElynn, Seconded by Council Member Lawson to approve a resolution for the Hilton Head Island airport terminal financing plan.
- The Vote** - The motion was approved without objection.
- 18. APPROVAL OF A RESOLUTION AUTHORIZING PARKS & RECREATION DEPARTMENT TO APPLY FOR A \$300,000 GRANT FROM SOUTH CAROLINA PARKS, RECREATION & TOURISM**
- Motion:** It was moved by Council Member Cunningham, Seconded by Council Member Howard to approve a resolution authorizing the parks and recreation department to apply for a \$300,000 tourism grant from SC Parks and Recreation & Tourism.
- The Vote** – The motion passed 10:1 with Council Member Glover voting no.
- 19. APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR WITSELL ROAD**
- Motion:** It was moved by Council Member McElynn, Seconded by Council Member Cunningham to approve a resolution authorizing the county administrator to execute any and all necessary documents for the acceptance of properties encumbering the road right of way for Witsell Road.
- The Vote** - The motion was approved without objection.
- 20. APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF PROPERTIES ENCUMBERING THE ROAD RIGHT OF WAY FOR COOSAW RIVER DRIVE**
- Motion:** It was moved by Council Member McElynn, Seconded by Council Member Cunningham to approve a resolution authorizing the county administrator to execute any and all necessary documents for the acceptance of properties encumbering the road right of way for Coosaw River Drive.
- The Vote** - The motion was approved without objection
- 21. APPROVAL OF A RESOLUTION OF BEAUFORT COUNTY RESPONSES TO TOWN OF HILTON HEAD COMMENTS ON THE US 278 CORRIDOR TRAFFIC IMPROVEMENT PROJECT**
- Motion:** It was moved by Council Member McElynn, Seconded by Council Member Cunningham to approve a resolution of Beaufort County's responses to Town of Hilton Head comments on the us 278 corridor traffic improvement project.

Motion to Amend - It was moved by Council Member Rodman, Seconded by Council Member Glover to postpone this item until the next Council meeting.

The Vote on Motion to Amend - Voting Yea: Council Member Rodman, Council Member Glover, Council Member Flewelling. Voting Nay: Chairman Passiment, Vice Chairman Sommerville, Council Member Cunningham, Council Member Dawson, Council Member Hervochon, Council Member Howard, Council Member Lawson, Council Member McElynn. The motion fails 3:8.

Motion to Extend Past 8 - (at 7:55PM)

The Vote - The motion to extend past 8 was approved without objection.

Main Motion: It was moved by Council Member McElynn, Seconded by Council Member Cunningham to approve a resolution of Beaufort County responses to Town of Hilton Head comments on the US 278 Corridor.

The Vote on Main Motion - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Cunningham, Council Member Dawson, Council Member Flewelling, Council Member Hervochon, Council Member Howard, Council Member Lawson, Council Member McElynn. Voting Nay: Council Member Glover, Council Member Rodman. The motion passes 9:2.

22. CITIZEN COMMENTS

County Council Members,

Please accept the following public comment regarding agenda item 21 on tonight's council agenda. I apologize I am unable to attend and provide these comments in person due to a travel conflict.

Agenda item 21 is described as "approval of a resolution of Beaufort County responses to town of Hilton Head comments on the US 278 corridor traffic improvement project." The relevant portion of the backup packet reads:

The Beaufort County Council hereby supports the responses provided by the Project team to Town of Hilton Head on the public comments previously submitted as prepared by MKSK so long as, within thirty (30) days of the date of this Resolution, the Town of Hilton Head provides the County Administrator with written commitment to the following:

We continue to believe that the US 278 project is headed in the right direction. However, there are important details that have not been finalized by SCDOT, including access to the nearby cemetery, roadway crossings, and community mitigation. We also believe that MKSK's recommendations should be reflected in the final plan, even if who funds those aspects of the project has not been determined (SCDOT, the Town, Beaufort County or a private entity).

SCDOT has committed verbally to making some of those changes in its final drawings, but those changes have not been incorporated into the publicly available documents as of yet. In addition, the public comment period for the project just closed on Saturday, March 26th. SCDOT may make changes to the final project design based on feedback received from the community.

We hope that Beaufort County will allow the town of Hilton Head time to see those changes made by SCDOT prior to providing its final consent for the project. **As has been reiterated since inception of this project—it is too important not to get it right.**

Please do not hesitate to reach out if you have any questions.

Respectfully,

Jessie White

24. ADJOURNMENT

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph F. Passiment, Jr., Chairman

ATTEST:

Sarah W. Brock, Clerk to Council
Ratified:

~ Proclamation ~

Whereas, Beaufort County is fortunate in having a highly-trained and well equipped Emergency Medical Services; and

Whereas, this Emergency Medical Services is staffed by professional and experienced Emergency Medical Technicians and Paramedics who are on call day and night; and

Whereas, Emergency Medical Services is a vital public service; and

Whereas, the members of Emergency Medical Services teams are ready to provide lifesaving care to those in need 24 hours a day, 7 days a week; and

Whereas, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

Whereas, the members of Emergency Medical Services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

Whereas, it is appropriate to recognize the value and the accomplishments of Emergency Medical Services' providers by designating Emergency Medical Services Week.

Now, therefore, be it resolved, that Beaufort County Council proclaims

May 15th – May 21st Emergency Medical Services Week.

Dated this 9th day of May 2022.



Joseph Passiment, Chairman
Beaufort County Council

~ Proclamation ~

Whereas, Beaufort County Council would like to recognize Mr. Roland Gardner for his services to Beaufort County through his leadership at Beaufort, Jasper, Hampton Comprehensive Health Services; and

Whereas, Mr. Roland Gardner has served Beaufort, Jasper, Hampton Comprehensive Health Services for forty-eight years. Seven years as the Director of Mental Health and Social Services and Forty-One years as the Chief Executive Officer; and

Whereas, Mr. Roland Gardner has dedicated his life to improving the lives of Lowcountry residents through increased access to quality healthcare and has long been integral in speaking up for the uninsured, isolated, and medically vulnerable; and

Whereas, Under Mr. Roland Gardner's leadership Beaufort, Jasper, Hampton Comprehensive Health Services grew from a start-up nonprofit into a multi-million-dollar corporation that spans over three counties and serves over 17,000 patients; and

Whereas, Mr. Roland Gardner and Beaufort, Jasper, Hampton Comprehensive Health Services have supported and committed providers to the Beaufort County Alcohol and Drug Abuse Department and have worked closely with the Human Services Department; and

Whereas, Mr. Roland Gardner and Beaufort, Jasper, Hampton Comprehensive Health Services has served as a critical partner in many Together for Beaufort County coalitions; and

Whereas, Beaufort, Jasper, Hampton Comprehensive Health Services was a leading partner in the development of AccessHealth Lowcountry, a Duke funded initiative to improve medical care for the uninsured residents; and

Whereas, Beaufort Jasper, Hampton Comprehensive Health Services supported Together for Beaufort County's efforts to improve health outcomes for mothers and children by improving prenatal care rates and played a vital role in reaching out to the underserved Latino populations; and

Whereas, Beaufort, Jasper, Hampton Comprehensive Health Services provides critical support for the Beaufort County Early Childhood Coalition in meeting the needs of children birth to five and their families, improving health and educational outcomes, and helping build a strong foundation for success for Lowcountry children; and

Now, therefore, be it resolved, by the County Council of Beaufort County, the Council hereby wishes to Honor Mr. Roland Gardner for his achievements, success, and leadership.

Dated this 9th Day of May 2022



Joseph F Passiment, Jr., Chairman
Beaufort County Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Recommendation to Allocate 2018 One Cent Sales Tax Additional Revenue to the Sidewalks and Multi-use Pathways Program (\$15,449,734.75).
MEETING NAME AND DATE:
Public Facilities Committee – April 18, 2022
PRESENTER INFORMATION:
Jared Fralix, Assistant County Administrator - Engineering (5 min)
ITEM BACKGROUND:
<p>In 2018, the citizens of Beaufort County voted to approve a one percent (1%) special transportation sales and use tax for not more than four (4) years or until a total of \$120,000,000 revenue has been collected, whichever comes first.</p> <p>As of the 1st quarter of FY22, Beaufort County has received the full sales tax collection. As the monetary goal was met in the middle of a fiscal quarter, the collection continued throughout the remaining of the quarter and expired December 31, 2021 totaling \$15,449,734.75.</p>
PROJECT / ITEM NARRATIVE:
<p>The \$120 million referendum included three (3) project categories; US 278 Corridor Traffic Improvements (\$80 million) , Lady’s Island Corridor Traffic Improvements (\$30 million) and Sidewalks and Multi-Use Pathways (\$10 million).</p> <p>In May 2019, County Council passed Resolution 2019/22 prioritizing the Sidewalks and Multi-Use Pathways projects to 14 out of the 24 locations as the total cost of all the projects exceeded the available funding from the referendum.</p>
FISCAL IMPACT:
Additional revenue amount totaling \$15,449,734.75.
STAFF RECOMMENDATIONS TO COUNCIL:
To ensure the completion of the priority projects established in Resolution 2019/22, staff recommends the \$15,449,734.75 additional revenue to be allocated to the Sidewalks and Multi-Use Pathway program (account 47050011-54510).
OPTIONS FOR COUNCIL MOTION:
<p>Approve/deny recommendation for the \$15,449,734.75 additional revenue to be allocated to the Sidewalks and Multi-Use Pathway program.</p> <p><i>Next Step: Move forward to County Council to approve/deny the recommendation for the \$15,449,734.75 additional revenue to be allocated to the Sidewalks and Multi-Use Pathway program.</i></p>

ORDINANCE NO. 2022/ ____

AN ORDINANCE TO APPROPRIATE EXCESS FUNDS COLLECTED FROM THE 2018 TRANSPORTATION SALES TAX

WHEREAS, On November 13th 2017, by ordinance number 2017/34, Beaufort County Council ("County Council") adopted enabling legislation which provided for the levy and collection of a one cent transportation sales tax; and

WHEREAS, the tax was approved in a referendum vote; and

WHEREAS, the tax was estimated to collect \$120,000,000 before it was to be terminated; and

WHEREAS, the tax collections were actually \$135,449,734.75, creating a surplus of \$15,449,734.75; and

WHEREAS, the \$120 million referendum included three (3) project categories; US 278 Corridor Traffic Improvements (\$80 million) , Lady’s Island Corridor Traffic Improvements (\$30 million) and Sidewalks and Multi-Use Pathways (\$10 million); and

WHEREAS, In May 2019, County Council passed Resolution 2019/22 prioritizing the Sidewalks and Multi-Use Pathways projects to 14 out of the 24 locations as the total cost of all the projects exceeded the available funding from the referendum; and

WHEREAS, County Council finds that it is in the best interest of its citizens, residents, visitors and tourists to appropriate the surplus funds to the Sidewalks and Multi-Use Pathway program starting with the remainder of the prioritized 14 pathways and then moving to the remainder of the 24 pathways as funds are available;

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, in meeting duly assembled, that the surplus in 2018 sales tax referendum revenues of \$15,449,734.75 be appropriated to be used for the Sidewalks and Multi-Use Pathway program;

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____

Joseph Passiment, Jr.

ATTEST:

Sarah Brock, Clerk to Council

Chronology:

Third and Final Reading: _____

Public Hearing: _____

Second Reading: _____

First Reading: _____

ORDINANCE 2017 / 34

AN ORDINANCE ENACTED PURSUANT TO S.C. CODE ANN. §4-37-30 ET SEQ. TO IMPOSE A ONE PERCENT (1%) TRANSPORTATION SALES AND USE TAX FOR NOT MORE THAN FOUR (4) YEARS, IF APPROVED BY REFERENDUM; TO AUTHORIZE THE ISSUE OF GENERAL OBLIGATION BONDS NOT TO EXCEED \$120,000,000 IF APPROVED BY REFERENDUM, TO DESCRIBE THE TRANSPORTATION-RELATED PROJECTS AND ESTIMATED CAPITAL COSTS OF THE PROJECTS TO BE FUNDED IN WHOLE OR IN PART FROM THE PROCEEDS OF THE TAX; TO ORDER A COUNTY-WIDE REFERENDUM ON THE QUESTION OF IMPOSING THE TAX AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS; TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTIONS; AND PROVIDE FOR ALL OTHER THINGS NECESSARY TO SUBMIT THE AFORESAID QUESTIONS TO THE ELECTORATE.

Adopted By

THE COUNTY COUNCIL

OF

BEAUFORT COUNTY, SOUTH CAROLINA

THE 13TH DAY OF NOVEMBER, 2017

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Appendix B: Form of the Ballot Question; Local Question Number 2B:
A Referendum to Authorize an Issue of General Obligation Bonds Not to Exceed \$120,000,000
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ORDINANCE

AN ORDINANCE ENACTED PURSUANT TO S.C. CODE ANN. §4-37-30 ET SEQ. TO IMPOSE A ONE PERCENT (1%) TRANSPORTATION SALES AND USE TAX FOR NOT MORE THAN FOUR (4) YEARS, IF APPROVED BY REFERENDUM; TO AUTHORIZE THE ISSUE OF GENERAL OBLIGATION BONDS NOT TO EXCEED \$120,000,000 IF APPROVED BY REFERENDUM, TO DESCRIBE THE TRANSPORTATION-RELATED PROJECTS AND ESTIMATED CAPITAL COSTS OF THE PROJECTS TO BE FUNDED IN WHOLE OR IN PART FROM THE PROCEEDS OF THE TAX; TO ORDER A COUNTY-WIDE REFERENDUM ON THE QUESTION OF IMPOSING THE TAX AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS; TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTIONS; AND PROVIDE FOR ALL OTHER THINGS NECESSARY TO SUBMIT THE AFORESAID QUESTIONS TO THE ELECTORATE.

WHEREAS, the Beaufort County Council (the “*County Governing Body*”) finds the existing transportation infrastructure within the County of Beaufort and the cities and towns situated within the County (the “*municipalities*”) are inadequate to support the current and future transportation-related needs of the County and municipalities; and

WHEREAS, the County Governing Body finds that a one percent (1%) Transportation Sales and Use Tax and issue of general obligation bonds, if any, is the most equitable, affordable, efficient and expedient means of providing necessary financing to support, advance, develop and implement the transportation - related projects specified herein (the “*Projects*”); and

WHEREAS, the County Governing Body finds that a one percent (1%) Transportation Sales and Use Tax and the issue of general obligation bonds, if any, will enable the County to undertake, execute and complete, in whole or in part, the transportation-related Projects specified herein having determined that each Project is a necessary and a proper public purpose designated and designed to promote, support and contribute to the health, safety and welfare of the County’s and municipalities’ residents, citizens, visitors and businesses and will promote, develop and enhance economic development within the County and municipalities; and

WHEREAS, the County Governing Body, with the concurrence of the municipalities, desires to place on the November 6, 2018, General Election ballot a referendum question, which if approved by a majority of the qualified voters of Beaufort County, will authorize the imposition and levy of a one percent (1%) Transportation Sales and Use Tax for not more than Four (4) years and authorize, upon referendum approval, an issue of not to exceed \$120,000,000 in general obligation bonds all of which will be designated and directed exclusively to paying for, either directly or through payment of debt service on general obligation bonds, the reasonable and necessary expenses incidental to the Projects specified herein.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL THAT:

Section 1. Recitals and legislative findings

As an incident to the adoption of this ordinance, the Beaufort County Council of Beaufort County, South Carolina (the “Council”) makes the following findings:

Section 1.1. The South Carolina General Assembly enacted Title 4, Chapter 37, Section 30, Code of Laws of South Carolina, 1976, as amended (the “Code”), (hereinafter the “*Transportation Sales and Use Tax*”) which empowers the County Governing Body to levy and impose a one percent (1%) sales and use tax by ordinance, subject to referendum, within the county and municipalities for a project or projects, for a specified period of time, to collect a limited amount of money and use the tax revenue to pay directly and, or, pay the debt service on bonds, if any, issued by the county, subject to referendum, to pay the cost of the projects authorized by this ordinance.

Section 1.2. The County Governing Body finds the that a *Transportation Sales and Use Tax* imposed solely for the purpose provided herein to pay directly and, or, through payment of debt service upon issue of general obligation bonds, if any, and subject to a referendum, to pay all reasonable and necessary expenses incidental to the purchase, acquisition, construction, repair, alteration and improvement of transportation projects as more fully described in Section 2.3 including, without limitation, the costs and expenses of studies, land title and mortgage title policies, architectural, engineering and construction management services, legal, accounting, organizational, marketing or other special services related to the financing of the projects and issuance of bonds, if any, financial or underwriting fees and expenses incurred in connection with issuing bonds, if any, rating agencies' fees, initial trustee and paying agent fees, recording and filing fees, and any and all other necessary and incidental expenses related to execution of the projects set forth in Section 2.3 (the “Projects”) all of which serve a necessary and proper public and corporate purpose of the County and its municipalities, enhance the safety, efficiency and aesthetics of the public infrastructure of the County and municipalities thereby promoting the public health, safety and welfare, desirable living conditions and economic development of the County and municipalities and addresses the transportation related infrastructure needs of the County and municipalities now and in the future.

Section 1.3. The South Carolina General Assembly enacted Title 4, Chapter 37, Section 30(A)(3), Code of Laws of South Carolina, 1976, and authorized that in addition, the referendum may contain a question on the authorization of general obligation bonds under the exemption provided in Section 14(6), Article X of the Constitution of South Carolina, 1895, so that revenues derived from the imposition of the sales and use tax may be pledged to the repayment of bonds. If the referendum on the question relating to the issuance of general obligation bonds is approved, the county may issue bonds in an amount sufficient to fund the expenses of the project or projects.

Section 1.4. Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the “Constitution”), provides that Counties of the State shall have the power to incur bonded indebtedness in such manner and upon such terms and conditions as the General Assembly may have heretofore or may hereafter prescribe.

Section 1.5. Article X, Section 14, subsection (6) of the Constitution provides that if general obligation debt is authorized by a majority vote of the qualified electors of the County voting in a referendum authorized by law, there shall be no conditions or restrictions limiting the incurring of such indebtedness except (i) those restrictions and limitations imposed in the authorization to incur such

indebtedness; (ii) such general obligation debt shall be issued within five years of the date of such referendum; and (iii) general obligation debt may be incurred only for a purpose which is a public purpose and which is a corporate purpose of the County and such debt shall mature within 40 years from the time such indebtedness shall be incurred.

Section 1.6. The provisions of Title 11, Chapter 27, Section 40, Code of Laws of South Carolina, 1976, as amended (the "Code"), empower the County Council to order any such referendum as is required by Article X of the Constitution, to prescribe the notice thereof, and to conduct or cause to be conducted such referendum in the manner prescribed by Title 7 Code of Laws of South Carolina, 1976.

Section 1.7. The amount of general obligation bonds required for such purposes exceeds the County's present constitutional debt limitation unless the question of issuing such bonds is submitted to and approved by the qualified electors of the County.

Section 2. Imposition of a One Percent Transportation Sales and Use Tax; Authorization for Bond Issuance, if any; Duration of Tax; Projects and Project Descriptions

Section 2.1. A Transportation Sales and Use Tax, as authorized by Title 4, Chapter 37, Section 30, Code of Laws of South Carolina, 1976, as amended, is hereby imposed within Beaufort County and the municipalities, subject to favorable vote of a majority of the qualified electors voting in the General Election held in Beaufort County on November 6, 2018.

A referendum authorizing the imposition of a Transportation Sales and Use Tax is authorized to contain a question to authorize the issuance of general obligation bonds in an amount not to exceed \$120,000,000.00 under the exemption provided in Section 14(6), Article X of the Constitution of South Carolina, 1895, so that revenues derived from the imposition of the sales and use tax may be pledged to the repayment of the bonds.

Section 2.2. The Transportation Sales and Use Tax authorized by this Ordinance shall be expended for the purposes set forth in Section 1.2 of this Ordinance.

Section 2.3. The transportation-related Projects for which the proceeds of the tax will be used include highways, roads, streets, bridges, mass transit systems, greenbelts, and other transportation-related projects facilities including, but not limited to, drainage facilities relating to the highways, roads, streets, bridges, and other transportation-related projects; jointly-operated projects, of the type specified in this Section 2.3 of this Ordinance by the County and South Carolina Department of Transportation; and, or, projects specified in this Section 2.3 of this Ordinance operated by the county or jointly-operated projects of the county and other governmental entities.

The Projects and a description of the projects for which the proceeds of the tax are to be used are as follows:

Project Name	Project Description	Estimated Capital Cost
Hilton Head Island - US278 Corridor Traffic Improvements	Repair and/or replace the existing spans of the bridges to Hilton Head Island and other improvements between Moss Creek Drive and Squire Pope Road	\$80,000,000
Lady’s Island Corridor Traffic Improvements	Roadway traffic improvements between the Woods Memorial Bridge and the Chowan Creek Bridge as outlined in the Lady’s Island Corridor Study dated May 19, 2017	\$30,000,000
Sidewalks and Multi-Use Pathways – Safe Routes to Schools	<p>Installation and repair of sidewalks and multi-use pathways at multiple locations within Beaufort County so as to provide safe walking routes to schools and improved access to residential communities</p> <ol style="list-style-type: none"> 1. Burnt Church Road, Ulmer Road, and Shad Road 2. Laurel Bay Road Pathway Widening 3. Bluffton Parkway Phase 1 4. Joe Frazier Road 5. Meridian Road 6. Alljoy Road 7. Salem Road, Old Salem Road, and Burton Hill Road 8. Middle Road 9. Stuart Point 10. Broad River Boulevard and Riley Road 11. Broad River Drive 12. Lake Point Drive and Old Miller Road Pathway Connection 13. Dr. Martin Luther King, Jr. Drive 14. Ribaut Road to Parris Island Gateway 15. Pine Grove Road and Burton Wells Road 16. Spanish Moss Trail Extension 17. Seabrook Road 18. Depot Road 19. Chowan Creek Bluff 20. U.S. 17 Pathway Extension 21. Bruce K. Smalls 22. Paige Point 23. Big Road 24. Big Estate Road 	\$10,000,000
TOTAL:		\$120,000,000

Section 2.4. The anticipated tax year will end Four (4) years from the date of imposition, to wit: 2022; provided, however, the tax terminates on the earlier of the final day of the maximum time specified for the imposition, or the end of the calendar month during which the Department of Revenue determines that the tax has raised revenues sufficient to provide the greater of either the cost of the projects as approved in the referendum or the cost to amortize all debts related to the approved projects.

Section 2.5. Amounts collected in excess of the required proceeds first must be applied, if necessary, to complete each project for which the tax was imposed. Any additional revenue collected above the specified amount must be applied to the reduction of debt principal of the County on transportation infrastructure debts only.

Section 2.6. The tax levied pursuant to this section must be administered and collected by the Department of Revenue in the same manner that other sales and use taxes are collected. The department may prescribe the amounts which may be added to the sales price because of the tax.

Section 2.7. The tax authorized by this Ordinance is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the applicable jurisdiction which are subject to the tax imposed by Chapter 36 of Title 12 and the enforcement provisions of Chapter 54 of Title 12. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36 of Title 12 are exempt from the tax imposed by this section. The gross proceeds of the sale of food lawfully purchased with United States Department of Agriculture food stamps are exempt from the tax imposed by this section. The tax imposed by this section also applies to tangible personal property subject to the use tax in Article 13, Chapter 36 of Title 12.

Section 2.8. Taxpayers required to remit taxes pursuant to Article 13, Chapter 36 of Title 12 must identify the county in which the tangible personal property purchased at retail is stored, used, or consumed in this State.

Section 2.9. Utilities are required to report sales in the county in which consumption of the tangible personal property occurs.

Section 2.10. A taxpayer subject to the tax imposed by Section 12-36-920, who owns or manages rental units in more than one county shall report separately in his sales tax return the total gross proceeds from business done in each county.

Section 2.11. The gross proceeds of sales of tangible personal property delivered after the imposition date of the tax levied pursuant to this section in a county, either pursuant to the terms of a construction contract executed before the imposition date, or a written bid submitted before the imposition date, culminating in a construction contract entered into before or after the imposition date, are exempt from the special local sales and use tax provided in this section if a verified copy of the contract is filed with the Department of Revenue within six months after the imposition of the special local sales and use tax.

Section 2.12. Notwithstanding the imposition date of the special local sales and use tax authorized pursuant to this section, with respect to services that are billed regularly on a monthly basis, the special local sales and use tax is imposed beginning on the first day of the billing period beginning on or after the imposition date.

The revenues of the tax collected in each county pursuant to this section must be remitted to the State Treasurer and credited to a fund separate and distinct from the general fund of the State. After deducting the amount of refunds made and costs to the Department of Revenue of administering the tax, not to

exceed one percent of the revenues, the State Treasurer shall distribute the revenues and all interest earned on the revenues while on deposit with him quarterly to the county in which the tax is imposed, and these revenues and interest earnings must be used only for the purpose stated in the imposition ordinance. The State Treasurer may correct misallocations by adjusting later distributions, but these adjustments must be made in the same fiscal year as the misallocations. However, allocations made as a result of city or county code errors must be corrected prospectively.

Section 2.13. The Department of Revenue shall furnish data to the State Treasurer and to the counties receiving revenues for the purpose of calculating distributions and estimating revenues. The information which must be supplied to counties upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12-54- 240. A person violating this section is subject to the penalties provided in Section 12-54-240.

Section 3. Order to Hold Referendum and Duties of Election Commission

Section 3.1. Upon receipt of this Ordinance, the county election commission shall conduct a referendum on the question of imposing the optional special sales and use tax in Beaufort County. A referendum for this purpose must be held at the time of the general election conducted on November 6, 2018. The election commission shall publish the date and purpose of the referendum once a week for four consecutive weeks immediately preceding the date of the referendum in a newspaper of general circulation in the jurisdiction. A public hearing must be conducted at least fourteen days before the referendum after publication of a notice setting forth the date, time, and location of the public hearing. The notice must be published in a newspaper of general circulation in the county at least fourteen days before the date fixed for the public hearing.

Section 3.2. Pursuant to Title 7, Chapter 13, Section 355, the Referendum question shall be submitted to the Beaufort County Board of Elections and Voter Registration to be placed on the ballot no later than 12:00 noon on August fifteenth or, if August fifteenth falls on Saturday or Sunday, not later than 12:00 noon on the following business day.

Section 3.3. All qualified electors desiring to vote in favor of imposing the tax for a particular purpose shall vote "yes" and all qualified electors opposed to levying the tax for a particular purpose shall vote "no". If a majority of the votes cast are in favor of imposing the tax for the Projects, then the tax is imposed as provided herein; otherwise, the tax is not imposed. The election commission shall conduct the referendum pursuant to the election laws of this State, mutatis mutandis, and shall certify the result, no later than November thirtieth after the date of the referendum to the Beaufort County Council and to the Department of Revenue. Included in the certification must be the maximum cost of the projects to be funded in whole or in part from the proceeds of the tax, the maximum time specified for the imposition of the tax, and the principal amount of bonds, if any, to be supported by the tax receiving a favorable vote. Expenses of the referendum must be paid by the jurisdiction conducting the referendum.

Section 3.4. If the tax is approved in the referendum, the tax is imposed effective the first day of May following the date of the referendum. If the certification is not made timely to the Department of Revenue, the imposition is postponed for twelve months.

\Section 4. Implementation of Project Plan

Section 4.1. The Project Plan and Description as set forth in Section 2, having been approved by the Beaufort County Council, shall be implemented by the Beaufort County Administrator. The Beaufort County Administrator shall develop a comprehensive schedule to implement the Project Plan. The Administrator shall submit to the County Council, prior to implementing the Project Plan, a schedule and the County Council must approve the schedule prior to its implementation. At a minimum, the schedule must identify and list the projects as identified in Section 2.3, with an estimated start and completion date and the total amount of funds needed to complete the project.

Section 4.2. If the Referendum on the question relating to the imposition and levy of a one percent (1%) Sales and Use Tax is approved and if the referendum on the question relating to the issuance of general obligation bonds is approved, the County Administrator and his or her designees are authorized to implement the execution of the Projects subject to a comprehensive schedule to execute the Projects. Before implementing a Project Plan, the Administrator will submit the schedule to the Beaufort County Council for review and approval.

The Beaufort County Council recognizes that the order of Project implementation may vary due to unforeseen circumstances; acts of God including environmental conditions, weather and unforeseen and unanticipated conditions necessitating a change to the order of Project implementation and completion. Accordingly, the Beaufort County Council retains the right and privilege to alter, adjust, schedule and reschedule the order in which any particular Project will be undertaken and executed without the necessity of amending or repealing all of the Projects provided in this Ordinance at Section 2.3.

Section 5. Voting, Polling Places and Hours of Election

Section 5.1. The voting precincts in the County for the Referendum shall be those designated pursuant to Section 7-7-110 of the Code of Laws of South Carolina, 1976, as amended. The polling places for each of such precincts shall be designated by the Beaufort County Board of Elections and Voter Registration (the "Elections Board").

The polls shall be opened at 7:00 a.m. and closed at 7:00 p.m. on the date fixed for the Referendum and shall be held open during said hours without intermission or adjournment.

Section 5.2. The Referendum shall be conducted using either voting machines or paper ballots as provided by State law. Upon approval by the Elections Board, the form of ballots to be used in the Referendum and the instructions to voters appearing thereon shall be in substantially the form set forth in Appendix A and B with such other changes as may be deemed necessary by the appropriate state and local officials upon concurrence of the Chairman of the County Council.

Section 5.3. Every person offering to vote must be at least 18 years of age on the date of the Referendum, must reside in the County and must be duly registered on the books of registration for Beaufort County as an elector in the precinct in which he or she resides and offers to vote on or before the date on which said books of registration are closed for the Referendum, and must present his or her registration certificate or valid South Carolina driver's license or other form of identification containing a photograph issued by the South Carolina Department of Public Safety, if not licensed to drive. Any registered elector who meets the requirements set forth in the preceding sentence and who has moved his or her place of residence within the County after the date on which said books of registration are closed for the Referendum, but before the date of the Referendum, shall be entitled to vote in his or her previous precinct of residence in the Referendum.

Section 6. Notice of Referendum

Section 6.1. A Notice of Referendum shall be published in compliance with the provisions of Sections 7-13-35 and 4-15-50 of the Code of Laws of South Carolina, 1976, as amended, not less than 60 days prior to the Referendum, not later than two weeks after such first notice is published, and once not less than 15 days prior to the occasion set for the holding of the Referendum.

The Elections Board is authorized to change any of the locations of polling places for the Referendum as deemed necessary or advisable. Appropriate changes are to be made to the Notice of Referendum.

Section 7. Voter Registration and Elections Board

Section 7.1. A certified copy of this Ordinance shall be filed with the Elections Board, accompanied by written notice from the Chairman of the County Council establishing the date for the Referendum as November 7, 2006. The Elections Board is hereby requested as follows:

- (a) To join in the action of the County in providing for the Notice of Referendum in substantially the form contained herein;
- (b) To prescribe the form of a ballot to be used in the Referendum;
- (c) To arrange for polling places for each precinct, or any part of a precinct within the County;
- (d) To appoint Managers of Election;
- (e) To provide a sufficient number of ballots or voting machines, as the case may be, for the Referendum;
- (f) To conduct the Referendum, receive the returns thereof, canvass such returns, declare the results thereof, and certify such results to the County Council; and
- (g) To take other steps and prepare such other means as shall be necessary or required by law in order to properly conduct the Referendum.

Section 8. Applicability and Effective Date

This Ordinance shall become effective upon third and final reading by the County.

Section 9. Severability

If any part of this Ordinance is held by a court of competent jurisdiction to be unconstitutional, illegal, or invalid for any reason, it shall be construed to have been the legislative intent of the County Council of Beaufort County, South Carolina, to pass this Ordinance without such unconstitutional, illegal or invalid provision, and the remainder of this Ordinance shall be deemed and held to be constitutional, lawful and valid as if such portion had not been included. If this Ordinance or any provision thereof is held by a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

APPENDIX A
FORM OF BALLOT
OFFICIAL BALLOT -- REFERENDUM
LOCAL QUESTION NUMBER 2A
AUTHORIZATION TO IMPOSE A ONE PERCENT (1%)
TRANSPORTATION SALES AND USE TAX
TO FINANCE THE TRANSPORTATION-RELATED PROJECTS DESCRIBED IN THE
QUESTION 2A

Precinct _____

No. _____

Initials of Issuing Officer

Local Question 2A

I approve a special transportation sales and use tax in the amount of one percent (1%) to be imposed in Beaufort County for not more than Four (4) years, or until a total of \$120,000,000 in resulting revenue has been collected, whichever comes first. The sales tax proceeds will be used for the following projects as described and for which an estimated capital cost is stated.

Hilton Head Island – US 278 Corridor Traffic Improvements: Repair and/or replace the existing spans of the bridges to Hilton Head Island and other improvements between Moss Creek Drive and Squire Pope Road\$80,000,000

Lady’s Island Corridor Traffic Improvements: Roadway traffic improvements between the Woods Memorial Bridge and the Chowan Creek Bridge as outlined in the Lady’s Island Corridor Study dated May 19, 2017.....\$30,000,000

Sidewalks and Multi-Use Pathways – Safe Routes to Schools: Installation and repair of sidewalks and multi-use pathways at multiple locations within Beaufort County so as to provide safe walking routes to schools and improved access to residential communities: (1) Burnt Church Road, Ulmer Road, and Shad Road, (2) Laurel Bay Road Pathway Widening, (3) Bluffton Parkway Phase 1, (4) Joe Frazier Road, (5) Meridian Road, (6) Alljoy Road, (7) Salem Road, Old Salem Road, and Burton Hill Road, (8) Middle Road, (9) Stuart Point, (10) Broad River Boulevard and Riley Road, (11) Broad River Drive, (12) Lake Point Drive and Old Miller Road Pathway Connection, (13) Dr. Martin Luther King, Jr. Drive, (14) Ribaut Road to Parris Island Gateway, (15) Pine Grove Road and Burton Wells Road, (16) Spanish Moss Trail Extension, (17) Seabrook Road, (18) Depot Road, (19) Chowan Creek Bluff, (20) U.S. 17 Pathway Extension, (21) Bruce K. Smalls, (22) Paige Point, (23) Big Road, and (24) Big Estate Road \$10,000,000

Total:\$120,000,000

Yes, in favor of the question []

No, opposed to the question []

If you are in favor of the question, place a check or cross-mark in the square after the words “Yes, in favor of the question”; if you are opposed to the question, place a check or cross-mark in the square after the words “No, opposed to the question.”

**APPENDIX B
FORM OF BALLOT
OFFICIAL BALLOT -- REFERENDUM
LOCAL QUESTION NUMBER 2B
AUTHORIZATION TO IMPOSE A ONE PERCENT (1%)
TRANSPORTATION SALES AND USE TAX
TO FINANCE THE TRANSPORTATION-RELATED PROJECTS DESCRIBED IN THE
QUESTION 2A**

Precinct _____
No. _____

Initials of Issuing Officer

Local Question 2B

I approve the issuance of not exceeding \$120,000,000 of general obligation bonds of Beaufort County, maturing over a period not to exceed Four (4) years to fund the Transportation - Related projects identified in Beaufort County Local Referendum Question 2A.

Yes, in favor of the question []

No, opposed to the question []

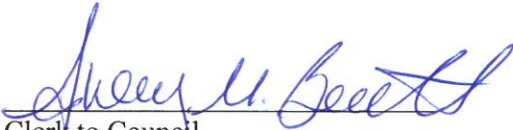
If you are in favor of the question, place a check or cross-mark in the square after the words "Yes, in favor of the question"; if you are opposed to the question, place a check or cross-mark in the square after the words "No, opposed to the question."

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

I, the undersigned, Clerk to Council of the Beaufort County Council, South Carolina (the "County Council"), do hereby certify that attached hereto is a true, correct and verbatim copy of an Ordinance duly enacted on the 13th day of November, 2017, by the County Council, having been read three times at a duly called and properly held public meetings at which a quorum of members attended and remained present throughout. Copies of the form of the documents referred to therein as presented to the meeting are on file in the offices of the County.

The Ordinance was enacted by a majority vote of the members of the Beaufort County Council.

WITNESS my hand this 13th day of November, 2017.


Clerk to Council,
Beaufort County Council
Ashley M. Bennett

(SEAL)

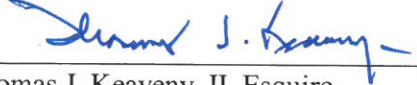
**APPROVED AND ADOPTED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY,
SOUTH CAROLINA ON THIS 13TH DAY OF NOVEMBER, 2017.**

COUNTY COUNCIL OF BEAUFORT COUNTY



D. Paul Sommerville, Chairman

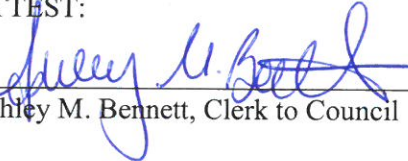
APPROVED AS TO FORM



Thomas J. Keaveny, II, Esquire
Beaufort County Attorney

(SEAL)

ATTEST:



Ashley M. Bennett, Clerk to Council

First Reading: October 9, 2017
Second Reading: October 23, 2017
Public Hearing: November 13, 2017
Third and Final Reading: November 13, 2017

RESOLUTION 2019 / 22

A RESOLUTION ESTABLISHING PRIORITIES FOR THE PATHWAYS PROJECTS USING THE 2018 ONE CENT SALES TAX REFERENDUM FUNDS.

WHEREAS, Beaufort County Council adopted a One percent (1%) Transportation Sales Tax Ordinance on November 13, 2017 enumerating twenty-four (24) pathways projects to be funded for a total of Ten Million Dollars (\$10,000,000); and

WHEREAS, the Referendum question to approve the one (1%) percent sales tax was passed on November 6, 2018; and

WHEREAS, the total cost of all the pathway projects will exceed the available funding from the sales tax referendum; and

WHEREAS, County Council wishes to establish a priority of pathway projects by Council District, in order to distribute the available funding as evenly as possible and to maximize available funding; and

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Beaufort County Council, duly assembled, establishes the pathway priority for the 2018 One Cent Transportation Sales Tax funds on the following projects enumerated in the transportation referendum:

District 1:

Stuart Point Road

Big Estate Road

District 2:

Middle Road

District 3:

Dr. Martin Luther King, Jr. Road

Meridian Road

District 4:

Broad River Drive

Ribaut Road to Parris Island Gateway

Depot Road

District 5:

Salem Road/Old Salem Road

Broad river Blvd/Riley Road

Burton Hill/Old Salem Road

District 9:

Burnt Church Road

Bluffton Parkway

Ulmer Road/Shad Road

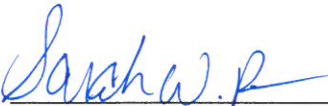
Adopted this 28th day of May, 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By:  _____

Stewart H. Rodman, Chairman
Beaufort County Council

ATTEST:



Sarah Brock, Clerk to Council.

**State Treasurer's Office
 Transportation Facility Local Option Sales Tax
 1007-Beaufort County**

Tax Imposed on May 1, 2019 (Maximum time specified for the imposition of the tax is six years)

Maximum Proceeds of the tax - \$120,000,000

Summary from Prior Fiscal Years Since Inception

Collections Since Inception Brought Forward From Prior Fiscal Year	100,365,136.94
Interest Revenue Since Inception Brought Forward From Prior Fiscal Year	437,883.92
TOTAL	100,803,020.86
Distributions Since Inception Brought Forward From Prior Fiscal Year	100,803,020.86

Fiscal Year 2022

	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Fiscal Year-to-Date
Collections	18,588,758.61	15,945,267.25	0.00	0.00	34,534,025.86
Interest	63,316.98	49,371.05	0.00	0.00	112,688.03
Distributions	18,652,075.59	15,994,638.30	0.00	0.00	34,646,713.89

Summary Since Inception Including This Fiscal Year

Collections Since Inception Including This Fiscal Year	134,899,162.80
Interest Revenue Since Inception Including This Fiscal Year	550,571.95
TOTAL	135,449,734.75
Distributions Since Inception Including This Fiscal Year	135,449,734.75



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Text Amendment to the Community Development Code (CDC): Sections in Division 3.2 (Transect Zones) and Division 3.3 (Conventional Zones) to correct and clarify conflicts between zoning districts and the Parking Space Requirements Table in Section 5.5.40.B</i>
MEETING NAME AND DATE:
<i>Natural Resources Committee Meeting, May 2, 2022</i>
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
ITEM BACKGROUND:
<i>Staff have been reviewing the Community Development Code (CDC) for necessary amendments as a result of the adoption of the 2040 Comprehensive Plan. During our review, staff have identified necessary major and minor corrections to the CDC to improve and clarify its standards. These amendments will be presented in several batches for consideration. This is the first batch of recommended amendments, which includes only minor changes.</i> <i>At their April 4, 2022 meeting, the Beaufort County Planning Commission voted unanimously to recommend approval of the proposed amendment.</i>
PROJECT / ITEM NARRATIVE:
<i>The CDC contains parking space requirements in both the individual transect and conventional zone standards in Divisions 3.2 and 3.3 and in Table 5.4.40.B. Parking space requirements were included in both places in order to simplify navigation of the CDC for ease of interpretation. However, staff have recognized inconsistencies between Table 5.4.40.B and Zoning District requirements in Divisions 3.2 and 3.3. This amendment corrects conflicts by removing parking requirements from all Transect (except the T4 districts) and Conventional zones and replacing them with reference to Table 5.4.40.B. Because the T4 districts are intended to create walkable and mixed-use communities, staff recommends keeping specific parking allowances within the T4 district sections to reduce the number of required parking spaces and prevent over-parking of these districts.</i>
FISCAL IMPACT:
<i>Not applicable.</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval.</i>
OPTIONS FOR COUNCIL MOTION:
<i>To approve or deny the proposed amendment to the Community Development Code (CDC): Sections in Division 3.2 (Transect Zones) and Division 3.3 (Conventional Zones).</i>

ORDINANCE 2022 / __

**TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC):
SECTIONS IN DIVISION 3.2 (TRANSECT ZONES) AND SECTIONS IN DIVISION 3.3
(CONVENTIONAL ZONES) TO CORRECT AND CLARIFY PARKING SPACE
REQUIREMENT CONFLICTS BETWEEN ZONING DISTRICTS AND THE PARKING
SPACE REQUIREMENTS TABLE IN SECTION 5.5.40.B.**

WHEREAS, the Community Development Code references parking standards in both the Conventional zones and Transect zones; and

WHEREAS, Section 5.5.40.B (Parking Space Requirements Table) of the Community Development Code also provides standards for parking space requirements that sometimes conflicts with the standards found in the Conventional zones and Transect zones; and

WHEREAS, it is necessary for the Community Development Code to remove conflicts in the code and provide clear guidance on parking space requirements to achieve orderly development.

NOW, THEREFORE be it ordained by County Council in meeting duly assembled as follows:

Adopted this ___ day of _____ 2022.

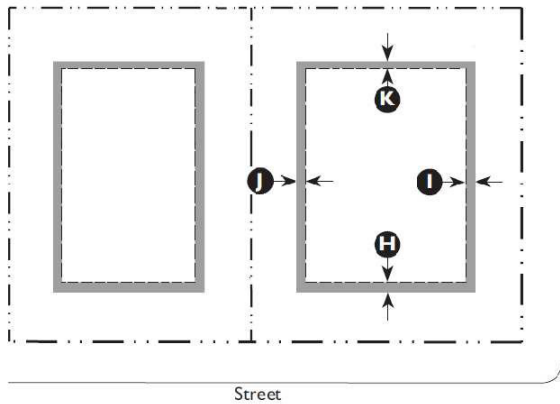
COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

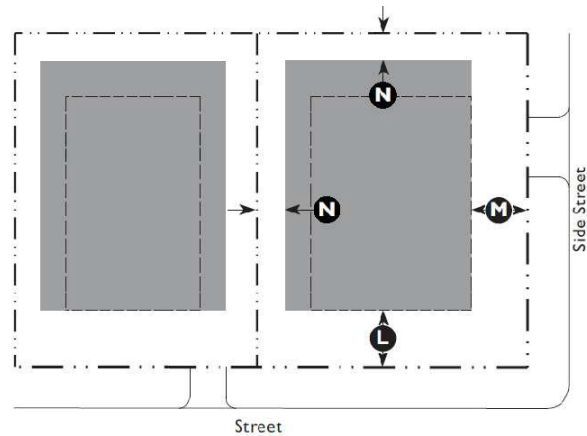
ATTEST:

Sarah W. Brock, JD, Clerk to Council

3.2.40 T2 Rural (T2R) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 ——— Setback Line



Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 ——— Setback Line

F. Encroachments and Frontage Types

Encroachments		
Front	5' max.	(H)
Side Street	5' max.	(I)
Side	5' max.	(J)
Rear	5' max.	(K)

Encroachments are not allowed within a Street ROW/Alley ROW, or across a property line.

See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types

Common Yard	Porch: Engaged
Porch: Projecting	

G. Parking

Required Spaces: Residential Uses

Single-Family Detached _____ 3 per-unit

Required Spaces: Service or Retail Uses

Lodging: Inn _____ 1 per room

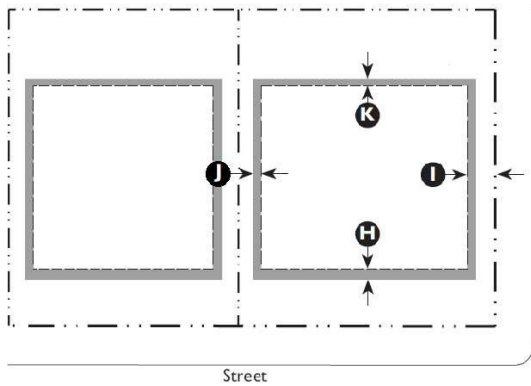
For parking space requirements for all other allowed uses see Table 5.5.40.B (Parking Space Requirements).

Location (Setback from Property Line)

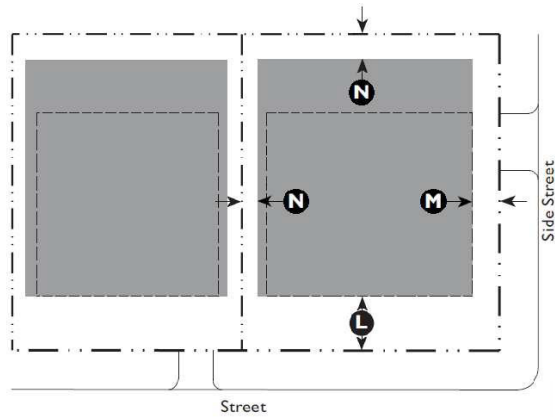
Front	50' min.	(L)
Side Street	50' min.	(M)

Rear and interior side yard parking setbacks are governed by the applicable perimeter buffer (see Tables 5.8.90.D and 5.8.90.F) and any other required buffers.

3.2.50 T2 Rural Neighborhood (T2RN) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 - - - - Setback Line

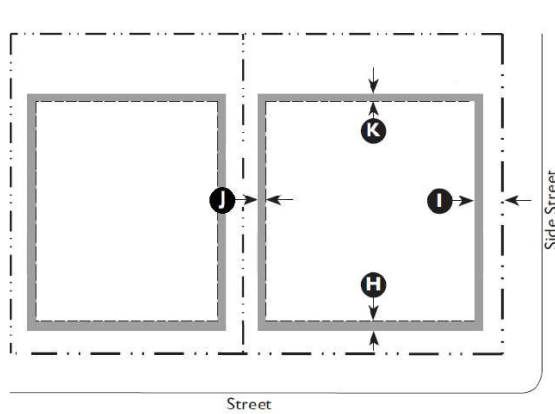


Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 - - - - Setback Line

G. Encroachments and Frontage Types		
Encroachments		
Front	5' max.	(H)
Side Street	5' max.	(I)
Side	5' max.	(J)
Rear	5' max.	(K)
Retail, Offices, Services	1 per 300 GSF	
Encroachments are not allowed within a Street ROW/Alley ROW		
Buffers, or across a property line. See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.		
Allowed Frontage Types		
Common Yard	Porch: Engaged	
Porch: Projecting	Shop front	

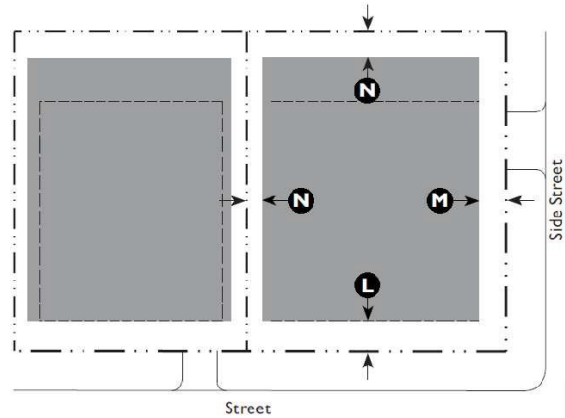
H. Parking		
Required Spaces: Residential Uses		
Single-family detached	3 per-unit	
Required Spaces: Service or Retail Uses		
Retail, Offices, Services	1 per 300 GSF	
Restaurant, Café, Coffee Shop	1 per 150 GSF	
For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).		
Location (Setback from Property Line)		
Front	35' min.	(L)
Side Street	20' min.	(M)
Rear and interior side yard parking setbacks are governed by the applicable perimeter buffer (see Tables 5.8.90.D and 5.8.90.F) and any other required buffers.		(N)

3.2.60 T2 Rural Center (T2RC) Standards



Key

- - - - ROW / Property Line
- Setback Line
- Encroachment Area



Key

- - - - ROW / Property Line
- Setback Line
- Allowed Parking Area

E. Encroachments and Frontage Types

Encroachments		
Front	5' max.	(H)
Side Street	5' max.	(I)
Side	5' max.	(J)
Rear	5' max.	(K)

Encroachments are not allowed within a Street ROW/Alley ROW, Buffers, or across a property line. See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types

Common Yard	Porch: Engaged
Porch: Projecting	Shop front

F. Parking

Required Spaces: Residential Uses

Single-family detached	3 per unit
Community residence	1 per bedroom

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
Lodging- Inn	1 per room

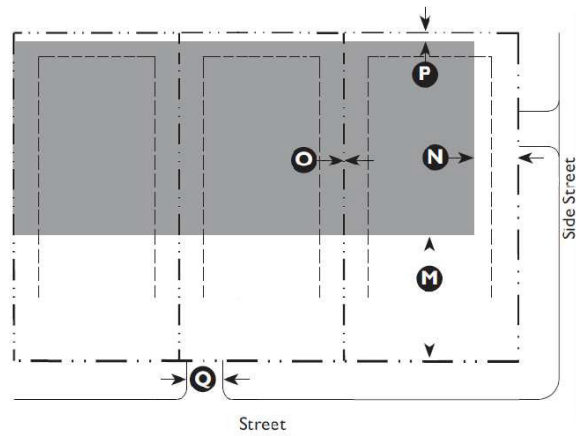
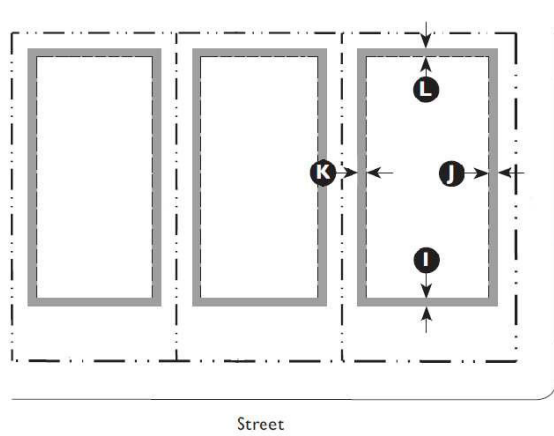
For parking space requirements for all other uses see Table uses see Table 5.5.40.B (Parking Space Requirements).

Location (Setback from Property Line)

Front	10' min.	(L)
Side Street	15' min.	(M)

Rear and interior side yard parking setbacks are governed by the applicable perimeter buffer (see Tables 5.8.90.D and 5.8.90.F) and any other required buffers.

3.2.70 T3 Edge (T3E) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 - - - - Setback Line

Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 - - - - Setback Line

E. Encroachments and Frontage Types		
Encroachments		
Front	5' max.	Ⓛ
Side Street	5' max.	Ⓧ
Side	3' max.	Ⓨ
Rear	5' max.	Ⓩ

Encroachments are not allowed within a Street ROW/Alley ROW, Buffers, or across a property line. See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types	
Common Yard	Porch: Engaged
Porch: Projecting	Porch: Side Yard

F. Parking		
Required Spaces		
Residential Uses:		
All Allowed Uses		2 per-unit
Service or Retail Uses:		
All Allowed Lodging Uses		1 per 2 rooms

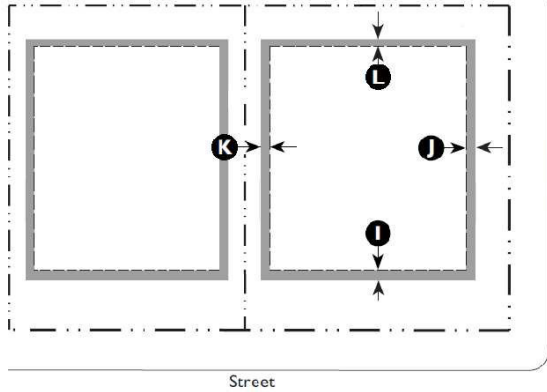
For parking **space** requirements for Agricultural, Recreation, Public Assembly, and Transportation, Communication, Infrastructure uses see Table 5.5.40.B (Parking Space Requirements).

Location (Setback from Property Line)		
Front	50' min.	Ⓜ
Side Street	25' min.	Ⓨ
Side	0' min.	Ⓩ
Rear	5' min.	Ⓟ

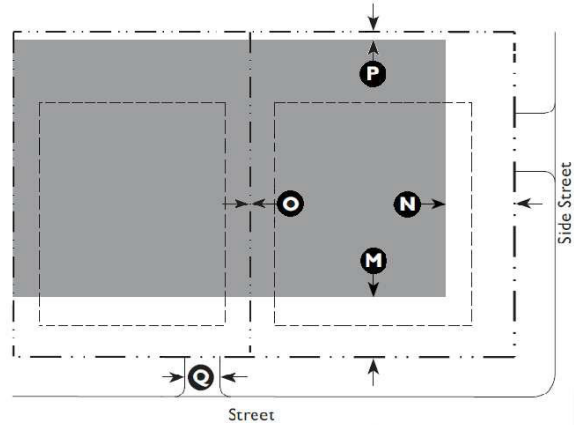
Miscellaneous	Ⓠ
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12' maximum driveway width at the curb cut and within the front or side street parking setback. Community Residences and Meeting Facilities/Places of Worship are exempt from this requirement.

3.2.80 T3 Hamlet Neighborhood (T3HN) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 - - - - Setback Line

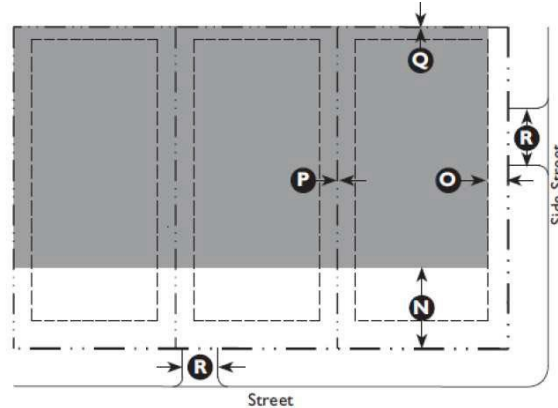
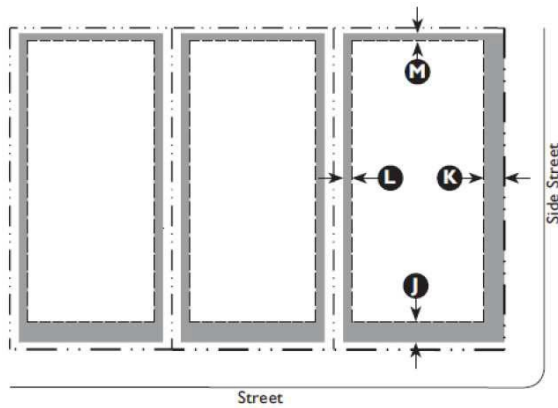


Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 - - - - Setback Line

E. Encroachments and Frontage Types		
Encroachments		
Front	5' max.	Ⓚ
Side Street	5' max.	Ⓛ
Side	3' max.	Ⓜ
Rear	5' max.	Ⓨ
Encroachments are not allowed within a Street ROW/Alley ROW, buffers, or across a property line.		
See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.		
Allowed Frontage Types		
Common Yard	Porch: Engaged	
Porch: Projecting	Porch: Side Yard	

F. Parking		
Required Spaces: Residential Uses		
Single-family detached	2 per unit	
Two-family unit (duplex)	2 per unit	
Community residence	1 per bedroom	
Required Spaces: Service or Retail Uses		
For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).		
Location (Setback from Property Line)		
Front	50' min.	Ⓜ
Side Street	25' min.	Ⓨ
Side	0' min.	Ⓚ
Rear	5' min.	Ⓛ
Miscellaneous		
12' maximum driveway width at the curb cut and within the front or side street parking setback. Community Residences and Meeting Facilities/Places of Worship are exempt from this requirement.		Ⓛ

3.2.90 T3 Neighborhood (T3N) Standards



Key

- ROW / Property Line
- Setback Line
- Encroachment Area

Key

- ROW / Property Line
- Setback Line
- Allowed Parking Area

F. Encroachments and Frontage Types

Encroachments		
Front	5' max.	(J)
Side Street	5' max.	(K)
Side	3' max.	(L)
Rear	5' max.	(M)

Encroachments are not allowed within a Street ROW/Alley ROW, buffers, or across a property line.

See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types

Common Yard	Porch: Engaged
Porch: Projecting	Porch: Side Yard

G. Parking

Required Spaces: Residential Uses

Single-family detached	2 per-unit
Two-family (duplex)	2 per-unit
Multi-family units	1.25 per-unit
Community residence	1 per bedroom

Required Spaces: Service or Retail Uses

Offices & services	1 per 300-GSF
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For parking space requirements for Agricultural, Industrial, Recreation, Education, Public Assembly, and Transportation, Communication, Infrastructure uses see Table 5.5.40.B (Parking Space Requirements).

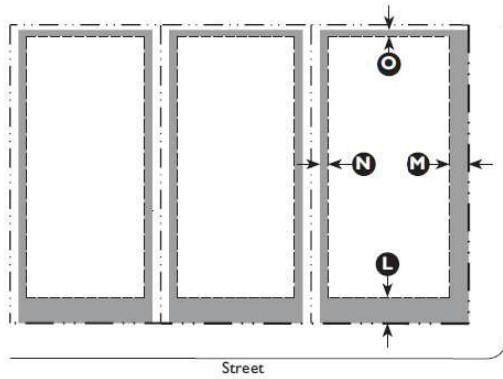
Location (Setback from Property Line)

Front	40' min.	(N)
Side Street	15' min.	(O)
Side	0' min.	(P)
Rear	5' min.	(Q)

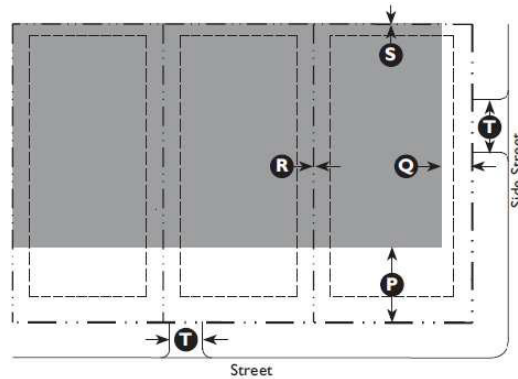
Miscellaneous

12' maximum driveway width at the curb cut and within the front or side street parking setback.	(R)
-------------------------------------------------------------------------------------------------	-----

3.2.100 T4 Hamlet Center (T4HC) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 ——— Setback Line



Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 ——— Setback 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
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 requirements for retail
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

Parking standards listed within the district shall govern. For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).

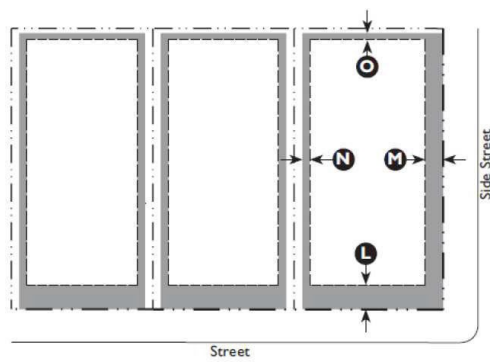
Location (Setback from Property Line)

Front: 5' behind front facade of main building	(P)
Side Street: 5' behind side facade of main building	(Q)
Side: 0' min.	(R)
Rear: 5' min.	(S)

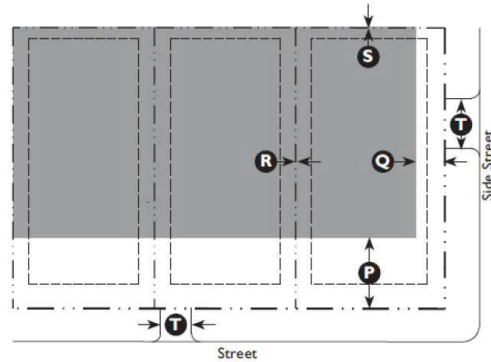
Miscellaneous

Parking Driveway Width	(T)
40 spaces or less	14' max.
Greater than 40 spaces	18' max.

3.2.110 T4 Neighborhood Center (T4NC) Standards



Key
 ---- ROW / Property Line ■ Encroachment Area
 ——— Setback Line



Key
 ---- ROW / Property Line ■ Allowed Parking Area
 ——— Setback Line

E. 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.

Awnings, Galleries and Arcades may encroach further into the street ROW to within 2' of the face of curb. Eaves may encroach up to 3' into the street ROW. All other encroachments are not allowed

within street ROW.

Allowed Frontage Types

Porch: Projecting	Dooryard
Porch: Engaged	Porch: Side Yard
Stoop	Shop front
Forecourt	Terrace
Gallery	

F. 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
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
Drive-through facility	Add 5 stacking spaces per drive-through
Gas station/fuel sales	1 per pump plus requirement for retail
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
--------------------------	-----------------

Parking standards listed within the district shall govern. For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).

Location (Setback from Property Line)

Front	40' min.	(P)
Side Street	15' min.	(Q)
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.	

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.

¹ The 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

D. Gross Density¹ and Floor Area Ratio

Gross Density

Single-Family Detached	2.6 d.u./acre
Single-Family Attached/Duplex	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

Floor Area Ratio

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

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

² Subject to the requirements in Division 2.3

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
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: Inn/hotel	1 per room

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

3.3.40 Community Center Mixed Use (C4) Zone Standards

A. Purpose

The Community Center Mixed Use (C4) Zone provides for a limited number of retail, service, and office uses intended to serve the surrounding neighborhood.

These are smaller uses and not highway service types of uses. The intensity standards are set to ensure that the uses have the same suburban character as the surrounding suburban residential areas. They are intended to blend with the surrounding areas, not threaten the character of the area. This Zone shall not consist of strip developments but rather neighborhood centers with a sense of place.

B. Building Placement

Setback (Distance from ROW/Property Line)

Front	20' min.
-------	----------

Side:

Side, Main Building	10' min.
---------------------	----------

Side, Ancillary Building	10' min.
--------------------------	----------

Rear	15' min.
------	----------

Lot Size

Lot Size	5,000 SF min.
----------	---------------

Width	50' min.
-------	----------

Minimum Site Area

Single-Family and Duplex	5,000 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	3 stories max.
--------------	----------------

Non-Residential Buildings	2 stories max.
---------------------------	----------------

Ground Floor Finish Level	No minimum
---------------------------	------------

D. Gross Density¹ and Floor Area Ratio

Gross Density	12 d.u./acre max.
---------------	-------------------

Floor Area Ratio ²	0.23 max.
-------------------------------	-----------

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

² Requirement applies to non-residential buildings.

E. Parking

Required Spaces: Residential Uses

Single-family detached	3 per unit
------------------------	------------

Single-family attached/duplex	2 per unit
-------------------------------	------------

Multi-family units	1.25 per unit
--------------------	---------------

Community residence	1 per bedroom
---------------------	---------------

Live/work	2 per unit plus 1 per 300 GSF of work area
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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: Inn/hotel	1 per room
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Required Spaces: Industrial Uses

Light manufacturing, processing and packaging	1 per 500 GSF
-----------------------------------------------	---------------

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

3.3.50 Regional Center Mixed Use (C5) Zone Standards

A. Purpose

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

B. Building Placement

Setback (Distance from ROW/Property Line)

Front	25' min.
-------	----------

Side:

Side, Main Building	15' min.
Side, Ancillary Building	15' min.

Rear	10' min.
------	----------

Lot Size

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

Note:

For development within a Traditional Community Plan meeting the

requirements of Division 2.3, setback, minimum lot size and minimum site area requirements of the transect zone established

and delineated on the regulating plan shall apply.

C. Building Form

Building Height

All Buildings	3 stories max.
---------------	----------------

Ground Floor Finish Level	No minimum
---------------------------	------------

D. Gross Density¹ and Floor Area Ratio

Density	15.0 d.u./acre max. ²
---------	----------------------------------

Floor Area Ratio ³	0.37 max.
-------------------------------	-----------

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

²See Section 4.1.350 for Affordable Housing density bonuses.

³Requirement applies to non-residential buildings.

E. Parking

Required Spaces: Residential Uses

Single-family detached	3 per unit
------------------------	------------

Single-family attached/duplex	2 per unit
-------------------------------	------------

Multi-family units	1.25 per unit
--------------------	---------------

Community residence	1 per bedroom
---------------------	---------------

Live/work	2 per unit plus 1 per 300 GSF of work area
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Required Spaces: Services or Retail Uses

Retail, offices, services	1 per 300 GSF
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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: 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 space requirements for all other allowed uses see Table 5.5.40.B (Parking Space Requirements).

3.3.60 Industrial (SI) Zone Standards

A. Purpose

The Industrial (SI) Zone permits office, manufacturing, industrial, warehousing, and uses that support them. The Zone shall also be designed to permit small businesses and incubator businesses. Moderate to high intensities are permitted to achieve maximum land utilization. Such practices will maximize the land's use and accommodate small businesses and start-up or incubator businesses.

B. Building Placement

Setback (Distance from ROW/Property Line)

Front 40' min.

Side:

Side, Main Building 20' min.

Side, Ancillary Building 20' min.

Rear 20' min.

Lot Size

Lot Size 20,000 SF min.

Width 100' min.

Minimum Site Area

Industrial 20,000 SF

Other Permitted Uses 1 acre

C. Building Form

Building Height

All Buildings 4 stories max.¹

Ground Floor Finish Level No minimum

¹Not to exceed 50 feet above finished grade level

D. Floor Area Ratio

Industrial 0.48 max.

All Other Uses 0.37 max.

E. Parking

~~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

Required Spaces: Industrial Uses

Light manufacturing, processing and packaging 1 per 500 GSF

Heavy manufacturing, processing and packaging 1 per employee at maximum shift plus 1 per commercial vehicle

Warehousing/distribution 1 per 2,000 GSF

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



MEMORANDUM

TO: Beaufort County Natural Resources Committee

FROM: Juliana Smith, Beaufort County Planning and Zoning Department

DATE: May 2, 2022

SUBJECT: Review of Community Development Code – Proposed Text Amendments

STAFF REPORT:

A. BACKGROUND: In November 2021, Beaufort County Council adopted the 2040 Comprehensive Plan. As a result, staff have been reviewing the Community Development Code (CDC) for necessary amendments. During our review, staff have identified necessary major and minor corrections to the CDC to improve and clarify its standards. These amendments will be presented in several batches for consideration. This is the first batch of recommended amendments, which includes only minor changes.

B. SUMMARY OF REQUEST: To help navigate through the list of the first batch of recommended amendments, below is a summary of each of the four amendments up for consideration. More detailed explanations follow in the attachments, along with the amended CDC sections:

1. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): APPENDIX A.13.50.D (GUEST HOUSES) clarifies minimum lot size requirements for guest houses located in the May River Community Preservation District.
2. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTIONS IN DIVISION 3.2 (TRANSECT ZONES) AND SECTIONS IN DIVISION 3.3 (CONVENTIONAL ZONES) corrects and clarifies conflicts between zoning districts and the Parking Space Requirements Table in Section 5.5.40.B.
3. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 6.1.40.G (BASE SITE AREA CALCULATIONS) clarifies that both jurisdictional and non-jurisdictional wetlands must be subtracted from the gross site area to determine base site area for development.
4. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 5.11.100.F.1 (TREE REMOVAL ON DEVELOPED PROPERTIES) closes a loophole which allows specimen and mitigation trees to be removed post-construction of single-family homes.

C. STAFF RECOMMENDATION: Staff recommends approval.

D. BEAUFORT COUNTY PLANNING COMMISSION RECOMMENDATIONS: At the April 4, 2022 meeting of the Beaufort County Planning Commission, the Commission voted:

1. Unanimously to recommend approval of the text amendment to CDC Appendix A.13.50.D (Guest Houses) upon the condition that staff make an additional amendment to further clarify language regarding the larger (i.e. five plus acre) parcels. Staff have made the requested change.
2. Unanimously to recommend approval of the text amendment to CDC sections in Division 3.2. (Transect Zones) and Division 3.3 (Conventional Zones) to clarify parking space requirements.
3. Unanimously to recommend approval of the text amendment to CDC Section 6.1.40.G (Base Site Area Calculations) to clarify how to calculate base site area.
4. Unanimously to recommend approval of the text amendment to CDC Section 5.11.100.F.1 (Tree Removal on Developed Properties) to close a loophole that allows specimen trees and mitigation trees to be removed post-construction of single-family homes.

E. ATTACHMENTS: Revised Community Development Code sections.

Section A.13.50.D (Guest Houses): Section A.13.50.D addresses guest house allowances for existing lots of record south of May River Road. As written, the language leaves no direction on lots greater than five acres that exist prior to the adoption of the May River Community Preservation district (MRCP). It only addresses lots that are two to five acres that *existed prior* to the adoption of the MRCP and lots that are five acres or more that were *created after* the adoption of the MRCP. Staff recommends removing the language referencing lot-origination dates to capture all property sizes south of May River Rd and provide clear guidance determining the number of guest houses allowed for all properties in that portion of the district.

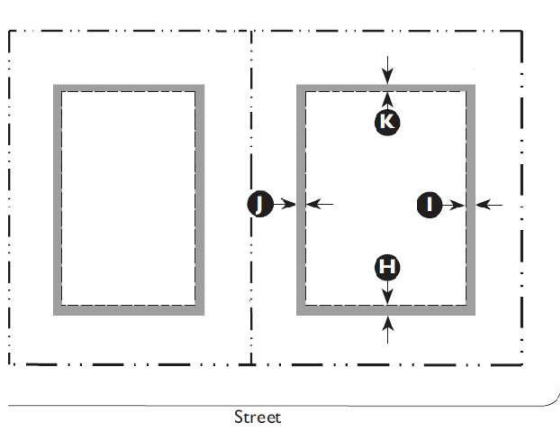
A.13.50 Conditional and Special Use Standards

D. Guest houses.

1. Guest houses shall be permitted South of May River Road.
2. A guest house shall be subordinate to the principal dwelling and be for use by the property owner and his/her guests only.
3. A guest house is deemed to be a part of the main property owners compound and is not intended to be subdivided for other uses. They shall adhere to the front, rear, and side setbacks listed for the principle structure.
4. A guest house is for use by the property owner and his/her family and guests only. They shall not be leased or rented, and must gain their access from the driveway of the principal house.
5. Existing ~~lots of record~~ lots that are two to five acres in size are permitted one guest house, not to exceed 2,000 square feet. Lots ~~created after the adoption of the May River CP District~~ that are ~~five acres or more~~ **than five acres** in size are permitted one or more guest houses; however, the total square footage of all guest dwellings (houses) may not exceed 75 percent of the square footage of the principal house. Furthermore, the total square footage of all guest houses (when added together) may not exceed 5,000 square feet.
6. Nothing herein shall prevent the construction of a guest house prior to the construction of the principal dwelling.
7. Manufactured (i.e., mobile) homes shall not be permitted to be used as guest houses.

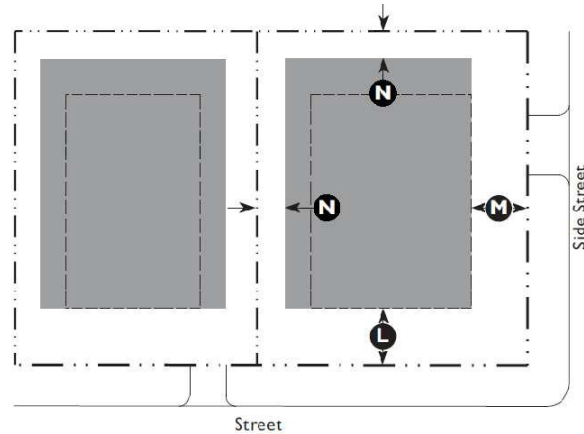
Sections in Division 3.2 (Transect Zones) and Division 3.3 (Conventional Zones): The CDC contains parking space requirements in both the individual transect and conventional zone standards in Division 3.2 and 3.3 and in Table 5.4.40.B. Parking space requirements were included in both places in order to simplify navigation of the CDC for ease of interpretation. However, staff have recognized inconsistencies between Table 5.4.40.B and Zoning District requirements in Divisions 3.2 and 3.3. This amendment corrects conflicts by removing parking requirements from all Transect (except the T4 districts) and Conventional zones and replacing them with reference to Table 5.4.40.B. Because the T4 districts are intended to create walkable and mixed-use communities, staff recommends keeping specific parking allowances within the T4 district sections to reduce the number of required parking spaces and prevent over-parking of these districts.

3.2.40 T2 Rural (T2R) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 ——— Setback Line

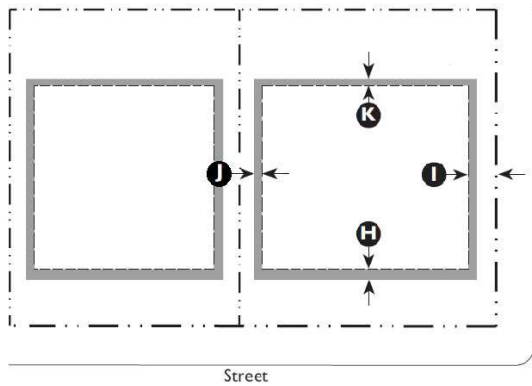
F. Encroachments and Frontage Types		
Encroachments		
Front	5' max.	(H)
Side Street	5' max.	(I)
Side	5' max.	(J)
Rear	5' max.	(K)
Encroachments are not allowed within a Street ROW/Alley ROW, or across a property line.		
See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.		
Allowed Frontage Types		
Common Yard	Porch: Engaged	
Porch: Projecting		



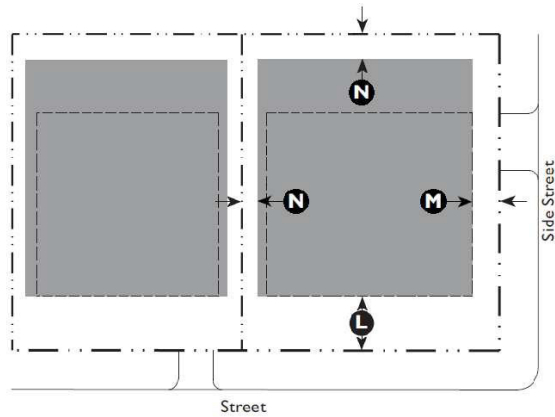
Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 ——— Setback Line

G. Parking		
Required Spaces: Residential Uses		
Single-Family Detached	3 per-unit	
Required Spaces: Service or Retail Uses		
Lodging: Inn	1 per-room	
For parking space requirements for all other allowed uses see Table 5.5.40.B (Parking Space Requirements).		
Location (Setback from Property Line)		
Front	50' min.	(L)
Side Street	50' min.	(M)
Rear and interior side yard parking setbacks are governed by the applicable perimeter buffer (see Tables 5.8.90.D and 5.8.90.F) and any other required buffers.		
		(N)

3.2.50 T2 Rural Neighborhood (T2RN) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 - - - - Setback Line

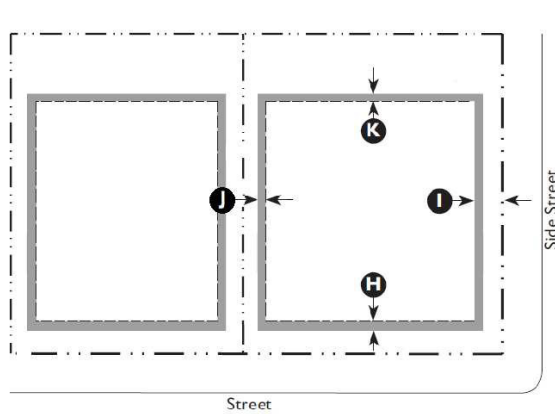


Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 - - - - Setback Line

G. Encroachments and Frontage Types		
Encroachments		
Front	5' max.	(H)
Side Street	5' max.	(I)
Side	5' max.	(J)
Rear	5' max.	(K)
Retail, Offices, Services	1 per 300 GSF	
Encroachments are not allowed within a Street ROW/Alley ROW		
Buffers, or across a property line. See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.		
Allowed Frontage Types		
Common Yard	Porch: Engaged	
Porch: Projecting	Shop front	

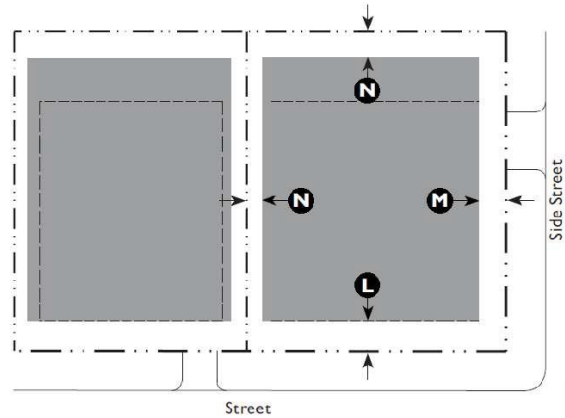
H. Parking		
Required Spaces: Residential Uses		
Single-family detached	3 per-unit	
Required Spaces: Service or Retail Uses		
Retail, Offices, Services	1 per 300 GSF	
Restaurant, Café, Coffee Shop	1 per 150 GSF	
For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).		
Location (Setback from Property Line)		
Front	35' min.	(L)
Side Street	20' min.	(M)
Rear and interior side yard parking setbacks are governed by the applicable perimeter buffer (see Tables 5.8.90.D and 5.8.90.F) and any other required buffers.		(N)

3.2.60 T2 Rural Center (T2RC) Standards



Key

- - - - ROW / Property Line
- Setback Line
- Encroachment Area



Key

- - - - ROW / Property Line
- Setback Line
- Allowed Parking Area

E. Encroachments and Frontage Types

Encroachments		
Front	5' max.	(H)
Side Street	5' max.	(I)
Side	5' max.	(J)
Rear	5' max.	(K)

Encroachments are not allowed within a Street ROW/Alley ROW, Buffers, or across a property line. See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types

Common Yard	Porch: Engaged
Porch: Projecting	Shop front

F. Parking

Required Spaces: Residential Uses

Single-family detached	3 per unit
Community residence	1 per bedroom

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
Lodging- Inn	1 per room

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

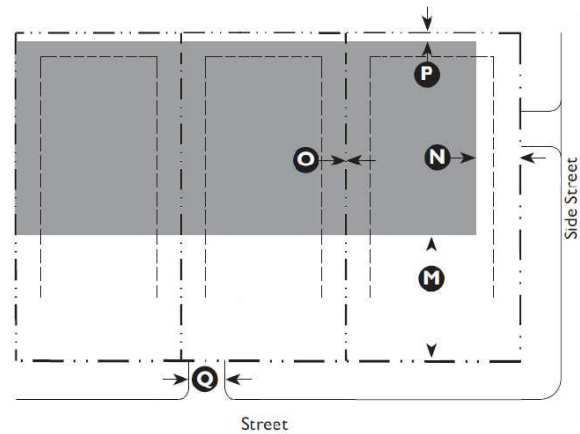
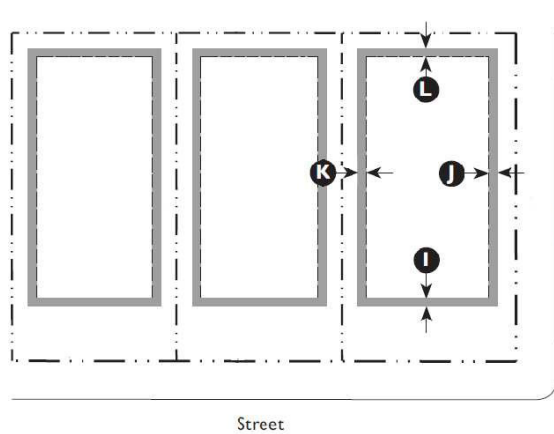
Location (Setback from Property Line)

Front	10' min.	(L)
Side Street	15' min.	(M)

Rear and interior side yard parking setbacks are governed by the applicable perimeter buffer (see Tables 5.8.90.D and 5.8.90.F) and any other required buffers.

(N)

3.2.70 T3 Edge (T3E) Standards



Key

- ROW / Property Line
- Setback Line
- Encroachment Area

Key

- ROW / Property Line
- Setback Line
- Allowed Parking Area

E. Encroachments and Frontage Types		
Encroachments		
Front	5' max.	(I)
Side Street	5' max.	(J)
Side	3' max.	(K)
Rear	5' max.	(L)

Encroachments are not allowed within a Street ROW/Alley ROW, Buffers, or across a property line. See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types	
Common Yard	Porch: Engaged
Porch: Projecting	Porch: Side Yard

F. Parking		
Required Spaces		
Residential Uses:		
All Allowed Uses		2 per-unit
Service or Retail Uses:		
All Allowed Lodging Uses		1 per 2-rooms

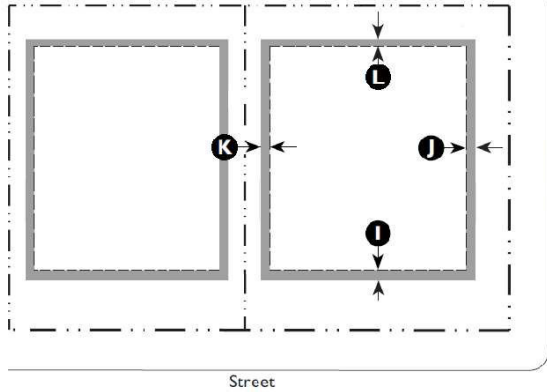
For parking **space** requirements for Agricultural, Recreation, Public Assembly, and Transportation, Communication, Infrastructure uses see Table 5.5.40.B (Parking Space Requirements).

Location (Setback from Property Line)		
Front	50' min.	(M)
Side Street	25' min.	(N)
Side	0' min.	(O)
Rear	5' min.	(P)

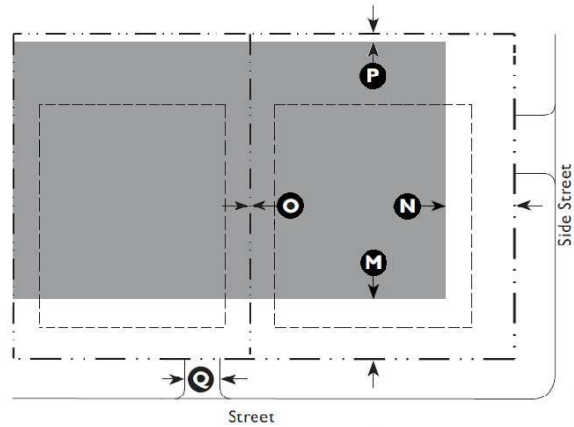
Miscellaneous	(Q)
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12' maximum driveway width at the curb cut and within the front or side street parking setback. Community Residences and Meeting Facilities/Places of Worship are exempt from this requirement.

3.2.80 T3 Hamlet Neighborhood (T3HN) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 - - - - Setback Line

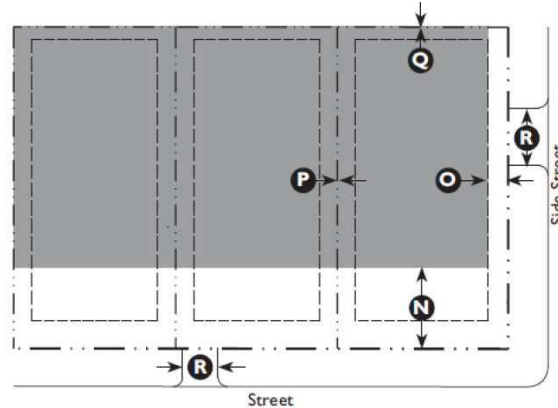
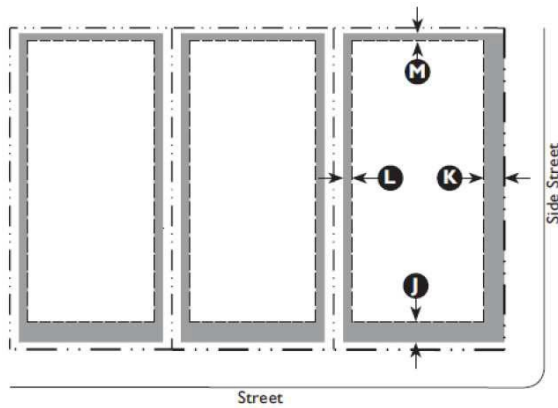


Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 - - - - Setback Line

E. Encroachments and Frontage Types		
Encroachments		
Front	5' max.	Ⓚ
Side Street	5' max.	Ⓛ
Side	3' max.	Ⓜ
Rear	5' max.	Ⓨ
Encroachments are not allowed within a Street ROW/Alley ROW, buffers, or across a property line.		
See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.		
Allowed Frontage Types		
Common Yard	Porch: Engaged	
Porch: Projecting	Porch: Side Yard	

F. Parking		
Required Spaces: Residential Uses		
Single-family detached	2 per unit	
Two-family unit (duplex)	2 per unit	
Community residence	1 per bedroom	
Required Spaces: Service or Retail Uses		
For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).		
Location (Setback from Property Line)		
Front	50' min.	Ⓜ
Side Street	25' min.	Ⓨ
Side	0' min.	Ⓚ
Rear	5' min.	Ⓛ
Miscellaneous		
12' maximum driveway width at the curb cut and within the front or side street parking setback. Community Residences and Meeting Facilities/Places of Worship are exempt from this requirement.		Ⓛ

3.2.90 T3 Neighborhood (T3N) Standards



Key

- ROW / Property Line
- Setback Line
- Encroachment Area

Key

- ROW / Property Line
- Setback Line
- Allowed Parking Area

F. Encroachments and Frontage Types

Encroachments		
Front	5' max.	(J)
Side Street	5' max.	(K)
Side	3' max.	(L)
Rear	5' max.	(M)

Encroachments are not allowed within a Street ROW/Alley ROW, buffers, or across a property line.

See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types

Common Yard	Porch: Engaged
Porch: Projecting	Porch: Side Yard

G. Parking

Required Spaces: Residential Uses

Single-family detached	2 per-unit
Two-family (duplex)	2 per-unit
Multi-family units	1.25 per-unit
Community residence	1 per bedroom

Required Spaces: Service or Retail Uses

Offices & services	1 per 300-GSF
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For parking space requirements for Agricultural, Industrial, Recreation, Education, Public Assembly, and Transportation, Communication, Infrastructure uses see Table 5.5.40.B (Parking Space Requirements).

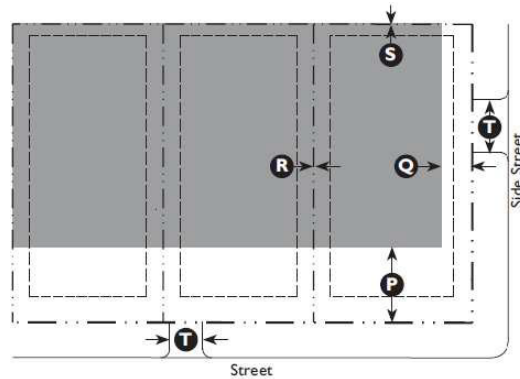
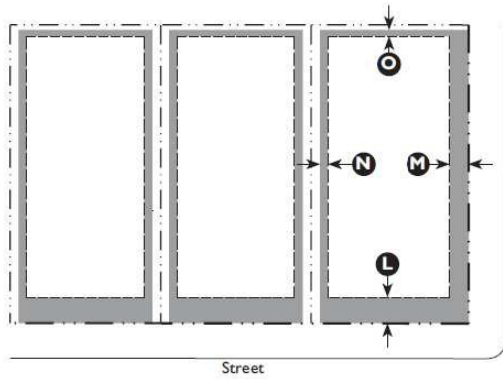
Location (Setback from Property Line)

Front	40' min.	(N)
Side Street	15' min.	(O)
Side	0' min.	(P)
Rear	5' min.	(Q)

Miscellaneous

12' maximum driveway width at the curb cut and within the front or side street parking setback.	(R)
-------------------------------------------------------------------------------------------------	-----

3.2.100 T4 Hamlet Center (T4HC) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 ——— Setback Line

Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 ——— Setback 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
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Porch: Projecting	Dooryard
Porch: Engaged	Porch: Side Yard

Stoop	Shopfront ¹
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Terrace¹

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
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 requirements for retail
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
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Parking standards listed within the district shall govern. For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).

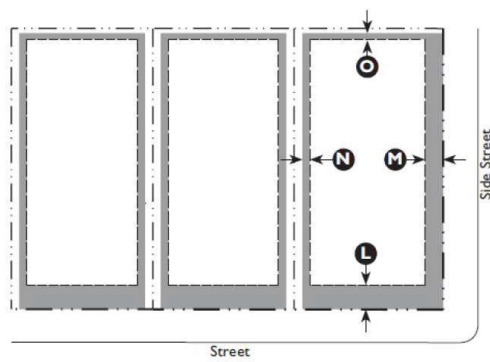
Location (Setback from Property Line)

Front: 5' behind front facade of main building	(P)
Side Street: 5' behind side facade of main building	(Q)
Side: 0' min.	(R)
Rear: 5' min.	(S)

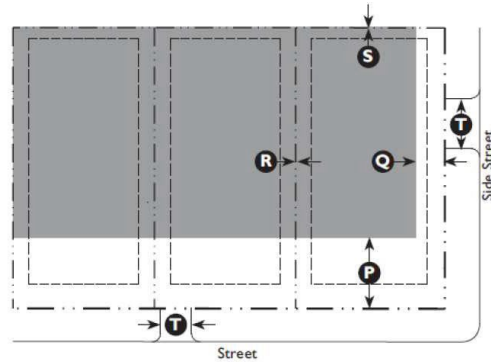
Miscellaneous

Parking Driveway Width	(T)
40 spaces or less	14' max.
Greater than 40 spaces	18' max.

3.2.110 T4 Neighborhood Center (T4NC) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 ———— Setback Line



Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 ———— Setback Line

E. 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.

Awnings, Galleries and Arcades may encroach further into the street ROW to within 2' of the face of curb. Eaves may encroach up to 3' into the street ROW. All other encroachments are not allowed

within street ROW.

Allowed Frontage Types

Porch: Projecting	Dooryard
Porch: Engaged	Porch: Side Yard
Stoop	Shop front
Forecourt	Terrace
Gallery	

F. 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
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
Drive-through facility	Add 5 stacking spaces per drive-through
Gas station/fuel sales	1 per pump plus requirement for retail
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
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Parking standards listed within the district shall govern. For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).

Location (Setback from Property Line)

Front	40' min.	(P)
Side Street	15' min.	(Q)
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.	

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.

¹ The 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

D. Gross Density¹ and Floor Area Ratio

Gross Density

Single-Family Detached	2.6 d.u./acre
Single-Family Attached/Duplex	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

Floor Area Ratio

Non-residential buildings	0.18 max.
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¹ Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F)

² Subject to the requirements in Division 2.3

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
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: Inn/hotel	1 per room

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

3.3.40 Community Center Mixed Use (C4) Zone Standards

A. Purpose

The Community Center Mixed Use (C4) Zone provides for a limited number of retail, service, and office uses intended to serve the surrounding neighborhood.

These are smaller uses and not highway service types of uses. The intensity standards are set to ensure that the uses have the same suburban character as the surrounding suburban residential areas. They are intended to blend with the surrounding areas, not threaten the character of the area. This Zone shall not consist of strip developments but rather neighborhood centers with a sense of place.

B. Building Placement

Setback (Distance from ROW/Property Line)

Front	20' min.
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Side:

Side, Main Building	10' min.
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Side, Ancillary Building	10' min.
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Rear	15' min.
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Lot Size

Lot Size	5,000 SF min.
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Width	50' min.
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Minimum Site Area

Single-Family and Duplex	5,000 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.
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Multi-Family	3 stories max.
--------------	----------------

Non-Residential Buildings	2 stories max.
---------------------------	----------------

Ground Floor Finish Level	No minimum
---------------------------	------------

D. Gross Density¹ and Floor Area Ratio

Gross Density	12 d.u./acre max.
---------------	-------------------

Floor Area Ratio ²	0.23 max.
-------------------------------	-----------

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

² Requirement applies to non-residential buildings.

E. Parking

Required Spaces: Residential Uses

Single-family detached	3 per unit
------------------------	------------

Single-family attached/duplex	2 per unit
-------------------------------	------------

Multi-family units	1.25 per unit
--------------------	---------------

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: Inn/hotel	1 per room
--------------------	------------

Required Spaces: Industrial Uses

Light manufacturing, processing and packaging	1 per 500 GSF
-----------------------------------------------	---------------

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

3.3.50 Regional Center Mixed Use (C5) Zone Standards

A. Purpose

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

B. Building Placement

Setback (Distance from ROW/Property Line)

Front	25' min.
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Side:

Side, Main Building	15' min.
Side, Ancillary Building	15' min.

Rear	10' min.
------	----------

Lot Size

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

Note:

For development within a Traditional Community Plan meeting the

requirements of Division 2.3, setback, minimum lot size and minimum site area requirements of the transect zone established

and delineated on the regulating plan shall apply.

C. Building Form

Building Height

All Buildings	3 stories max.
---------------	----------------

Ground Floor Finish Level	No minimum
---------------------------	------------

D. Gross Density¹ and Floor Area Ratio

Density	15.0 d.u./acre max. ²
---------	----------------------------------

Floor Area Ratio ³	0.37 max.
-------------------------------	-----------

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

²See Section 4.1.350 for Affordable Housing density bonuses.

³Requirement applies to non-residential buildings.

E. Parking

Required Spaces: Residential Uses

Single-family detached	3 per unit
------------------------	------------

Single-family attached/duplex	2 per unit
-------------------------------	------------

Multi-family units	1.25 per unit
--------------------	---------------

Community residence	1 per bedroom
---------------------	---------------

Live/work	2 per unit plus 1 per 300 GSF of work area
-----------	--------------------------------------------

Required Spaces: Services or Retail Uses

Retail, offices, services	1 per 300 GSF
---------------------------	---------------

Restaurant, café, coffee shop	1 per 150 GSF
-------------------------------	---------------

Drive-through facility	Add 5 stacking spaces per drive-through
------------------------	-----------------------------------------

Gas station/fuel sales	1 per pump plus requirement for retail
------------------------	----------------------------------------

Lodging: 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 space requirements for all other allowed uses see Table 5.5.40.B (Parking Space Requirements).

3.3.60 Industrial (SI) Zone Standards

A. Purpose

The Industrial (SI) Zone permits office, manufacturing, industrial, warehousing, and uses that support them. The Zone shall also be designed to permit small businesses and incubator businesses. Moderate to high intensities are permitted to achieve maximum land utilization. Such practices will maximize the land's use and accommodate small businesses and start-up or incubator businesses.

B. Building Placement

Setback (Distance from ROW/Property Line)

Front 40' min.

Side:

Side, Main Building 20' min.

Side, Ancillary Building 20' min.

Rear 20' min.

Lot Size

Lot Size 20,000 SF min.

Width 100' min.

Minimum Site Area

Industrial 20,000 SF

Other Permitted Uses 1 acre

C. Building Form

Building Height

All Buildings 4 stories max.¹

Ground Floor Finish Level No minimum

¹Not to exceed 50 feet above finished grade level

D. Floor Area Ratio

Industrial 0.48 max.

All Other Uses 0.37 max.

E. Parking

~~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

Required Spaces: Industrial Uses

Light manufacturing, processing and packaging 1 per 500 GSF

Heavy manufacturing, processing and packaging 1 per employee at maximum shift plus 1 per commercial vehicle

Warehousing/distribution 1 per 2,000 GSF

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

Section 6.1.40 (General Review Standards): Base Site Area is used to determine the density permitted on specific properties and, as such, undevelopable portions of the property are subtracted from gross site area to determine the maximum density allowed on any particular property. Staff recommends specifically addressing jurisdictional and non-jurisdictional wetlands when calculating Base Site Area in order to provide clear guidance on these calculations and prevent density increases based on the existence of any wetlands on any particular property.

6.1.40 General Review Standards

- A. **General.** Applications for subdivisions shall be reviewed and evaluated in accordance with the procedures of Section 7.2.70 (Subdivision), and the standards of this Article.
- B. **Subdivision Design.** Block and lot layout shall meet the standards established in Article 2 (Multi-Lot and Single Lot Community Scale Development).
- C. **Civic and Open Spaces.** Civic and open spaces shall meet the standards established in Division 2.8 (Civic and Open Space Types).
- D. **Streets.** New streets shall meet the standards established in Division 2.9 (Thoroughfare Standards).
- E. **Modulation Standards.** The applicant may request a modulation of some standards, see Section 7.2.30 (Modulation Permit), where appropriate to achieve better design that is consistent with the objectives of this Development Code, as long as the modulation is compatible with surrounding development, does not have an adverse impact on protected resources, and is generally consistent with the goals of this Development Code.
- F. **Density and Lot Size.** Maximum gross density and minimum/maximum lot size shall meet the standards established in Article 3 (Specific to Zones). Maximum gross density for a site shall be calculated using the Base Site Area.
- G. The Base Site Area shall be determined as follows:
 - Gross site area as determined by actual survey:
 - Minus Land separated by a road or utility right-of-way
 - Minus Land separated by water and/or marsh
 - Minus Land within existing roads ultimate rights-of-way
 - Minus Existing natural water bodies on the property, jurisdictional and non-jurisdictional wetlands, and land/tidal wetlands seaward of the OCRM critical line
 - Minus Land previously dedicated as open space
 - Equals = Base site Area

Section 5.11.100.F (Tree Removal on Developed Properties): Sections 5.11.100.B – 5.11.100.E protect trees during new development projects by requiring Specimen trees to be preserved to the maximum extent practicable. When specimen trees cannot be avoided because of new development, they must be mitigated in one of three ways: 1) replanting trees of the same species, 2) saving existing non-specimen-size native trees on the property or, 3) paying into a tree mitigation fund. Staff spends a lot of time regulating these requirements during development, however, per Section 5.11.100.F, once a single-family home exists on a lot, the property owners may remove all but grand trees and trees in river buffers without a tree removal permit. This means that specimen trees are no longer protected under Section 5.11.100.F and trees that have been kept for mitigation are afforded no protections. This has enabled the act of developers saving specimen and non-specimen size trees during development for mitigation purposes, allowing them to avoid replanting or paying into a tree mitigation fund, and then cut the trees down as soon as the single-family residence is certified for occupancy. To correct the issue, staff recommends adopting the following amendments:

1. Creating a time period of protection for specimen trees based on the time that has elapsed since the year of the home's completed construction.
2. Including language referencing mitigation trees as protected trees.
3. Clarifying language regarding river buffers.

5.11.100 Tree Protection

F. Tree Removal on Developed Properties.

1. Single-Family Residential Lots.

- a. **Permit Required to Remove a Grand-Tree.** On any individual single-family residential lot with an existing dwelling unit where construction was completed less than five years ago, a tree removal permit is required to remove specimen, grand, and/or mitigation trees, see Section 7.2.50 (Tree Removal Permit). On any individual single-family residential lot with an existing dwelling unit where construction was completed five or more years ago, a tree removal permit is required to remove a grand tree and/or mitigation trees, see Section 7.2.50 (Tree Removal Permit). A grand tree is an exceptionally large tree for its species that is healthy and worthy of protection. It represents an individual tree that contributes aesthetically to the region's visual "sense of place" and serves as a seed stock for future generations. An individual tree is considered a grand tree by the following size criteria:
 - 1) Live Oak (*Quercus virginiana*), Black Walnut (*Juglans nigra*), or Longleaf Pine (*Pinus palustris*) that are equal to or greater than a diameter of 24 inches DBH.
 - 2) Loblolly Pine (*Pinus taeda*), Slash Pine (*Pinus ellitoides*), and Shortleaf Pine (*Pinus echinata*) that are equal to or greater than a diameter of 36 inches DBH.
 - 3) All other species of trees, not defined above, that are equal to or greater than a diameter of 30 inches DBH except those identified as invasive species in Table 5.11.100.C.
- b. **Tree Removal Permit Standards.** A tree removal permit will be issued to remove a protected 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, or a species recommended by a certified arborist and approved by staff.
- c. **Removal of All Other Non-Protected Trees on Residential Lots.** All other trees on a single-family residential lot with an existing dwelling may be removed without a permit, except for mitigation trees or trees those within required river buffers, including river buffers, may be removed without a permit. Removal of trees within a river buffer and/or mitigation trees requires a tree removal permit; see Section 7.2.50 (Tree Removal Permit).



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Text Amendment to the Community Development Code (CDC): Appendix A.13.50.D (Guest Houses) to clarify minimum lot size requirements for guest houses in the May River Community Preservation District.</i>
MEETING NAME AND DATE:
<i>Natural Resources Committee Meeting, May 2, 2022</i>
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
ITEM BACKGROUND:
<i>Staff have been reviewing the Community Development Code (CDC) for necessary amendments as a result of the adoption of the 2040 Comprehensive Plan. During our review, staff have identified necessary major and minor corrections to the CDC to improve and clarify its standards. These amendments will be presented in several batches for consideration. This is the first batch of recommended amendments, which includes only minor changes.</i>
<i>At their April 4, 2022 meeting, the Beaufort County Planning Commission voted unanimously to recommend approval of the proposed amendment.</i>
PROJECT / ITEM NARRATIVE:
<i>Section A.13.50.D addresses guest house allowances for existing lots of record south of May River Road. As written, the language leaves no direction on lots greater than five acres that existed prior to the adoption of the May River Community Preservation district (MRCP). It only addresses lots that are two to five acres that existed prior to the adoption of the MRCP and lots that are five acres or more that were created after the adoption of the MRCP. Staff recommends removing the language referencing lot-origination dates to capture all property sizes south of May River Rd and provide clear guidance determining the number of guest house allowed for all properties in that portion of the district.</i>
FISCAL IMPACT:
<i>Not applicable.</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval.</i>
OPTIONS FOR COUNCIL MOTION:
<i>To approve or deny the proposed amendment to the Community Development Code (CDC): Appendix A.13.50.D (Guest Houses).</i>

ORDINANCE 2022 / __

**TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC):
APPENDIX A.13.50.D (GUEST HOUSES) TO CLARIFY THE STANDARDS FOR
MINIMUM LOT SIZE REQUIREMENTS FOR GUEST HOUSES LOCATED IN THE
MAY RIVER COMMUNITY PRESERVATION DISTRICT.**

WHEREAS, the Community Development Code permits Guest Houses in the May River Community Preservation District; and

WHEREAS, Section A.13.50.D.5 of the Community Development Code provides the standards associated to the acreage and lot-origination date requirements which determines the amount of guest houses permitted on property; and

WHEREAS, it is necessary for the Community Development Code to provide clear standards for lot sizes regardless of when they were established to achieve orderly development of Guest Houses in the May River Community Preservation District.

NOW, THEREFORE be it ordained by County Council in meeting duly assembled as follows:

Adopted this ___ day of _____ 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council

A.13.50 Conditional and Special Use Standards**D. Guest houses.**

1. Guest houses shall be permitted South of May River Road.
2. A guest house shall be subordinate to the principal dwelling and be for use by the property owner and his/her guests only.
3. A guest house is deemed to be a part of the main property owners compound and is not intended to be subdivided for other uses. They shall adhere to the front, rear, and side setbacks listed for the principle structure.
4. A guest house is for use by the property owner and his/her family and guests only. They shall not be leased or rented, and must gain their access from the driveway of the principal house.
5. Existing ~~lots of record~~ lots that are two to five acres in size are permitted one guest house, not to exceed 2,000 square feet. Lots ~~created after the adoption of the May River CP District that are five acres or more~~ **than five acres** in size are permitted one or more guest houses; however, the total square footage of all guest dwellings (houses) may not exceed 75 percent of the square footage of the principal house. Furthermore, the total square footage of all guest houses (when added together) may not exceed 5,000 square feet.
6. Nothing herein shall prevent the construction of a guest house prior to the construction of the principal dwelling.
7. Manufactured (i.e., mobile) homes shall not be permitted to be used as guest houses.



MEMORANDUM

TO: Beaufort County Natural Resources Committee

FROM: Juliana Smith, Beaufort County Planning and Zoning Department

DATE: May 2, 2022

SUBJECT: Review of Community Development Code – Proposed Text Amendments

STAFF REPORT:

A. BACKGROUND: In November 2021, Beaufort County Council adopted the 2040 Comprehensive Plan. As a result, staff have been reviewing the Community Development Code (CDC) for necessary amendments. During our review, staff have identified necessary major and minor corrections to the CDC to improve and clarify its standards. These amendments will be presented in several batches for consideration. This is the first batch of recommended amendments, which includes only minor changes.

B. SUMMARY OF REQUEST: To help navigate through the list of the first batch of recommended amendments, below is a summary of each of the four amendments up for consideration. More detailed explanations follow in the attachments, along with the amended CDC sections:

1. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): APPENDIX A.13.50.D (GUEST HOUSES) clarifies minimum lot size requirements for guest houses located in the May River Community Preservation District.
2. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTIONS IN DIVISION 3.2 (TRANSECT ZONES) AND SECTIONS IN DIVISION 3.3 (CONVENTIONAL ZONES) corrects and clarifies conflicts between zoning districts and the Parking Space Requirements Table in Section 5.5.40.B.
3. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 6.1.40.G (BASE SITE AREA CALCULATIONS) clarifies that both jurisdictional and non-jurisdictional wetlands must be subtracted from the gross site area to determine base site area for development.
4. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 5.11.100.F.1 (TREE REMOVAL ON DEVELOPED PROPERTIES) closes a loophole which allows specimen and mitigation trees to be removed post-construction of single-family homes.

C. STAFF RECOMMENDATION: Staff recommends approval.

D. BEAUFORT COUNTY PLANNING COMMISSION RECOMMENDATIONS: At the April 4, 2022 meeting of the Beaufort County Planning Commission, the Commission voted:

1. Unanimously to recommend approval of the text amendment to CDC Appendix A.13.50.D (Guest Houses) upon the condition that staff make an additional amendment to further clarify language regarding the larger (i.e. five plus acre) parcels. Staff have made the requested change.
2. Unanimously to recommend approval of the text amendment to CDC sections in Division 3.2. (Transect Zones) and Division 3.3 (Conventional Zones) to clarify parking space requirements.
3. Unanimously to recommend approval of the text amendment to CDC Section 6.1.40.G (Base Site Area Calculations) to clarify how to calculate base site area.
4. Unanimously to recommend approval of the text amendment to CDC Section 5.11.100.F.1 (Tree Removal on Developed Properties) to close a loophole that allows specimen trees and mitigation trees to be removed post-construction of single-family homes.

E. ATTACHMENTS: Revised Community Development Code sections.

Section A.13.50.D (Guest Houses): Section A.13.50.D addresses guest house allowances for existing lots of record south of May River Road. As written, the language leaves no direction on lots greater than five acres that exist prior to the adoption of the May River Community Preservation district (MRCP). It only addresses lots that are two to five acres that *existed prior* to the adoption of the MRCP and lots that are five acres or more that were *created after* the adoption of the MRCP. Staff recommends removing the language referencing lot-origination dates to capture all property sizes south of May River Rd and provide clear guidance determining the number of guest houses allowed for all properties in that portion of the district.

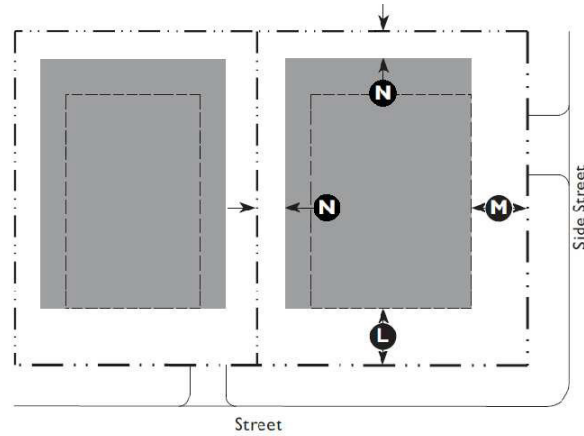
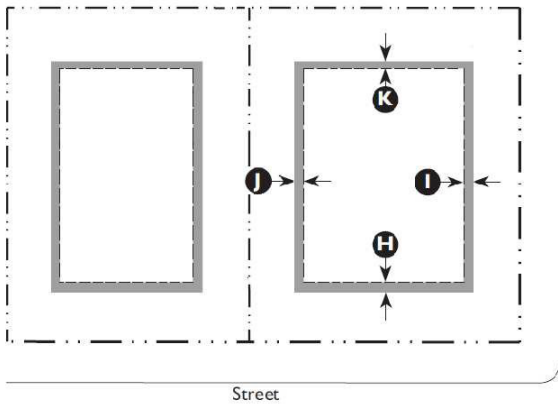
A.13.50 Conditional and Special Use Standards

D. Guest houses.

1. Guest houses shall be permitted South of May River Road.
2. A guest house shall be subordinate to the principal dwelling and be for use by the property owner and his/her guests only.
3. A guest house is deemed to be a part of the main property owners compound and is not intended to be subdivided for other uses. They shall adhere to the front, rear, and side setbacks listed for the principle structure.
4. A guest house is for use by the property owner and his/her family and guests only. They shall not be leased or rented, and must gain their access from the driveway of the principal house.
5. Existing lots of record that are two to five acres in size are permitted one guest house, not to exceed 2,000 square feet. Lots created after the adoption of the May River CP District that are five acres or more than five acres in size are permitted one or more guest houses; however, the total square footage of all guest dwellings (houses) may not exceed 75 percent of the square footage of the principal house. Furthermore, the total square footage of all guest houses (when added together) may not exceed 5,000 square feet.
6. Nothing herein shall prevent the construction of a guest house prior to the construction of the principal dwelling.
7. Manufactured (i.e., mobile) homes shall not be permitted to be used as guest houses.

Sections in Division 3.2 (Transect Zones) and Division 3.3 (Conventional Zones): The CDC contains parking space requirements in both the individual transect and conventional zone standards in Division 3.2 and 3.3 and in Table 5.4.40.B. Parking space requirements were included in both places in order to simplify navigation of the CDC for ease of interpretation. However, staff have recognized inconsistencies between Table 5.4.40.B and Zoning District requirements in Divisions 3.2 and 3.3. This amendment corrects conflicts by removing parking requirements from all Transect (except the T4 districts) and Conventional zones and replacing them with reference to Table 5.4.40.B. Because the T4 districts are intended to create walkable and mixed-use communities, staff recommends keeping specific parking allowances within the T4 district sections to reduce the number of required parking spaces and prevent over-parking of these districts.

3.2.40 T2 Rural (T2R) Standards



Key

- ROW / Property Line
- Setback Line
- Encroachment Area

Key

- ROW / Property Line
- Setback Line
- Allowed Parking Area

F. Encroachments and Frontage Types

Encroachments		
Front	5' max.	(H)
Side Street	5' max.	(I)
Side	5' max.	(J)
Rear	5' max.	(K)

Encroachments are not allowed within a Street ROW/Alley ROW, or across a property line.

See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types

Common Yard	Porch: Engaged
Porch: Projecting	

G. Parking

Required Spaces: Residential Uses

Single-Family Detached 3 per-unit

Required Spaces: Service or Retail Uses

Lodging: Inn 1 per-room

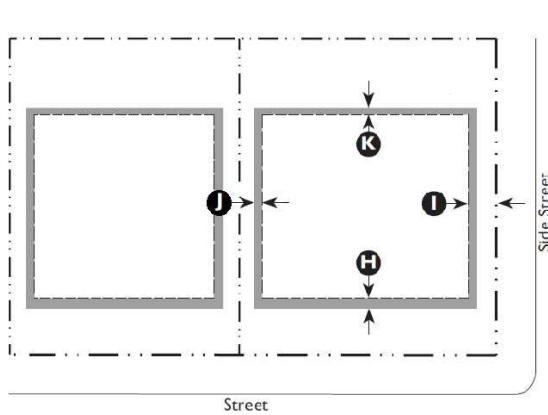
For parking space requirements for all other allowed uses see Table 5.5.40.B (Parking Space Requirements).

Location (Setback from Property Line)

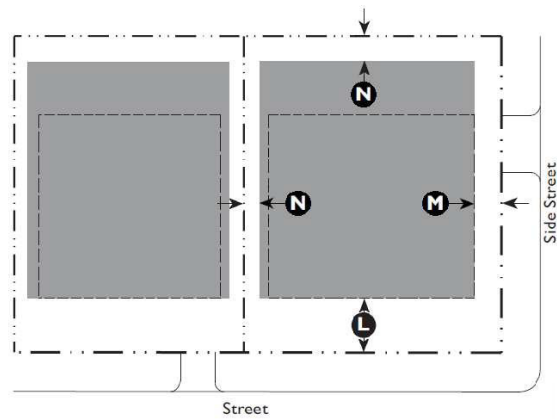
Front	50' min.	(L)
Side Street	50' min.	(M)

Rear and interior side yard parking setbacks are governed by the applicable perimeter buffer (see Tables 5.8.90.D and 5.8.90.F) and any other required buffers. (N)

3.2.50 T2 Rural Neighborhood (T2RN) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 - - - - Setback Line

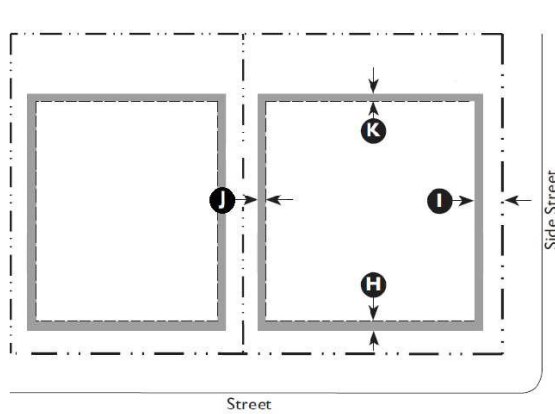


Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 - - - - Setback Line

G. Encroachments and Frontage Types		
Encroachments		
Front	5' max.	(H)
Side Street	5' max.	(I)
Side	5' max.	(J)
Rear	5' max.	(K)
Retail, Offices, Services	1 per 300 GSF	
Encroachments are not allowed within a Street ROW/Alley ROW		
Buffers, or across a property line. See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.		
Allowed Frontage Types		
Common Yard	Porch: Engaged	
Porch: Projecting	Shop front	

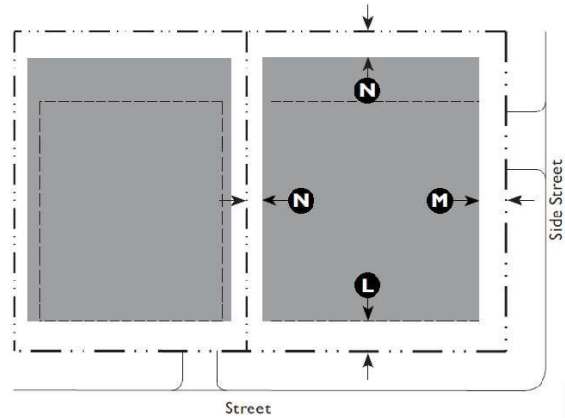
H. Parking		
Required Spaces: Residential Uses		
Single-family detached	3 per-unit	
Required Spaces: Service or Retail Uses		
Retail, Offices, Services	1 per 300 GSF	
Restaurant, Café, Coffee Shop	1 per 150 GSF	
For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).		
Location (Setback from Property Line)		
Front	35' min.	(L)
Side Street	20' min.	(M)
Rear and interior side yard parking setbacks are governed by the applicable perimeter buffer (see Tables 5.8.90.D and 5.8.90.F) and any other required buffers.		(N)

3.2.60 T2 Rural Center (T2RC) Standards



Key

- - - - ROW / Property Line
- Setback Line
- Encroachment Area



Key

- - - - ROW / Property Line
- Setback Line
- Allowed Parking Area

E. Encroachments and Frontage Types

Encroachments		
Front	5' max.	(H)
Side Street	5' max.	(I)
Side	5' max.	(J)
Rear	5' max.	(K)

Encroachments are not allowed within a Street ROW/Alley ROW, Buffers, or across a property line. See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types

Common Yard	Porch: Engaged
Porch: Projecting	Shop front

F. Parking

Required Spaces: Residential Uses

Single-family detached	3 per unit
Community residence	1 per bedroom

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
Lodging- Inn	1 per room

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

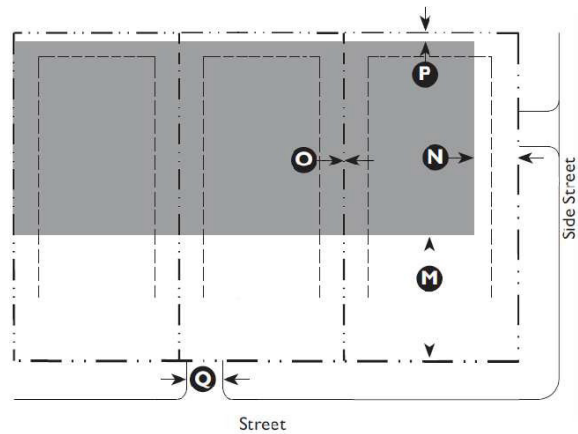
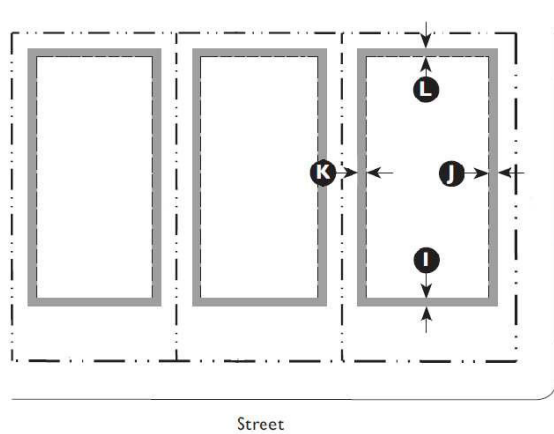
Location (Setback from Property Line)

Front	10' min.	(L)
Side Street	15' min.	(M)

Rear and interior side yard parking setbacks are governed by the applicable perimeter buffer (see Tables 5.8.90.D and 5.8.90.F) and any other required buffers.

(N)

3.2.70 T3 Edge (T3E) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 - - - - Setback Line

Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 - - - - Setback Line

E. Encroachments and Frontage Types		
Encroachments		
Front	5' max.	Ⓚ
Side Street	5' max.	Ⓜ
Side	3' max.	Ⓝ
Rear	5' max.	Ⓛ

Encroachments are not allowed within a Street ROW/Alley ROW, Buffers, or across a property line. See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types	
Common Yard	Porch: Engaged
Porch: Projecting	Porch: Side Yard

F. Parking		
Required Spaces		
Residential Uses:		
All Allowed Uses	2 per-unit	
Service or Retail Uses:		
All Allowed Lodging Uses	1 per 2 rooms	

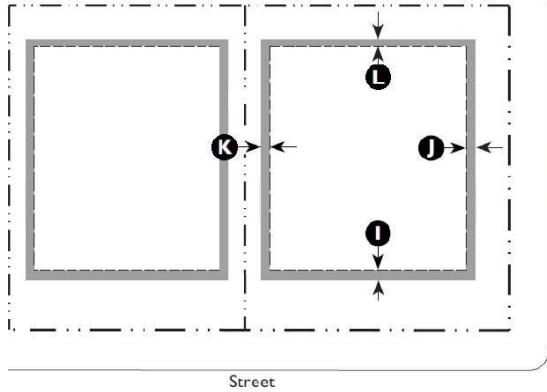
For parking **space** requirements for Agricultural, Recreation, Public Assembly, and Transportation, Communication, Infrastructure uses see Table 5.5.40.B (Parking Space Requirements).

Location (Setback from Property Line)		
Front	50' min.	Ⓜ
Side Street	25' min.	Ⓝ
Side	0' min.	Ⓚ
Rear	5' min.	Ⓛ

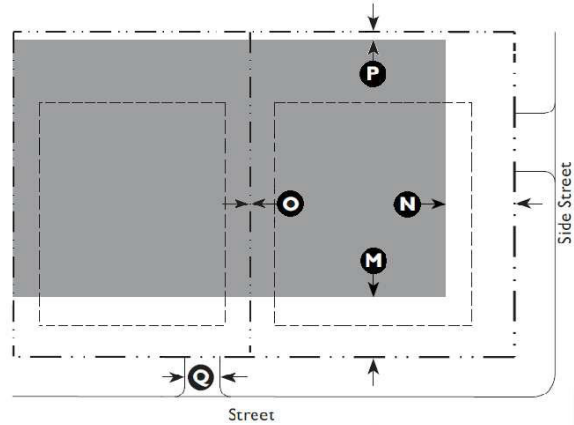
Miscellaneous	Ⓚ
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12' maximum driveway width at the curb cut and within the front or side street parking setback. Community Residences and Meeting Facilities/Places of Worship are exempt from this requirement.

3.2.80 T3 Hamlet Neighborhood (T3HN) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 - - - - Setback Line

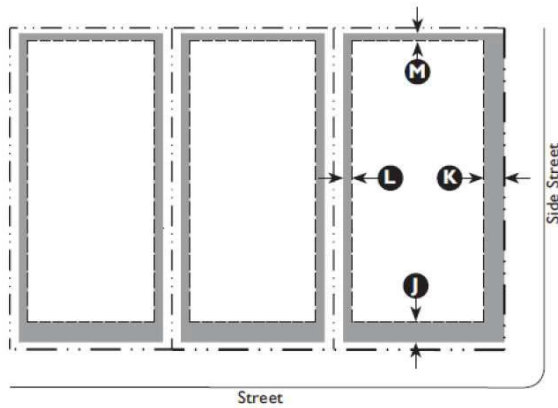


Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 - - - - Setback Line

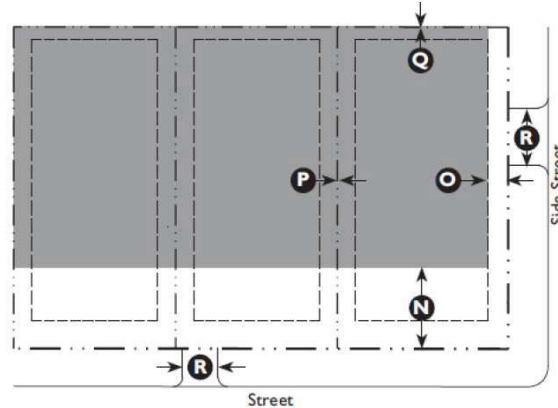
E. Encroachments and Frontage Types		
Encroachments		
Front	5' max.	Ⓚ
Side Street	5' max.	Ⓛ
Side	3' max.	Ⓜ
Rear	5' max.	Ⓨ
Encroachments are not allowed within a Street ROW/Alley ROW, buffers, or across a property line.		
See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.		
Allowed Frontage Types		
Common Yard	Porch: Engaged	
Porch: Projecting	Porch: Side Yard	

F. Parking		
Required Spaces: Residential Uses		
Single-family detached	2 per unit	
Two-family unit (duplex)	2 per unit	
Community residence	1 per bedroom	
Required Spaces: Service or Retail Uses		
For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).		
Location (Setback from Property Line)		
Front	50' min.	Ⓜ
Side Street	25' min.	Ⓨ
Side	0' min.	Ⓚ
Rear	5' min.	Ⓛ
Miscellaneous		
12' maximum driveway width at the curb cut and within the front or side street parking setback. Community Residences and Meeting Facilities/Places of Worship are exempt from this requirement.		Ⓛ

3.2.90 T3 Neighborhood (T3N) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 ——— Setback Line



Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 ——— Setback Line

F. Encroachments and Frontage Types

Encroachments		
Front	5' max.	(J)
Side Street	5' max.	(K)
Side	3' max.	(L)
Rear	5' max.	(M)

Encroachments are not allowed within a Street ROW/Alley ROW, buffers, or across a property line.

See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types

Common Yard	Porch: Engaged
Porch: Projecting	Porch: Side Yard

G. Parking

Required Spaces: Residential Uses

Single-family detached	2 per-unit
Two-family (duplex)	2 per-unit
Multi-family units	1.25 per-unit
Community residence	1 per bedroom

Required Spaces: Service or Retail Uses

Offices & services	1 per 300-GSF
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For parking space requirements for Agricultural, Industrial, Recreation, Education, Public Assembly, and Transportation, Communication, Infrastructure uses see Table 5.5.40.B (Parking Space Requirements).

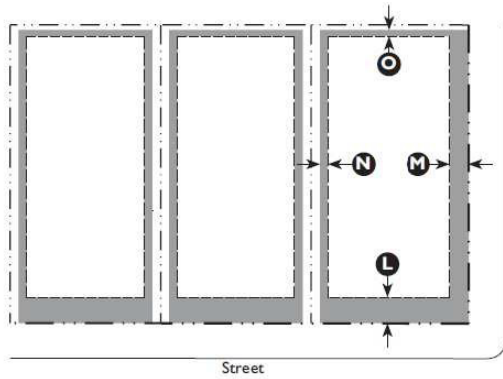
Location (Setback from Property Line)

Front	40' min.	(N)
Side Street	15' min.	(O)
Side	0' min.	(P)
Rear	5' min.	(Q)

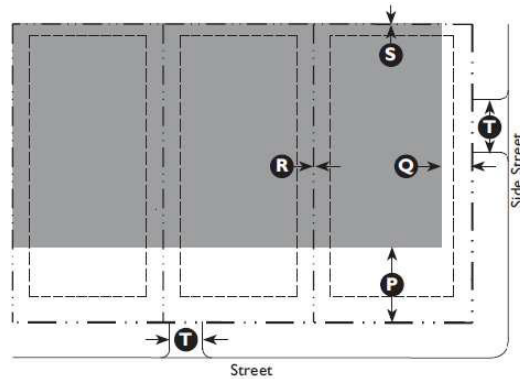
Miscellaneous

12' maximum driveway width at the curb cut and within the front or side street parking setback.	(R)
-------------------------------------------------------------------------------------------------	-----

3.2.100 T4 Hamlet Center (T4HC) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 ——— Setback Line



Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 ——— Setback 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
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 requirements for retail
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
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Parking standards listed within the district shall govern. For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).

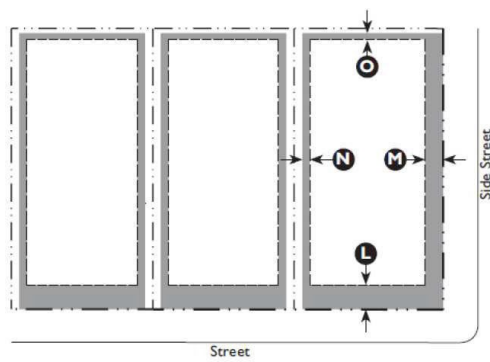
Location (Setback from Property Line)

Front: 5' behind front facade of main building	(P)
Side Street: 5' behind side facade of main building	(Q)
Side: 0' min.	(R)
Rear: 5' min.	(S)

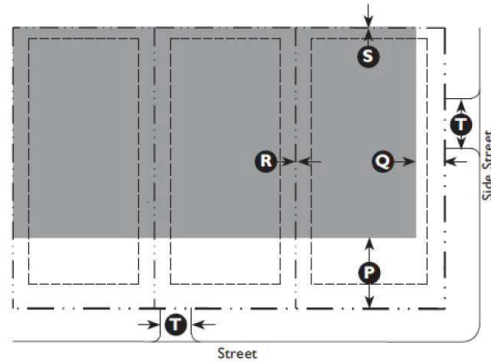
Miscellaneous

Parking Driveway Width	(T)
40 spaces or less	14' max.
Greater than 40 spaces	18' max.

3.2.110 T4 Neighborhood Center (T4NC) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 ——— Setback Line



Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 ——— Setback Line

E. Encroachments and Frontage Types

Encroachments		
Front	12' max.	Ⓛ
Side Street	12' max.	Ⓜ
Side	3' max.	Ⓝ
Rear	3' max.	Ⓞ

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.

Awnings, Galleries and Arcades may encroach further into the street ROW to within 2' of the face of curb. Eaves may encroach up to 3' into the street ROW. All other encroachments are not allowed

within street ROW.

Allowed Frontage Types

Porch: Projecting	Dooryard
Porch: Engaged	Porch: Side Yard
Stoop	Shop front
Forecourt	Terrace
Gallery	

F. 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
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
Drive-through facility	Add 5 stacking spaces per drive-through
Gas station/fuel sales	1 per pump plus requirement for retail
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
--------------------------	-----------------

Parking standards listed within the district shall govern. For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).

Location (Setback from Property Line)

Front	40' min.	Ⓟ
Side Street	15' min.	Ⓠ
Side	0' min.	Ⓡ
Rear	5' min.	Ⓢ

Miscellaneous

Parking Driveway Width:		Ⓣ
40 spaces or less	14' max.	
Greater than 40 spaces	18' max.	

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.

¹ The 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

D. Gross Density¹ and Floor Area Ratio

Gross Density

Single-Family Detached	2.6 d.u./acre
Single-Family Attached/Duplex	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

Floor Area Ratio

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

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

² Subject to the requirements in Division 2.3

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
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: Inn/hotel	1 per room

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

3.3.40 Community Center Mixed Use (C4) Zone Standards

A. Purpose

The Community Center Mixed Use (C4) Zone provides for a limited number of retail, service, and office uses intended to serve the surrounding neighborhood.

These are smaller uses and not highway service types of uses. The intensity standards are set to ensure that the uses have the same suburban character as the surrounding suburban residential areas. They are intended to blend with the surrounding areas, not threaten the character of the area. This Zone shall not consist of strip developments but rather neighborhood centers with a sense of place.

B. Building Placement

Setback (Distance from ROW/Property Line)

Front	20' min.
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Side:

Side, Main Building	10' min.
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Side, Ancillary Building	10' min.
--------------------------	----------

Rear	15' min.
------	----------

Lot Size

Lot Size	5,000 SF min.
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Width	50' min.
-------	----------

Minimum Site Area

Single-Family and Duplex	5,000 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	3 stories max.
--------------	----------------

Non-Residential Buildings	2 stories max.
---------------------------	----------------

Ground Floor Finish Level	No minimum
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D. Gross Density¹ and Floor Area Ratio

Gross Density	12 d.u./acre max.
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Floor Area Ratio ²	0.23 max.
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¹ Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F).

² Requirement applies to non-residential buildings.

E. Parking

Required Spaces: Residential Uses

Single-family detached	3 per unit
------------------------	------------

Single-family attached/duplex	2 per unit
-------------------------------	------------

Multi-family units	1.25 per unit
--------------------	---------------

Community residence	1 per bedroom
---------------------	---------------

Live/work	2 per unit plus 1 per 300 GSF of work area
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Required Spaces: Service or Retail Uses

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

Gas station/fuel sales	1 per pump plus requirement for retail
------------------------	----------------------------------------

Lodging: Inn/hotel	1 per room
--------------------	------------

Required Spaces: Industrial Uses

Light manufacturing, processing and packaging	1 per 500 GSF
-----------------------------------------------	---------------

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

3.3.50 Regional Center Mixed Use (C5) Zone Standards

A. Purpose

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

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

B. Building Placement

Setback (Distance from ROW/Property Line)

Front 25' min.

Side:

Side, Main Building 15' min.

Side, Ancillary Building 15' min.

Rear 10' min.

Lot Size

Lot Size 21,780 SF min.

Width 150' min.

Note:

For development within a Traditional Community Plan meeting the

requirements of Division 2.3, setback, minimum lot size and minimum site area requirements of the transect zone established

and delineated on the regulating plan shall apply.

C. Building Form

Building Height

All Buildings 3 stories max.

Ground Floor Finish Level No minimum

D. Gross Density¹ and Floor Area Ratio

Density 15.0 d.u./acre max.²

Floor Area Ratio³ 0.37 max.

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

²See Section 4.1.350 for Affordable Housing density bonuses.

³Requirement applies to non-residential buildings.

E. Parking

Required Spaces: Residential Uses

Single-family detached 3 per unit

Single-family attached/duplex 2 per unit

Multi-family units 1.25 per unit

Community residence 1 per bedroom

Live/work 2 per unit plus 1 per 300 GSF of work area

Required Spaces: Services or Retail Uses

Retail, offices, services 1 per 300 GSF

Restaurant, café, coffee shop 1 per 150 GSF

Drive-through facility Add 5 stacking spaces per drive-through

Gas station/fuel sales 1 per pump plus requirement for retail

Lodging: 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 space requirements for all other allowed uses see Table 5.5.40.B (Parking Space Requirements).

3.3.60 Industrial (SI) Zone Standards

A. Purpose

The Industrial (SI) Zone permits office, manufacturing, industrial, warehousing, and uses that support them. The Zone shall also be designed to permit small businesses and incubator businesses. Moderate to high intensities are permitted to achieve maximum land utilization. Such practices will maximize the land's use and accommodate small businesses and start-up or incubator businesses.

B. Building Placement

Setback (Distance from ROW/Property Line)

Front 40' min.

Side:

Side, Main Building 20' min.

Side, Ancillary Building 20' min.

Rear 20' min.

Lot Size

Lot Size 20,000 SF min.

Width 100' min.

Minimum Site Area

Industrial 20,000 SF

Other Permitted Uses 1 acre

C. Building Form

Building Height

All Buildings 4 stories max.¹

Ground Floor Finish Level No minimum

¹Not to exceed 50 feet above finished grade level

D. Floor Area Ratio

Industrial 0.48 max.

All Other Uses 0.37 max.

E. Parking

~~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

Required Spaces: Industrial Uses

Light manufacturing, processing and packaging 1 per 500 GSF

Heavy manufacturing, processing and packaging 1 per employee at maximum shift plus 1 per commercial vehicle

Warehousing/distribution 1 per 2,000 GSF

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

Section 6.1.40 (General Review Standards): Base Site Area is used to determine the density permitted on specific properties and, as such, undevelopable portions of the property are subtracted from gross site area to determine the maximum density allowed on any particular property. Staff recommends specifically addressing jurisdictional and non-jurisdictional wetlands when calculating Base Site Area in order to provide clear guidance on these calculations and prevent density increases based on the existence of any wetlands on any particular property.

6.1.40 General Review Standards

- A. **General.** Applications for subdivisions shall be reviewed and evaluated in accordance with the procedures of Section 7.2.70 (Subdivision), and the standards of this Article.
- B. **Subdivision Design.** Block and lot layout shall meet the standards established in Article 2 (Multi-Lot and Single Lot Community Scale Development).
- C. **Civic and Open Spaces.** Civic and open spaces shall meet the standards established in Division 2.8 (Civic and Open Space Types).
- D. **Streets.** New streets shall meet the standards established in Division 2.9 (Thoroughfare Standards).
- E. **Modulation Standards.** The applicant may request a modulation of some standards, see Section 7.2.30 (Modulation Permit), where appropriate to achieve better design that is consistent with the objectives of this Development Code, as long as the modulation is compatible with surrounding development, does not have an adverse impact on protected resources, and is generally consistent with the goals of this Development Code.
- F. **Density and Lot Size.** Maximum gross density and minimum/maximum lot size shall meet the standards established in Article 3 (Specific to Zones). Maximum gross density for a site shall be calculated using the Base Site Area.
- G. The Base Site Area shall be determined as follows:
 - Gross site area as determined by actual survey:
 - Minus Land separated by a road or utility right-of-way
 - Minus Land separated by water and/or marsh
 - Minus Land within existing roads ultimate rights-of-way
 - Minus Existing natural water bodies on the property, **jurisdictional and non-jurisdictional wetlands**, and land/tidal wetlands seaward of the OCRM critical line
 - Minus Land previously dedicated as open space
 - Equals = Base site Area

Section 5.11.100.F (Tree Removal on Developed Properties): Sections 5.11.100.B – 5.11.100.E protect trees during new development projects by requiring Specimen trees to be preserved to the maximum extent practicable. When specimen trees cannot be avoided because of new development, they must be mitigated in one of three ways: 1) replanting trees of the same species, 2) saving existing non-specimen-size native trees on the property or, 3) paying into a tree mitigation fund. Staff spends a lot of time regulating these requirements during development, however, per Section 5.11.100.F, once a single-family home exists on a lot, the property owners may remove all but grand trees and trees in river buffers without a tree removal permit. This means that specimen trees are no longer protected under Section 5.11.100.F and trees that have been kept for mitigation are afforded no protections. This has enabled the act of developers saving specimen and non-specimen size trees during development for mitigation purposes, allowing them to avoid replanting or paying into a tree mitigation fund, and then cut the trees down as soon as the single-family residence is certified for occupancy. To correct the issue, staff recommends adopting the following amendments:

1. Creating a time period of protection for specimen trees based on the time that has elapsed since the year of the home's completed construction.
2. Including language referencing mitigation trees as protected trees.
3. Clarifying language regarding river buffers.

5.11.100 Tree Protection

F. Tree Removal on Developed Properties.

1. Single-Family Residential Lots.

- a. **Permit Required to Remove a Grand Tree.** On any individual single-family residential lot with an existing dwelling unit where construction was completed less than five years ago, a tree removal permit is required to remove specimen, grand, and/or mitigation trees, see Section 7.2.50 (Tree Removal Permit). On any individual single-family residential lot with an existing dwelling unit where construction was completed five or more years ago, a tree removal permit is required to remove a grand tree and/or mitigation trees, see Section 7.2.50 (Tree Removal Permit). A grand tree is an exceptionally large tree for its species that is healthy and worthy of protection. It represents an individual tree that contributes aesthetically to the region's visual "sense of place" and serves as a seed stock for future generations. An individual tree is considered a grand tree by the following size criteria:
 - 1) Live Oak (*Quercus virginiana*), Black Walnut (*Juglans nigra*), or Longleaf Pine (*Pinus palustris*) that are equal to or greater than a diameter of 24 inches DBH.
 - 2) Loblolly Pine (*Pinus taeda*), Slash Pine (*Pinus ellitoides*), and Shortleaf Pine (*Pinus echinata*) that are equal to or greater than a diameter of 36 inches DBH.
 - 3) All other species of trees, not defined above, that are equal to or greater than a diameter of 30 inches DBH except those identified as invasive species in Table 5.11.100.C.
- b. **Tree Removal Permit Standards.** A tree removal permit will be issued to remove a protected 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, or a species recommended by a certified arborist and approved by staff.
- c. **Removal of All Other Non-Protected Trees on Residential Lots.** All other trees on a single-family residential lot with an existing dwelling may be removed without a permit, except for mitigation trees or trees those within required river buffers, including river buffers, may be removed without a permit. Removal of trees within a river buffer and/or mitigation trees requires a tree removal permit; see Section 7.2.50 (Tree Removal Permit).



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Text Amendment to the Community Development Code (CDC): Section 6.1.40.G (Base Site Area Calculations) to clarify that both jurisdictional and non-jurisdictional wetlands must be subtracted from the gross site area to determine base site area for development.</i>
MEETING NAME AND DATE:
<i>Natural Resources Committee Meeting, May 2, 2022</i>
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
ITEM BACKGROUND:
<i>Staff have been reviewing the Community Development Code (CDC) for necessary amendments as a result of the adoption of the 2040 Comprehensive Plan. During our review, staff have identified necessary major and minor corrections to the CDC to improve and clarify its standards. These amendments will be presented in several batches for consideration. This is the first batch of recommended amendments, which includes only minor changes.</i>
<i>At their April 4, 2022 meeting, the Beaufort County Planning Commission voted unanimously to recommend approval of the proposed amendment.</i>
PROJECT / ITEM NARRATIVE:
<i>Base Site Area is used to determine the density permitted on specific properties and, as such, undevelopable portions of the property are subtracted from gross site area to determine the maximum density allowed on any particular property. Staff recommends specifically addressing jurisdictional and non-jurisdictional wetlands when calculating Base Site Area in order to provide clear guidance on these calculations and prevent density increases based on the existence of any wetlands on any particular property.</i>
FISCAL IMPACT:
<i>Not applicable.</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval.</i>
OPTIONS FOR COUNCIL MOTION:
<i>To approve or deny the proposed amendment to the Community Development Code (CDC): Section 6.1.40.G (Base Site Area Calculations).</i>

ORDINANCE 2022 / __

TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 6.1.40.G (BASE SITE AREA CALCULATIONS) TO CLARIFY THAT BOTH JURISDICTIONAL AND NON-JURISDICTIONAL WETLANDS MUST BE SUBTRACTED FROM THE GROSS SITE AREA TO DETERMINE BASE SITE AREA FOR DEVELOPMENT.

WHEREAS, the Community Development Code requires certain features to be removed from Gross Site Area to establish the Base Site Area for development density calculations; and

WHEREAS, Section 6.1.40.G of the Community Development Code provides the standards for determining Base Site Area; and

WHEREAS, it is necessary for the Community Development Code to provide clear guidance that both jurisdictional and non-jurisdictional wetlands are included in the calculation to determine Base Site Area.

NOW, THEREFORE be it ordained by County Council in meeting duly assembled as follows:

Adopted this ___ day of _____ 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council

6.1.40 General Review Standards

- A. **General.** Applications for subdivisions shall be reviewed and evaluated in accordance with the procedures of Section 7.2.70 (Subdivision), and the standards of this Article.
- B. **Subdivision Design.** Block and lot layout shall meet the standards established in Article 2 (Multi-Lot and Single Lot Community Scale Development).
- C. **Civic and Open Spaces.** Civic and open spaces shall meet the standards established in Division 2.8 (Civic and Open Space Types).
- D. **Streets.** New streets shall meet the standards established in Division 2.9 (Thoroughfare Standards).
- E. **Modulation Standards.** The applicant may request a modulation of some standards, see Section 7.2.30 (Modulation Permit), where appropriate to achieve better design that is consistent with the objectives of this Development Code, as long as the modulation is compatible with surrounding development, does not have an adverse impact on protected resources, and is generally consistent with the goals of this Development Code.
- F. **Density and Lot Size.** Maximum gross density and minimum/maximum lot size shall meet the standards established in Article 3 (Specific to Zones). Maximum gross density for a site shall be calculated using the Base Site Area.
- G. The Base Site Area shall be determined as follows:
- Gross site area as determined by actual survey:
- Minus Land separated by a road or utility right-of-way
 - Minus Land separated by water and/or marsh
 - Minus Land within existing roads ultimate rights-of-way
 - Minus Existing natural water bodies on the property, **jurisdictional and non-jurisdictional wetlands**, and land/tidal wetlands seaward of the OCRM critical line
 - Minus Land previously dedicated as open space
- Equals = Base site Area



MEMORANDUM

TO: Beaufort County Natural Resources Committee

FROM: Juliana Smith, Beaufort County Planning and Zoning Department

DATE: May 2, 2022

SUBJECT: Review of Community Development Code – Proposed Text Amendments

STAFF REPORT:

A. BACKGROUND: In November 2021, Beaufort County Council adopted the 2040 Comprehensive Plan. As a result, staff have been reviewing the Community Development Code (CDC) for necessary amendments. During our review, staff have identified necessary major and minor corrections to the CDC to improve and clarify its standards. These amendments will be presented in several batches for consideration. This is the first batch of recommended amendments, which includes only minor changes.

B. SUMMARY OF REQUEST: To help navigate through the list of the first batch of recommended amendments, below is a summary of each of the four amendments up for consideration. More detailed explanations follow in the attachments, along with the amended CDC sections:

1. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): APPENDIX A.13.50.D (GUEST HOUSES) clarifies minimum lot size requirements for guest houses located in the May River Community Preservation District.
2. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTIONS IN DIVISION 3.2 (TRANSECT ZONES) AND SECTIONS IN DIVISION 3.3 (CONVENTIONAL ZONES) corrects and clarifies conflicts between zoning districts and the Parking Space Requirements Table in Section 5.5.40.B.
3. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 6.1.40.G (BASE SITE AREA CALCULATIONS) clarifies that both jurisdictional and non-jurisdictional wetlands must be subtracted from the gross site area to determine base site area for development.
4. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 5.11.100.F.1 (TREE REMOVAL ON DEVELOPED PROPERTIES) closes a loophole which allows specimen and mitigation trees to be removed post-construction of single-family homes.

C. STAFF RECOMMENDATION: Staff recommends approval.

D. BEAUFORT COUNTY PLANNING COMMISSION RECOMMENDATIONS: At the April 4, 2022 meeting of the Beaufort County Planning Commission, the Commission voted:

1. Unanimously to recommend approval of the text amendment to CDC Appendix A.13.50.D (Guest Houses) upon the condition that staff make an additional amendment to further clarify language regarding the larger (i.e. five plus acre) parcels. Staff have made the requested change.
2. Unanimously to recommend approval of the text amendment to CDC sections in Division 3.2. (Transect Zones) and Division 3.3 (Conventional Zones) to clarify parking space requirements.
3. Unanimously to recommend approval of the text amendment to CDC Section 6.1.40.G (Base Site Area Calculations) to clarify how to calculate base site area.
4. Unanimously to recommend approval of the text amendment to CDC Section 5.11.100.F.1 (Tree Removal on Developed Properties) to close a loophole that allows specimen trees and mitigation trees to be removed post-construction of single-family homes.

E. ATTACHMENTS: Revised Community Development Code sections.

Section A.13.50.D (Guest Houses): Section A.13.50.D addresses guest house allowances for existing lots of record south of May River Road. As written, the language leaves no direction on lots greater than five acres that exist prior to the adoption of the May River Community Preservation district (MRCP). It only addresses lots that are two to five acres that *existed prior* to the adoption of the MRCP and lots that are five acres or more that were *created after* the adoption of the MRCP. Staff recommends removing the language referencing lot-origination dates to capture all property sizes south of May River Rd and provide clear guidance determining the number of guest houses allowed for all properties in that portion of the district.

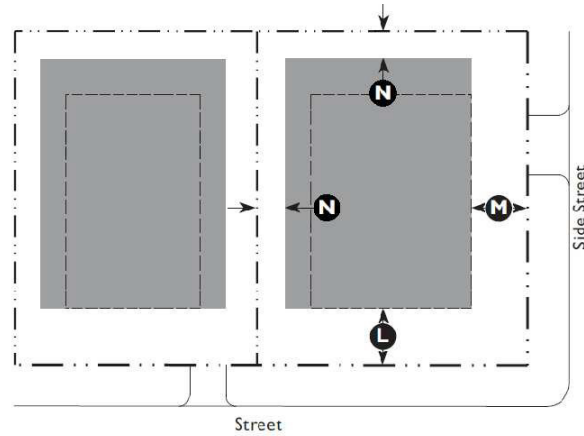
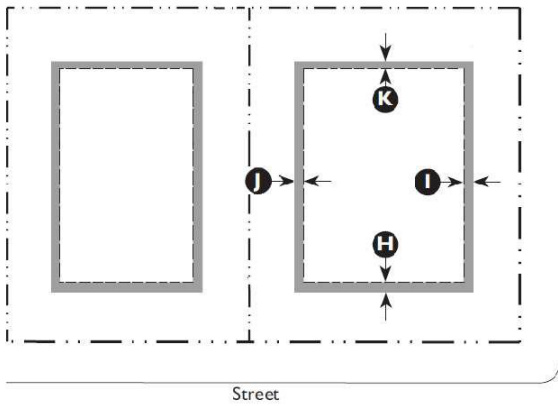
A.13.50 Conditional and Special Use Standards

D. Guest houses.

1. Guest houses shall be permitted South of May River Road.
2. A guest house shall be subordinate to the principal dwelling and be for use by the property owner and his/her guests only.
3. A guest house is deemed to be a part of the main property owners compound and is not intended to be subdivided for other uses. They shall adhere to the front, rear, and side setbacks listed for the principle structure.
4. A guest house is for use by the property owner and his/her family and guests only. They shall not be leased or rented, and must gain their access from the driveway of the principal house.
5. Existing lots of record that are two to five acres in size are permitted one guest house, not to exceed 2,000 square feet. Lots created after the adoption of the May River CP District that are five acres or more than five acres in size are permitted one or more guest houses; however, the total square footage of all guest dwellings (houses) may not exceed 75 percent of the square footage of the principal house. Furthermore, the total square footage of all guest houses (when added together) may not exceed 5,000 square feet.
6. Nothing herein shall prevent the construction of a guest house prior to the construction of the principal dwelling.
7. Manufactured (i.e., mobile) homes shall not be permitted to be used as guest houses.

Sections in Division 3.2 (Transect Zones) and Division 3.3 (Conventional Zones): The CDC contains parking space requirements in both the individual transect and conventional zone standards in Division 3.2 and 3.3 and in Table 5.4.40.B. Parking space requirements were included in both places in order to simplify navigation of the CDC for ease of interpretation. However, staff have recognized inconsistencies between Table 5.4.40.B and Zoning District requirements in Divisions 3.2 and 3.3. This amendment corrects conflicts by removing parking requirements from all Transect (except the T4 districts) and Conventional zones and replacing them with reference to Table 5.4.40.B. Because the T4 districts are intended to create walkable and mixed-use communities, staff recommends keeping specific parking allowances within the T4 district sections to reduce the number of required parking spaces and prevent over-parking of these districts.

3.2.40 T2 Rural (T2R) Standards



Key

- ROW / Property Line
- Setback Line
- Encroachment Area

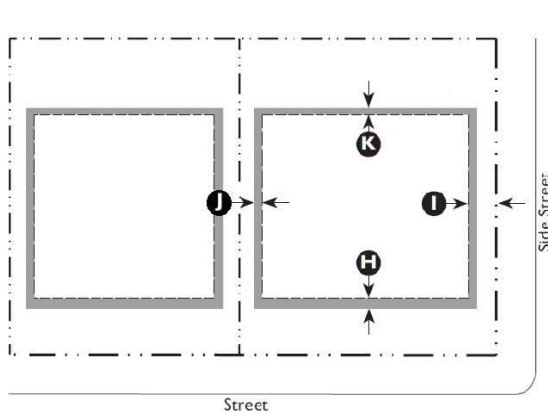
Key

- ROW / Property Line
- Setback Line
- Allowed Parking Area

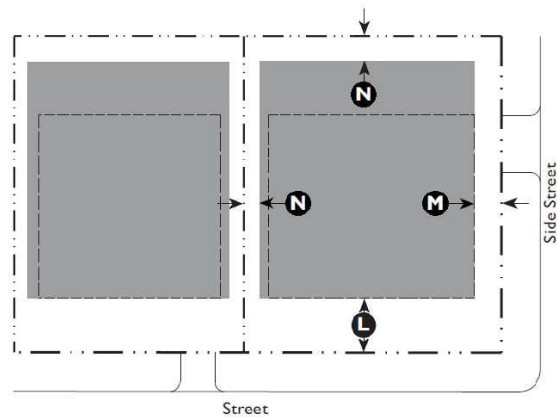
F. Encroachments and Frontage Types		
Encroachments		
Front	5' max.	(H)
Side Street	5' max.	(I)
Side	5' max.	(J)
Rear	5' max.	(K)
Encroachments are not allowed within a Street ROW/Alley ROW, or across a property line.		
See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.		
Allowed Frontage Types		
Common Yard	Porch: Engaged	
Porch: Projecting		

G. Parking		
Required Spaces: Residential Uses		
Single-Family Detached	3 per-unit	
Required Spaces: Service or Retail Uses		
Lodging: Inn	1 per-room	
For parking space requirements for all other allowed uses see Table 5.5.40.B (Parking Space Requirements).		
Location (Setback from Property Line)		
Front	50' min.	(L)
Side Street	50' min.	(M)
Rear and interior side yard parking setbacks are governed by the applicable perimeter buffer (see Tables 5.8.90.D and 5.8.90.F) and any other required buffers.		
		(N)

3.2.50 T2 Rural Neighborhood (T2RN) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 - - - - Setback Line

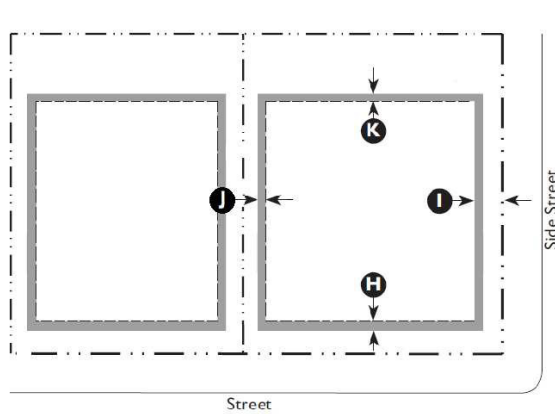


Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 - - - - Setback Line

G. Encroachments and Frontage Types		
Encroachments		
Front	5' max.	(H)
Side Street	5' max.	(I)
Side	5' max.	(J)
Rear	5' max.	(K)
Retail, Offices, Services	1 per 300 GSF	
Encroachments are not allowed within a Street ROW/Alley ROW		
Buffers, or across a property line. See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.		
Allowed Frontage Types		
Common Yard	Porch: Engaged	
Porch: Projecting	Shop front	

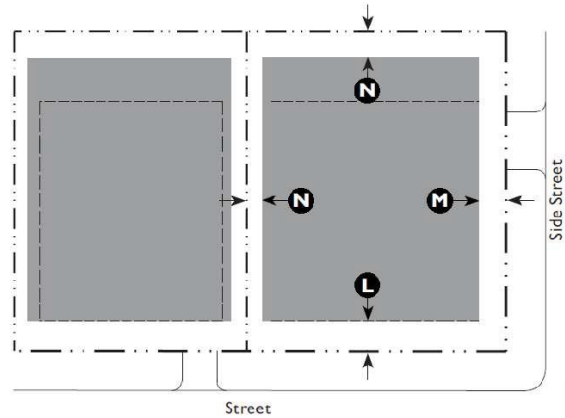
H. Parking		
Required Spaces: Residential Uses		
Single-family detached	3 per-unit	
Required Spaces: Service or Retail Uses		
Retail, Offices, Services	1 per 300 GSF	
Restaurant, Café, Coffee Shop	1 per 150 GSF	
For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).		
Location (Setback from Property Line)		
Front	35' min.	(L)
Side Street	20' min.	(M)
Rear and interior side yard parking setbacks are governed by the applicable perimeter buffer (see Tables 5.8.90.D and 5.8.90.F) and any other required buffers.		(N)

3.2.60 T2 Rural Center (T2RC) Standards



Key

- - - - ROW / Property Line
- Setback Line
- Encroachment Area



Key

- - - - ROW / Property Line
- Setback Line
- Allowed Parking Area

E. Encroachments and Frontage Types

Encroachments		
Front	5' max.	(H)
Side Street	5' max.	(I)
Side	5' max.	(J)
Rear	5' max.	(K)

Encroachments are not allowed within a Street ROW/Alley ROW, Buffers, or across a property line. See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types

Common Yard	Porch: Engaged
Porch: Projecting	Shop front

F. Parking

Required Spaces: Residential Uses

Single-family detached	3 per unit
Community residence	1 per bedroom

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
Lodging- Inn	1 per room

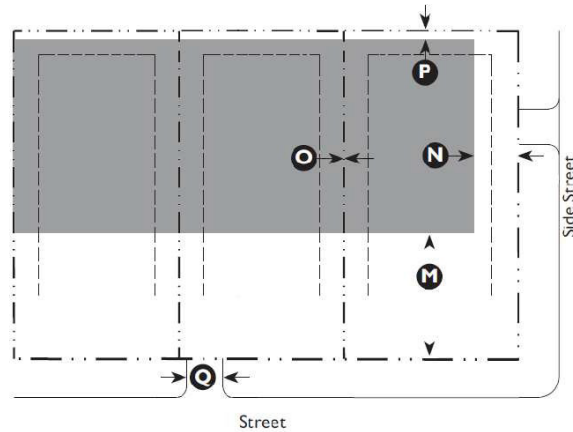
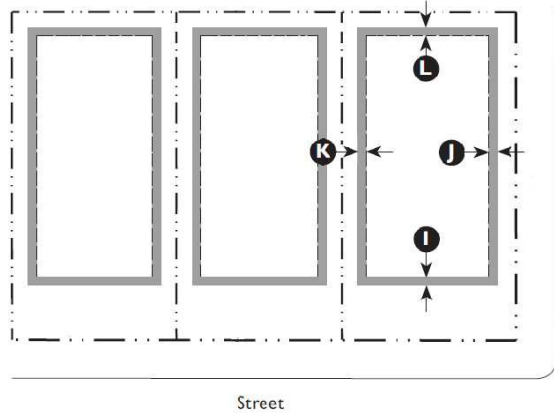
For parking space requirements for all other uses see Table uses see Table 5.5.40.B (Parking Space Requirements).

Location (Setback from Property Line)

Front	10' min.	(L)
Side Street	15' min.	(M)

Rear and interior side yard parking setbacks are governed by the applicable perimeter buffer (see Tables 5.8.90.D and 5.8.90.F) and any other required buffers.

3.2.70 T3 Edge (T3E) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 - - - - Setback Line

Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 - - - - Setback Line

E. Encroachments and Frontage Types		
Encroachments		
Front	5' max.	Ⓛ
Side Street	5' max.	Ⓧ
Side	3' max.	Ⓨ
Rear	5' max.	Ⓩ

Encroachments are not allowed within a Street ROW/Alley ROW, Buffers, or across a property line. See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types	
Common Yard	Porch: Engaged
Porch: Projecting	Porch: Side Yard

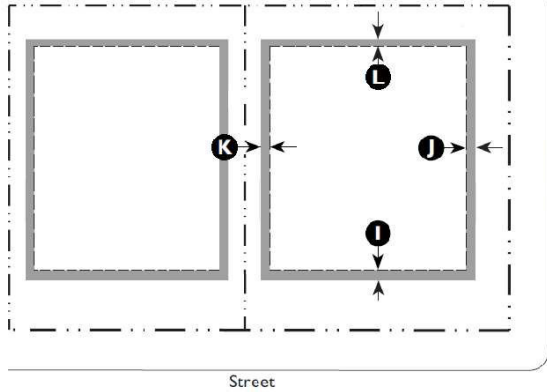
F. Parking		
Required Spaces		
Residential Uses:		
All Allowed Uses		2 per-unit
Service or Retail Uses:		
All Allowed Lodging Uses		1 per 2 rooms

For parking **space** requirements for Agricultural, Recreation, Public Assembly, and Transportation, Communication, Infrastructure uses see Table 5.5.40.B (Parking Space Requirements).

Location (Setback from Property Line)		
Front	50' min.	Ⓜ
Side Street	25' min.	Ⓨ
Side	0' min.	Ⓩ
Rear	5' min.	Ⓟ

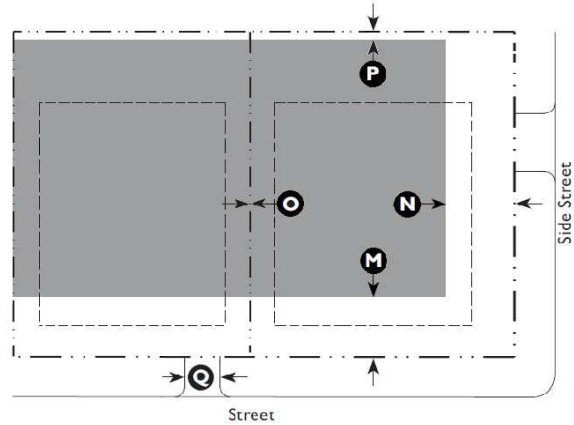
Miscellaneous	
12' maximum driveway width at the curb cut and within the front or side street parking setback. Community Residences and Meeting Facilities/Places of Worship are exempt from this requirement.	Ⓠ

3.2.80 T3 Hamlet Neighborhood (T3HN) Standards



Key

- ROW / Property Line
- Setback Line
- Encroachment Area



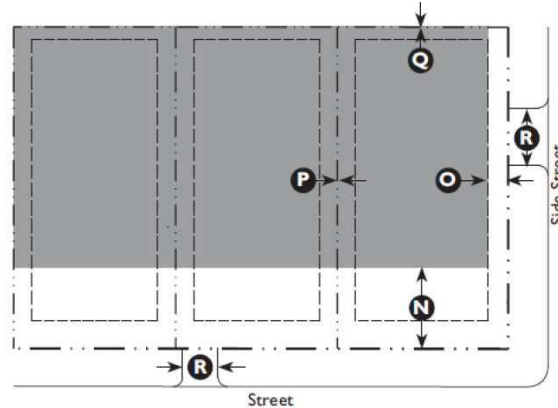
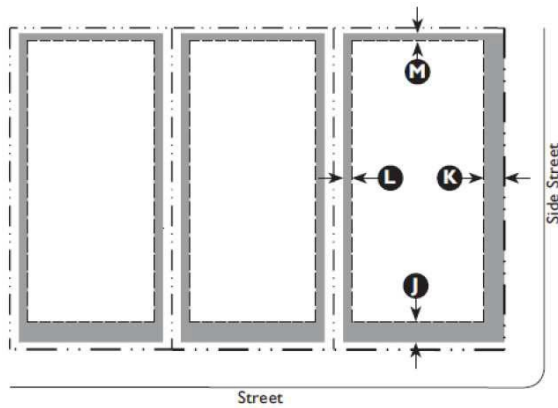
Key

- ROW / Property Line
- Setback Line
- Allowed Parking Area

E. Encroachments and Frontage Types		
Encroachments		
Front	5' max.	(I)
Side Street	5' max.	(J)
Side	3' max.	(K)
Rear	5' max.	(L)
Encroachments are not allowed within a Street ROW/Alley ROW, buffers, or across a property line.		
See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.		
Allowed Frontage Types		
Common Yard	Porch: Engaged	
Porch: Projecting	Porch: Side Yard	

F. Parking		
Required Spaces: Residential Uses		
Single-family detached	2 per unit	
Two-family unit (duplex)	2 per unit	
Community residence	1 per bedroom	
Required Spaces: Service or Retail Uses		
For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).		
Location (Setback from Property Line)		
Front	50' min.	(M)
Side Street	25' min.	(N)
Side	0' min.	(O)
Rear	5' min.	(P)
Miscellaneous		
12' maximum driveway width at the curb cut and within the front or side street parking setback. Community Residences and Meeting Facilities/Places of Worship are exempt from this requirement.		(Q)

3.2.90 T3 Neighborhood (T3N) Standards



Key

- ROW / Property Line
- Setback Line
- Encroachment Area

Key

- ROW / Property Line
- Setback Line
- Allowed Parking Area

F. Encroachments and Frontage Types

Encroachments		
Front	5' max.	(J)
Side Street	5' max.	(K)
Side	3' max.	(L)
Rear	5' max.	(M)

Encroachments are not allowed within a Street ROW/Alley ROW, buffers, or across a property line.

See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types

Common Yard	Porch: Engaged
Porch: Projecting	Porch: Side Yard

G. Parking

Required Spaces: Residential Uses

Single-family detached	2 per-unit
Two-family (duplex)	2 per-unit
Multi-family units	1.25 per-unit
Community residence	1 per bedroom

Required Spaces: Service or Retail Uses

Offices & services	1 per 300-GSF
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For parking space requirements for Agricultural, Industrial, Recreation, Education, Public Assembly, and Transportation, Communication, Infrastructure uses see Table 5.5.40.B (Parking Space Requirements).

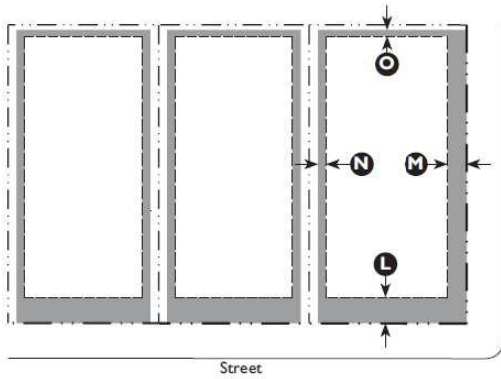
Location (Setback from Property Line)

Front	40' min.	(N)
Side Street	15' min.	(O)
Side	0' min.	(P)
Rear	5' min.	(Q)

Miscellaneous

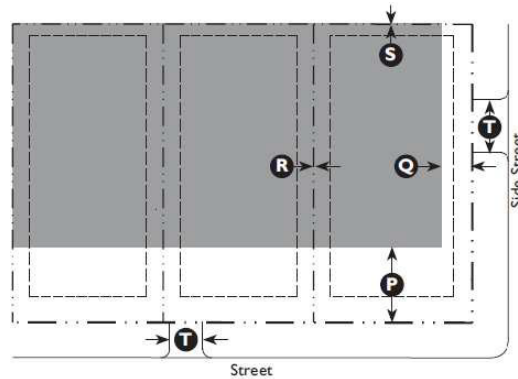
12' maximum driveway width at the curb cut and within the front or side street parking setback.	(R)
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3.2.100 T4 Hamlet Center (T4HC) Standards



Key

- ROW / Property Line
- Setback Line
- Encroachment Area



Key

- ROW / Property Line
- Setback Line
- Allowed Parking Area

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
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 requirements for retail
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

Parking standards listed within the district shall govern. For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).

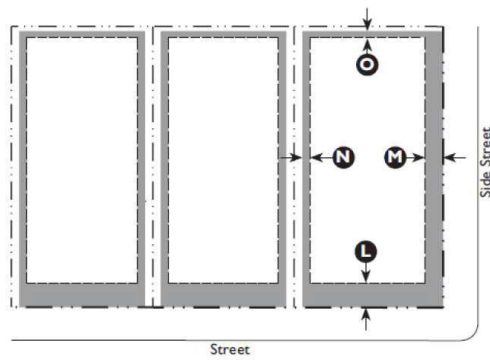
Location (Setback from Property Line)

Front: 5' behind front facade of main building	(P)
Side Street: 5' behind side facade of main building	(Q)
Side: 0' min.	(R)
Rear: 5' min.	(S)

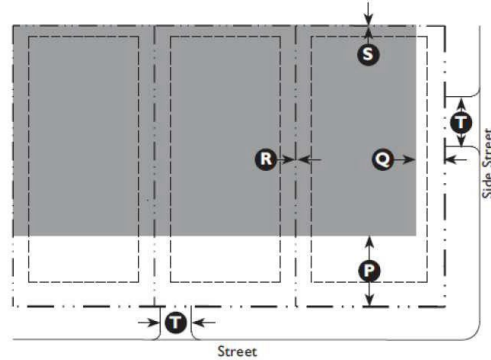
Miscellaneous

Parking Driveway Width	(T)
40 spaces or less	14' max.
Greater than 40 spaces	18' max.

3.2.110 T4 Neighborhood Center (T4NC) Standards



Key
 ---- ROW / Property Line ■ Encroachment Area
 ——— Setback Line



Key
 ---- ROW / Property Line ■ Allowed Parking Area
 ——— Setback Line

E. 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.

Awnings, Galleries and Arcades may encroach further into the street ROW to within 2' of the face of curb. Eaves may encroach up to 3' into the street ROW. All other encroachments are not allowed

within street ROW.

Allowed Frontage Types

Porch: Projecting	Dooryard
Porch: Engaged	Porch: Side Yard
Stoop	Shop front
Forecourt	Terrace
Gallery	

F. 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
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
Drive-through facility	Add 5 stacking spaces per drive-through
Gas station/fuel sales	1 per pump plus requirement for retail
Lodging: Inn/hotel	1 per room

Required Spaces: Industrial Uses

Light manufacturing, processing and packaging	1 per 500 GSF
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Warehousing/Distribution	1 per 2,000 GSF
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Parking standards listed within the district shall govern. For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).

Location (Setback from Property Line)

Front	40' min.	(P)
Side Street	15' min.	(Q)
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.	

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.

¹ The 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

D. Gross Density¹ and Floor Area Ratio

Gross Density

Single-Family Detached	2.6 d.u./acre
Single-Family Attached/Duplex	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

Floor Area Ratio

Non-residential buildings	0.18 max.
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¹ Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F)

² Subject to the requirements in Division 2.3

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
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: Inn/hotel	1 per room

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

3.3.40 Community Center Mixed Use (C4) Zone Standards

A. Purpose

The Community Center Mixed Use (C4) Zone provides for a limited number of retail, service, and office uses intended to serve the surrounding neighborhood.

These are smaller uses and not highway service types of uses. The intensity standards are set to ensure that the uses have the same suburban character as the surrounding suburban residential areas. They are intended to blend with the surrounding areas, not threaten the character of the area. This Zone shall not consist of strip developments but rather neighborhood centers with a sense of place.

B. Building Placement

Setback (Distance from ROW/Property Line)

Front	20' min.
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Side:

Side, Main Building	10' min.
Side, Ancillary Building	10' min.

Rear	15' min.
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Lot Size

Lot Size	5,000 SF min.
Width	50' min.

Minimum Site Area

Single-Family and Duplex	5,000 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	3 stories max.
Non-Residential Buildings	2 stories max.
Ground Floor Finish Level	No minimum

D. Gross Density¹ and Floor Area Ratio

Gross Density	12 d.u./acre max.
Floor Area Ratio ²	0.23 max.

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

² Requirement applies to non-residential buildings.

E. Parking

Required Spaces: Residential Uses

Single-family detached	3 per unit
Single-family attached/duplex	2 per unit
Multi-family units	1.25 per unit
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: Inn/hotel	1 per room

Required Spaces: Industrial Uses

Light manufacturing, processing and packaging	1 per 500 GSF
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For parking **space** requirements for all other allowed uses see Table 5.5.40.B (Parking Space Requirements).

3.3.50 Regional Center Mixed Use (C5) Zone Standards

A. Purpose

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

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

B. Building Placement

Setback (Distance from ROW/Property Line)

Front 25' min.

Side:

Side, Main Building 15' min.

Side, Ancillary Building 15' min.

Rear 10' min.

Lot Size

Lot Size 21,780 SF min.

Width 150' min.

Note:

For development within a Traditional Community Plan meeting the

requirements of Division 2.3, setback, minimum lot size and minimum site area requirements of the transect zone established

and delineated on the regulating plan shall apply.

C. Building Form

Building Height

All Buildings 3 stories max.

Ground Floor Finish Level No minimum

D. Gross Density¹ and Floor Area Ratio

Density 15.0 d.u./acre max.²

Floor Area Ratio³ 0.37 max.

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

²See Section 4.1.350 for Affordable Housing density bonuses.

³Requirement applies to non-residential buildings.

E. Parking

Required Spaces: Residential Uses

Single-family detached 3 per unit

Single-family attached/duplex 2 per unit

Multi-family units 1.25 per unit

Community residence 1 per bedroom

Live/work 2 per unit plus 1 per 300 GSF of work area

Required Spaces: Services or Retail Uses

Retail, offices, services 1 per 300 GSF

Restaurant, café, coffee shop 1 per 150 GSF

Drive-through facility Add 5 stacking spaces per drive-through

Gas station/fuel sales 1 per pump plus requirement for retail

Lodging: 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 space requirements for all other allowed uses see Table 5.5.40.B (Parking Space Requirements).

3.3.60 Industrial (SI) Zone Standards

A. Purpose

The Industrial (SI) Zone permits office, manufacturing, industrial, warehousing, and uses that support them. The Zone shall also be designed to permit small businesses and incubator businesses. Moderate to high intensities are permitted to achieve maximum land utilization. Such practices will maximize the land's use and accommodate small businesses and start-up or incubator businesses.

B. Building Placement

Setback (Distance from ROW/Property Line)

Front 40' min.

Side:

Side, Main Building 20' min.

Side, Ancillary Building 20' min.

Rear 20' min.

Lot Size

Lot Size 20,000 SF min.

Width 100' min.

Minimum Site Area

Industrial 20,000 SF

Other Permitted Uses 1 acre

C. Building Form

Building Height

All Buildings 4 stories max.¹

Ground Floor Finish Level No minimum

¹Not to exceed 50 feet above finished grade level

D. Floor Area Ratio

Industrial 0.48 max.

All Other Uses 0.37 max.

E. Parking

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

Required Spaces: Industrial Uses

Light manufacturing, processing and packaging 1 per 500 GSF

Heavy manufacturing, processing and packaging 1 per employee at maximum shift plus 1 per commercial vehicle

Warehousing/distribution 1 per 2,000 GSF

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

Section 6.1.40 (General Review Standards): Base Site Area is used to determine the density permitted on specific properties and, as such, undevelopable portions of the property are subtracted from gross site area to determine the maximum density allowed on any particular property. Staff recommends specifically addressing jurisdictional and non-jurisdictional wetlands when calculating Base Site Area in order to provide clear guidance on these calculations and prevent density increases based on the existence of any wetlands on any particular property.

6.1.40 General Review Standards

- A. **General.** Applications for subdivisions shall be reviewed and evaluated in accordance with the procedures of Section 7.2.70 (Subdivision), and the standards of this Article.
- B. **Subdivision Design.** Block and lot layout shall meet the standards established in Article 2 (Multi-Lot and Single Lot Community Scale Development).
- C. **Civic and Open Spaces.** Civic and open spaces shall meet the standards established in Division 2.8 (Civic and Open Space Types).
- D. **Streets.** New streets shall meet the standards established in Division 2.9 (Thoroughfare Standards).
- E. **Modulation Standards.** The applicant may request a modulation of some standards, see Section 7.2.30 (Modulation Permit), where appropriate to achieve better design that is consistent with the objectives of this Development Code, as long as the modulation is compatible with surrounding development, does not have an adverse impact on protected resources, and is generally consistent with the goals of this Development Code.
- F. **Density and Lot Size.** Maximum gross density and minimum/maximum lot size shall meet the standards established in Article 3 (Specific to Zones). Maximum gross density for a site shall be calculated using the Base Site Area.
- G. The Base Site Area shall be determined as follows:
 - Gross site area as determined by actual survey:
 - Minus Land separated by a road or utility right-of-way
 - Minus Land separated by water and/or marsh
 - Minus Land within existing roads ultimate rights-of-way
 - Minus Existing natural water bodies on the property, jurisdictional and non-jurisdictional wetlands, and land/tidal wetlands seaward of the OCRM critical line
 - Minus Land previously dedicated as open space
 - Equals = Base site Area

Section 5.11.100.F (Tree Removal on Developed Properties): Sections 5.11.100.B – 5.11.100.E protect trees during new development projects by requiring Specimen trees to be preserved to the maximum extent practicable. When specimen trees cannot be avoided because of new development, they must be mitigated in one of three ways: 1) replanting trees of the same species, 2) saving existing non-specimen-size native trees on the property or, 3) paying into a tree mitigation fund. Staff spends a lot of time regulating these requirements during development, however, per Section 5.11.100.F, once a single-family home exists on a lot, the property owners may remove all but grand trees and trees in river buffers without a tree removal permit. This means that specimen trees are no longer protected under Section 5.11.100.F and trees that have been kept for mitigation are afforded no protections. This has enabled the act of developers saving specimen and non-specimen size trees during development for mitigation purposes, allowing them to avoid replanting or paying into a tree mitigation fund, and then cut the trees down as soon as the single-family residence is certified for occupancy. To correct the issue, staff recommends adopting the following amendments:

1. Creating a time period of protection for specimen trees based on the time that has elapsed since the year of the home's completed construction.
2. Including language referencing mitigation trees as protected trees.
3. Clarifying language regarding river buffers.

5.11.100 Tree Protection

F. Tree Removal on Developed Properties.

1. Single-Family Residential Lots.

- a. **Permit Required to Remove a Grand Tree.** On any individual single-family residential lot with an existing dwelling unit where construction was completed less than five years ago, a tree removal permit is required to remove specimen, grand, and/or mitigation trees, see Section 7.2.50 (Tree Removal Permit). On any individual single-family residential lot with an existing dwelling unit where construction was completed five or more years ago, a tree removal permit is required to remove a grand tree and/or mitigation trees, see Section 7.2.50 (Tree Removal Permit). A grand tree is an exceptionally large tree for its species that is healthy and worthy of protection. It represents an individual tree that contributes aesthetically to the region's visual "sense of place" and serves as a seed stock for future generations. An individual tree is considered a grand tree by the following size criteria:
 - 1) Live Oak (*Quercus virginiana*), Black Walnut (*Juglans nigra*), or Longleaf Pine (*Pinus palustris*) that are equal to or greater than a diameter of 24 inches DBH.
 - 2) Loblolly Pine (*Pinus taeda*), Slash Pine (*Pinus ellitoides*), and Shortleaf Pine (*Pinus echinata*) that are equal to or greater than a diameter of 36 inches DBH.
 - 3) All other species of trees, not defined above, that are equal to or greater than a diameter of 30 inches DBH except those identified as invasive species in Table 5.11.100.C.
- b. **Tree Removal Permit Standards.** A tree removal permit will be issued to remove a protected 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, or a species recommended by a certified arborist and approved by staff.
- c. **Removal of All Other Non-Protected Trees on Residential Lots.** All other trees on a single-family residential lot with an existing dwelling may be removed without a permit, except for mitigation trees or trees those within required river buffers, including river buffers, may be removed without a permit. Removal of trees within a river buffer and/or mitigation trees requires a tree removal permit; see Section 7.2.50 (Tree Removal Permit).



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Text Amendment to the Community Development Code (CDC): Section 5.11.100.F.1 (Tree Removal on Developed Properties) to close a loophole which allows specimen and mitigation trees to be removed post-construction of single-family homes.</i>
MEETING NAME AND DATE:
<i>Natural Resources Committee Meeting, May 2, 2022</i>
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
ITEM BACKGROUND:
<i>Staff have been reviewing the Community Development Code (CDC) for necessary amendments as a result of the adoption of the 2040 Comprehensive Plan. During our review, staff have identified necessary major and minor corrections to the CDC to improve and clarify its standards. These amendments will be presented in several batches for consideration. This is the first batch of recommended amendments, which includes only minor changes.</i> <i>At their April 4, 2022 meeting, the Beaufort County Planning Commission voted unanimously to recommend approval of the proposed amendment.</i>
PROJECT / ITEM NARRATIVE:
<i>Sections 5.11.100.B – 5.11.100.E protect trees during new development projects by requiring Specimen trees to be preserved to the maximum extent practicable. When specimen trees cannot be avoided because of new development, they must be mitigated in one of three ways: 1) replanting trees of the same species, 2) saving existing non-specimen-size native trees on the property or, 3) paying into a tree mitigation fund. Staff spends a lot of time regulating these requirements during development, however, per Section 5.11.100.F, once a single-family home exists on a lot, the property owners may remove all but grand trees and trees in river buffers without a tree removal permit. This means that specimen trees are no longer protected under Section 5.11.100.F and trees that have been kept for mitigation are afforded no protections. This has enabled the act of developers saving specimen and non-specimen size trees during development for mitigation purposes, allowing them to avoid replanting or paying into a tree mitigation fund, and then cut the trees down as soon as the single-family residence is certified for occupancy. The proposed amendments close this loophole.</i>
FISCAL IMPACT:
<i>Not applicable.</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval.</i>
OPTIONS FOR COUNCIL MOTION:
<i>To approve or deny the proposed amendment to the Community Development Code (CDC): Section 5.11.100.F.1 (Tree Removal on Developed Properties).</i>

ORDINANCE 2022 / __

**TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC):
SECTION 5.11.100.F.1 (TREE REMOVAL ON DEVELOPED PROPERTIES) TO CLOSE
A LOOPHOLE WHICH ALLOWS SPECIMEN AND MITIGATION TREES TO BE
REMOVED POST-CONSTRUCTION OF SINGLE-FAMILY HOMES.**

WHEREAS, the Community Development Code provides different guidance for tree protection during the development of property compared to tree protection for property that has already been developed; and

WHEREAS, Section 5.11.100.F (Tree Removal on Developed Properties) only protects Grand Trees but does not protect specimen or mitigation trees that are protected during the development of property; and

WHEREAS, it is necessary for the Community Development Code to provide additional tree protection standards for developed properties to achieve the desired results of tree protection and provide clear guidance to the development community.

NOW, THEREFORE be it ordained by County Council in meeting duly assembled as follows:

Adopted this ___ day of _____ 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council

5.11.100 Tree Protection**F. Tree Removal on Developed Properties.****1. Single-Family Residential Lots.**

- a. **Permit Required to Remove a Grand-Tree.** On any individual single-family residential lot with an existing dwelling unit where construction was completed less than five years ago, a tree removal permit is required to remove specimen, grand, and/or mitigation trees, see Section 7.2.50 (Tree Removal Permit). On any individual single-family residential lot with an existing dwelling unit where construction was completed five or more years ago, a tree removal permit is required to remove a grand tree and/or mitigation trees, see Section 7.2.50 (Tree Removal Permit). A grand tree is an exceptionally large tree for its species that is healthy and worthy of protection. It represents an individual tree that contributes aesthetically to the region's visual "sense of place" and serves as a seed stock for future generations. An individual tree is considered a grand tree by the following size criteria:
- 1) Live Oak (*Quercus virginiana*), Black Walnut (*Juglans nigra*), or Longleaf Pine (*Pinus palustris*) that are equal to or greater than a diameter of 24 inches DBH.
 - 2) Loblolly Pine (*Pinus taeda*), Slash Pine (*Pinus ellittoi*), and Shortleaf Pine (*Pinus echinata*) that are equal to or greater than a diameter of 36 inches DBH.
 - 3) All other species of trees, not defined above, that are equal to or greater than a diameter of 30 inches DBH except those identified as invasive species in Table 5.11.100.C.
- b. **Tree Removal Permit Standards.** A tree removal permit will be issued to remove a protected 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, or a species recommended by a certified arborist and approved by staff.
- c. **Removal of All Other Non-Protected Trees on Residential Lots.** All other trees on a single-family residential lot with an existing dwelling may be removed without a permit, except for mitigation trees or trees those within required river buffers, including river buffers, may be removed without a permit. Removal of trees within a river buffer and/or mitigation trees requires a tree removal permit; see Section 7.2.50 (Tree Removal Permit).



MEMORANDUM

TO: Beaufort County Natural Resources Committee

FROM: Juliana Smith, Beaufort County Planning and Zoning Department

DATE: May 2, 2022

SUBJECT: Review of Community Development Code – Proposed Text Amendments

STAFF REPORT:

A. BACKGROUND: In November 2021, Beaufort County Council adopted the 2040 Comprehensive Plan. As a result, staff have been reviewing the Community Development Code (CDC) for necessary amendments. During our review, staff have identified necessary major and minor corrections to the CDC to improve and clarify its standards. These amendments will be presented in several batches for consideration. This is the first batch of recommended amendments, which includes only minor changes.

B. SUMMARY OF REQUEST: To help navigate through the list of the first batch of recommended amendments, below is a summary of each of the four amendments up for consideration. More detailed explanations follow in the attachments, along with the amended CDC sections:

1. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): APPENDIX A.13.50.D (GUEST HOUSES) clarifies minimum lot size requirements for guest houses located in the May River Community Preservation District.
2. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTIONS IN DIVISION 3.2 (TRANSECT ZONES) AND SECTIONS IN DIVISION 3.3 (CONVENTIONAL ZONES) corrects and clarifies conflicts between zoning districts and the Parking Space Requirements Table in Section 5.5.40.B.
3. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 6.1.40.G (BASE SITE AREA CALCULATIONS) clarifies that both jurisdictional and non-jurisdictional wetlands must be subtracted from the gross site area to determine base site area for development.
4. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 5.11.100.F.1 (TREE REMOVAL ON DEVELOPED PROPERTIES) closes a loophole which allows specimen and mitigation trees to be removed post-construction of single-family homes.

C. STAFF RECOMMENDATION: Staff recommends approval.

D. BEAUFORT COUNTY PLANNING COMMISSION RECOMMENDATIONS: At the April 4, 2022 meeting of the Beaufort County Planning Commission, the Commission voted:

1. Unanimously to recommend approval of the text amendment to CDC Appendix A.13.50.D (Guest Houses) upon the condition that staff make an additional amendment to further clarify language regarding the larger (i.e. five plus acre) parcels. Staff have made the requested change.
2. Unanimously to recommend approval of the text amendment to CDC sections in Division 3.2. (Transect Zones) and Division 3.3 (Conventional Zones) to clarify parking space requirements.
3. Unanimously to recommend approval of the text amendment to CDC Section 6.1.40.G (Base Site Area Calculations) to clarify how to calculate base site area.
4. Unanimously to recommend approval of the text amendment to CDC Section 5.11.100.F.1 (Tree Removal on Developed Properties) to close a loophole that allows specimen trees and mitigation trees to be removed post-construction of single-family homes.

E. ATTACHMENTS: Revised Community Development Code sections.

Section A.13.50.D (Guest Houses): Section A.13.50.D addresses guest house allowances for existing lots of record south of May River Road. As written, the language leaves no direction on lots greater than five acres that exist prior to the adoption of the May River Community Preservation district (MRCP). It only addresses lots that are two to five acres that *existed prior* to the adoption of the MRCP and lots that are five acres or more that were *created after* the adoption of the MRCP. Staff recommends removing the language referencing lot-origination dates to capture all property sizes south of May River Rd and provide clear guidance determining the number of guest houses allowed for all properties in that portion of the district.

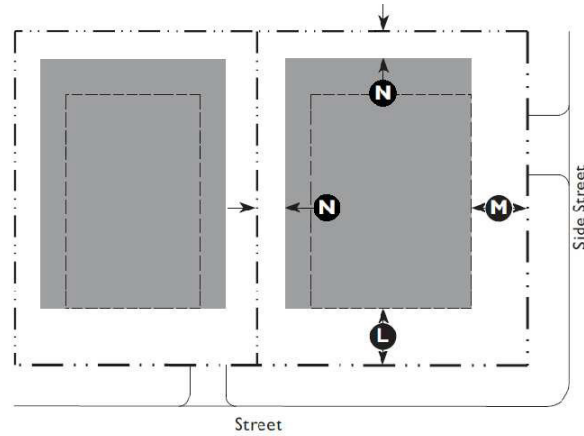
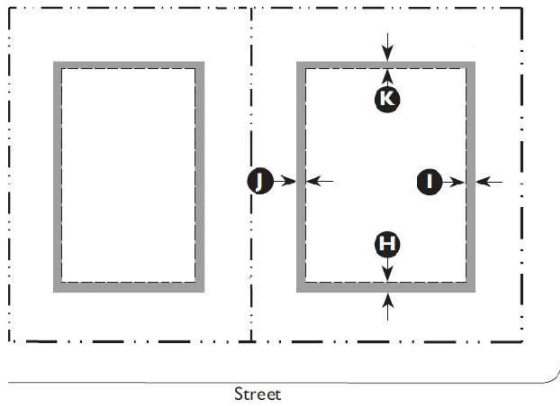
A.13.50 Conditional and Special Use Standards

D. Guest houses.

1. Guest houses shall be permitted South of May River Road.
2. A guest house shall be subordinate to the principal dwelling and be for use by the property owner and his/her guests only.
3. A guest house is deemed to be a part of the main property owners compound and is not intended to be subdivided for other uses. They shall adhere to the front, rear, and side setbacks listed for the principle structure.
4. A guest house is for use by the property owner and his/her family and guests only. They shall not be leased or rented, and must gain their access from the driveway of the principal house.
5. Existing lots of record that are two to five acres in size are permitted one guest house, not to exceed 2,000 square feet. Lots created after the adoption of the May River CP District that are five acres or more than five acres in size are permitted one or more guest houses; however, the total square footage of all guest dwellings (houses) may not exceed 75 percent of the square footage of the principal house. Furthermore, the total square footage of all guest houses (when added together) may not exceed 5,000 square feet.
6. Nothing herein shall prevent the construction of a guest house prior to the construction of the principal dwelling.
7. Manufactured (i.e., mobile) homes shall not be permitted to be used as guest houses.

Sections in Division 3.2 (Transect Zones) and Division 3.3 (Conventional Zones): The CDC contains parking space requirements in both the individual transect and conventional zone standards in Division 3.2 and 3.3 and in Table 5.4.40.B. Parking space requirements were included in both places in order to simplify navigation of the CDC for ease of interpretation. However, staff have recognized inconsistencies between Table 5.4.40.B and Zoning District requirements in Divisions 3.2 and 3.3. This amendment corrects conflicts by removing parking requirements from all Transect (except the T4 districts) and Conventional zones and replacing them with reference to Table 5.4.40.B. Because the T4 districts are intended to create walkable and mixed-use communities, staff recommends keeping specific parking allowances within the T4 district sections to reduce the number of required parking spaces and prevent over-parking of these districts.

3.2.40 T2 Rural (T2R) Standards



Key

- ROW / Property Line
- Setback Line
- Encroachment Area

Key

- ROW / Property Line
- Setback Line
- Allowed Parking Area

F. Encroachments and Frontage Types

Encroachments		
Front	5' max.	(H)
Side Street	5' max.	(I)
Side	5' max.	(J)
Rear	5' max.	(K)

Encroachments are not allowed within a Street ROW/Alley ROW, or across a property line.

See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types

Common Yard	Porch: Engaged
Porch: Projecting	

G. Parking

Required Spaces: Residential Uses

Single-Family Detached	3 per-unit
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Required Spaces: Service or Retail Uses

Lodging: Inn	1 per-room
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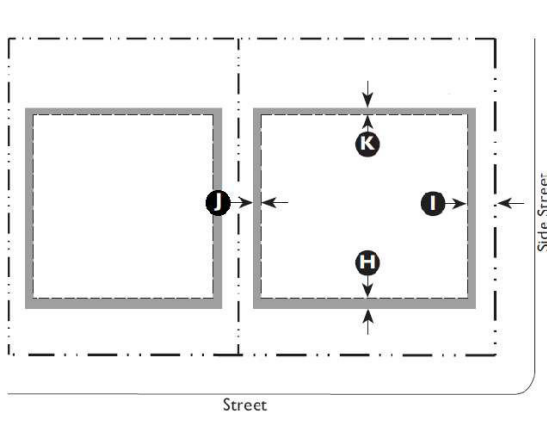
For parking space requirements for all other allowed uses see Table 5.5.40.B (Parking Space Requirements).

Location (Setback from Property Line)

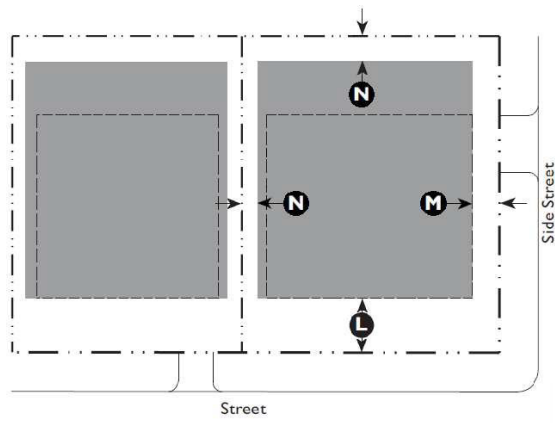
Front	50' min.	(L)
Side Street	50' min.	(M)

Rear and interior side yard parking setbacks are governed by the applicable perimeter buffer (see Tables 5.8.90.D and 5.8.90.F) and any other required buffers.

3.2.50 T2 Rural Neighborhood (T2RN) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 - - - - Setback Line

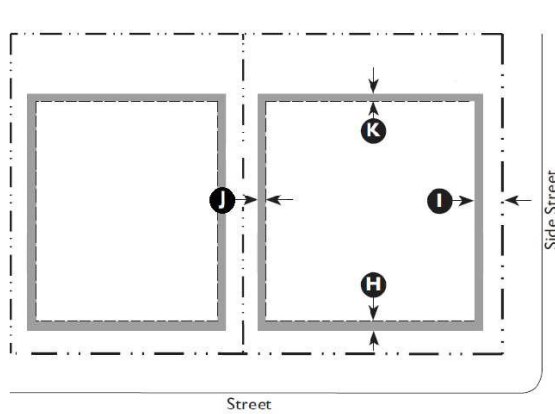


Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 - - - - Setback Line

G. Encroachments and Frontage Types		
Encroachments		
Front	5' max.	(H)
Side Street	5' max.	(I)
Side	5' max.	(J)
Rear	5' max.	(K)
Retail, Offices, Services	1 per 300 GSF	
Encroachments are not allowed within a Street ROW/Alley ROW		
Buffers, or across a property line. See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.		
Allowed Frontage Types		
Common Yard	Porch: Engaged	
Porch: Projecting	Shop front	

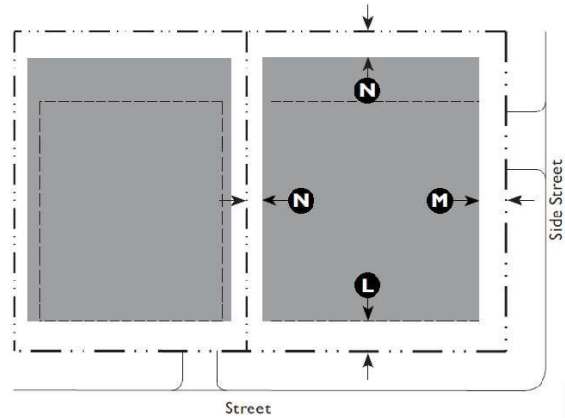
H. Parking		
Required Spaces: Residential Uses		
Single-family detached	3 per unit	
Required Spaces: Service or Retail Uses		
Retail, Offices, Services	1 per 300 GSF	
Restaurant, Café, Coffee Shop	1 per 150 GSF	
For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).		
Location (Setback from Property Line)		
Front	35' min.	(L)
Side Street	20' min.	(M)
Rear and interior side yard parking setbacks are governed by the applicable perimeter buffer (see Tables 5.8.90.D and 5.8.90.F) and any other required buffers.		(N)

3.2.60 T2 Rural Center (T2RC) Standards



Key

- - - - ROW / Property Line
- Setback Line
- Encroachment Area



Key

- - - - ROW / Property Line
- Setback Line
- Allowed Parking Area

E. Encroachments and Frontage Types

Encroachments		
Front	5' max.	(H)
Side Street	5' max.	(I)
Side	5' max.	(J)
Rear	5' max.	(K)

Encroachments are not allowed within a Street ROW/Alley ROW, Buffers, or across a property line. See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types

Common Yard	Porch: Engaged
Porch: Projecting	Shop front

F. Parking

Required Spaces: Residential Uses

Single-family detached	3 per unit
Community residence	1 per bedroom

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
Lodging: Inn	1 per room

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

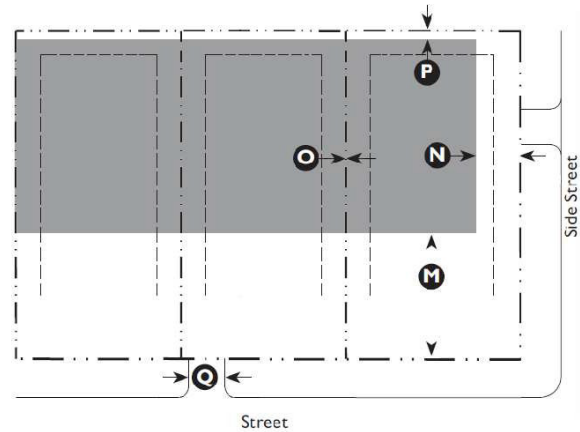
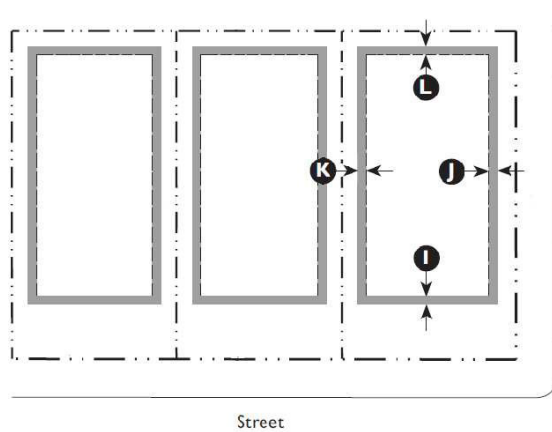
Location (Setback from Property Line)

Front	10' min.	(L)
Side Street	15' min.	(M)

Rear and interior side yard parking setbacks are governed by the applicable perimeter buffer (see Tables 5.8.90.D and 5.8.90.F) and any other required buffers.

(N)

3.2.70 T3 Edge (T3E) Standards



Key

- ROW / Property Line
- Setback Line
- Encroachment Area

Key

- ROW / Property Line
- Setback Line
- Allowed Parking Area

E. Encroachments and Frontage Types		
Encroachments		
Front	5' max.	Ⓛ
Side Street	5' max.	Ⓧ
Side	3' max.	Ⓚ
Rear	5' max.	Ⓛ

Encroachments are not allowed within a Street ROW/Alley ROW, Buffers, or across a property line. See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types	
Common Yard	Porch: Engaged
Porch: Projecting	Porch: Side Yard

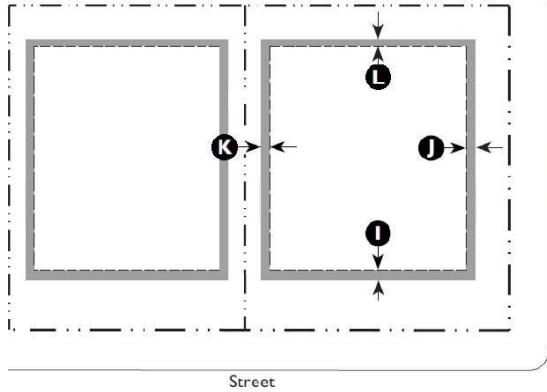
F. Parking		
Required Spaces		
Residential Uses:		
All Allowed Uses	2 per-unit	
Service or Retail Uses:		
All Allowed Lodging Uses	1 per 2 rooms	

For parking **space** requirements for Agricultural, Recreation, Public Assembly, and Transportation, Communication, Infrastructure uses see Table 5.5.40.B (Parking Space Requirements).

Location (Setback from Property Line)		
Front	50' min.	Ⓜ
Side Street	25' min.	Ⓝ
Side	0' min.	Ⓞ
Rear	5' min.	Ⓟ

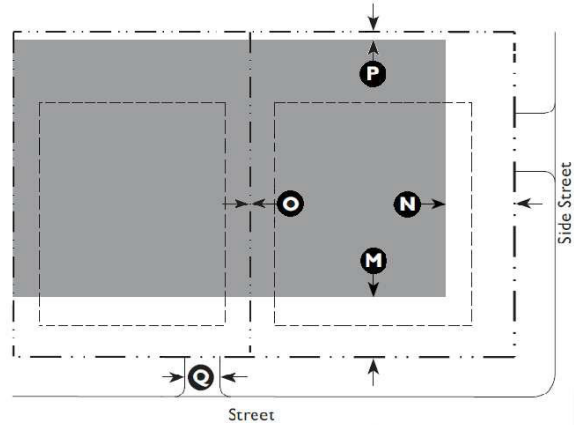
Miscellaneous	
12' maximum driveway width at the curb cut and within the front or side street parking setback. Community Residences and Meeting Facilities/Places of Worship are exempt from this requirement.	Ⓠ

3.2.80 T3 Hamlet Neighborhood (T3HN) Standards



Key

- ROW / Property Line
- Setback Line
- Encroachment Area



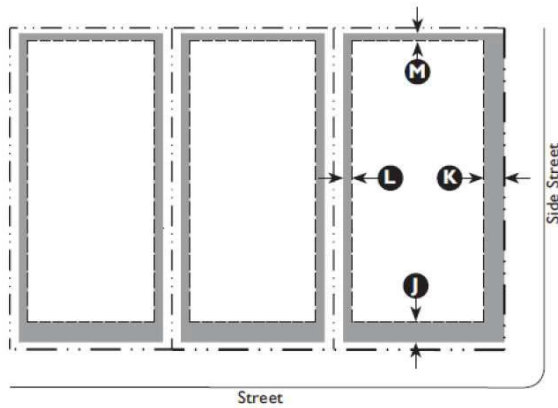
Key

- ROW / Property Line
- Setback Line
- Allowed Parking Area

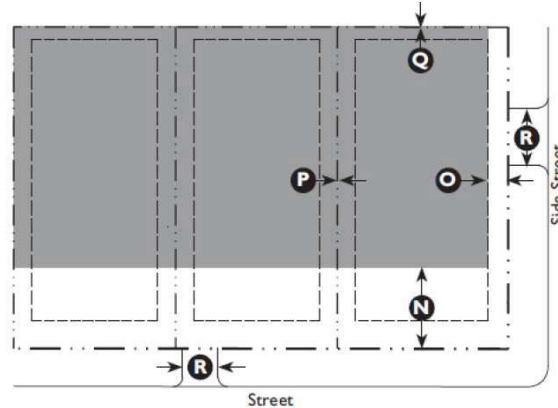
E. Encroachments and Frontage Types		
Encroachments		
Front	5' max.	Ⓚ
Side Street	5' max.	Ⓛ
Side	3' max.	Ⓜ
Rear	5' max.	Ⓝ
Encroachments are not allowed within a Street ROW/Alley ROW, buffers, or across a property line.		
See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.		
Allowed Frontage Types		
Common Yard	Porch: Engaged	
Porch: Projecting	Porch: Side Yard	

F. Parking		
Required Spaces: Residential Uses		
Single-family detached	2 per unit	
Two-family unit (duplex)	2 per unit	
Community residence	1 per bedroom	
Required Spaces: Service or Retail Uses		
For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).		
Location (Setback from Property Line)		
Front	50' min.	Ⓜ
Side Street	25' min.	Ⓝ
Side	0' min.	Ⓚ
Rear	5' min.	Ⓛ
Miscellaneous		
12' maximum driveway width at the curb cut and within the front or side street parking setback. Community Residences and Meeting Facilities/Places of Worship are exempt from this requirement.		Ⓚ

3.2.90 T3 Neighborhood (T3N) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 - - - - Setback Line



Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 - - - - Setback Line

F. Encroachments and Frontage Types

Encroachments		
Front	5' max.	(J)
Side Street	5' max.	(K)
Side	3' max.	(L)
Rear	5' max.	(M)

Encroachments are not allowed within a Street ROW/Alley ROW, buffers, or across a property line.

See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.

Allowed Frontage Types

Common Yard	Porch: Engaged
Porch: Projecting	Porch: Side Yard

G. Parking

Required Spaces: Residential Uses

Single-family detached	2 per-unit
Two-family (duplex)	2 per-unit
Multi-family units	1.25 per-unit
Community residence	1 per bedroom

Required Spaces: Service or Retail Uses

Offices & services	1 per 300-GSF
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For parking space requirements for Agricultural, Industrial, Recreation, Education, Public Assembly, and Transportation, Communication, Infrastructure uses see Table 5.5.40.B (Parking Space Requirements).

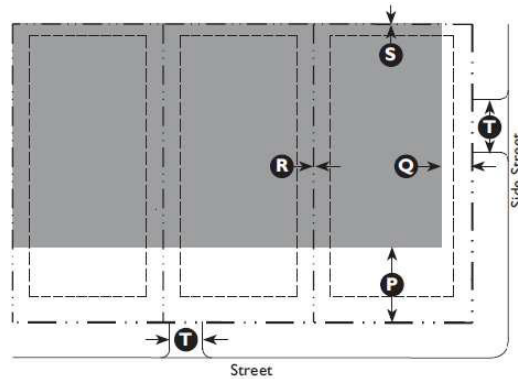
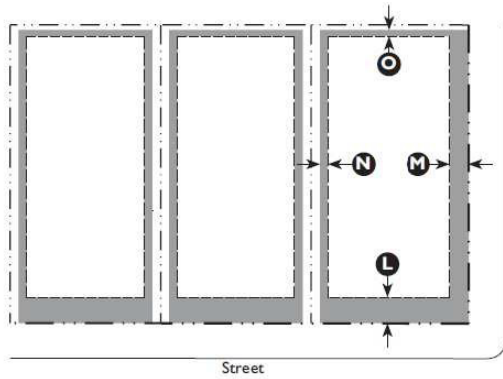
Location (Setback from Property Line)

Front	40' min.	(N)
Side Street	15' min.	(O)
Side	0' min.	(P)
Rear	5' min.	(Q)

Miscellaneous

12' maximum driveway width at the curb cut and within the front or side street parking setback.	(R)
-------------------------------------------------------------------------------------------------	-----

3.2.100 T4 Hamlet Center (T4HC) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 ——— Setback Line

Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 ——— Setback 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
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Porch: Projecting	Dooryard
Porch: Engaged	Porch: Side Yard

Stoop	Shopfront ¹
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Terrace ¹	
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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
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 requirements for retail
Lodging: Inn/hotel	1 per room

Required Spaces: Industrial Uses

Light manufacturing, processing and packaging	1 per 500 GSF
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Warehousing/Distribution	1 per 2,000 GSF
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Parking standards listed within the district shall govern. For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).

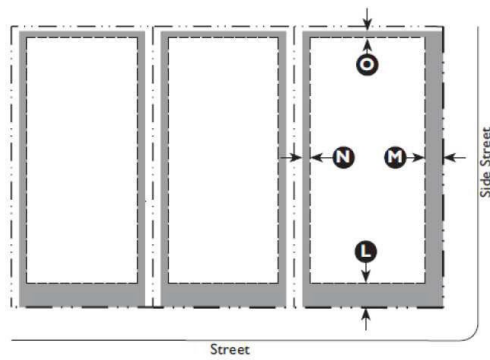
Location (Setback from Property Line)

Front: 5' behind front facade of main building	(P)
Side Street: 5' behind side facade of main building	(Q)
Side: 0' min.	(R)
Rear: 5' min.	(S)

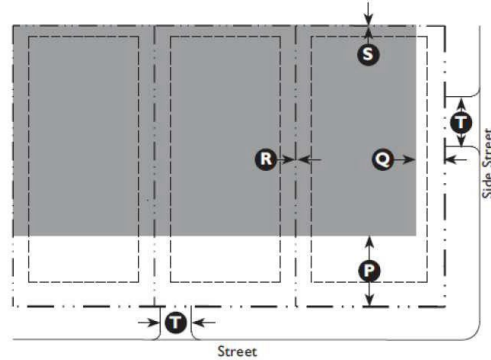
Miscellaneous

Parking Driveway Width	(T)
40 spaces or less	14' max.
Greater than 40 spaces	18' max.

3.2.110 T4 Neighborhood Center (T4NC) Standards



Key
 - - - - ROW / Property Line ■ Encroachment Area
 ——— Setback Line



Key
 - - - - ROW / Property Line ■ Allowed Parking Area
 ——— Setback Line

E. Encroachments and Frontage Types

Encroachments		
Front	12' max.	Ⓛ
Side Street	12' max.	Ⓜ
Side	3' max.	Ⓝ
Rear	3' max.	Ⓞ

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.

Awnings, Galleries and Arcades may encroach further into the street ROW to within 2' of the face of curb. Eaves may encroach up to 3' into the street ROW. All other encroachments are not allowed

within street ROW.

Allowed Frontage Types

Porch: Projecting	Dooryard
Porch: Engaged	Porch: Side Yard
Stoop	Shop front
Forecourt	Terrace
Gallery	

F. 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
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
Drive-through facility	Add 5 stacking spaces per drive-through
Gas station/fuel sales	1 per pump plus requirement for retail
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
--------------------------	-----------------

Parking standards listed within the district shall govern. For parking space requirements for all other uses see Table 5.5.40.B (Parking Space Requirements).

Location (Setback from Property Line)

Front	40' min.	Ⓟ
Side Street	15' min.	Ⓠ
Side	0' min.	Ⓡ
Rear	5' min.	Ⓢ

Miscellaneous

Parking Driveway Width:		Ⓣ
40 spaces or less	14' max.	
Greater than 40 spaces	18' max.	

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.

¹ The 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

D. Gross Density¹ and Floor Area Ratio

Gross Density

Single-Family Detached	2.6 d.u./acre
Single-Family Attached/Duplex	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

Floor Area Ratio

Non-residential buildings	0.18 max.
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¹ Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F)

² Subject to the requirements in Division 2.3

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
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: Inn/hotel	1 per room

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

3.3.40 Community Center Mixed Use (C4) Zone Standards

A. Purpose

The Community Center Mixed Use (C4) Zone provides for a limited number of retail, service, and office uses intended to serve the surrounding neighborhood.

These are smaller uses and not highway service types of uses. The intensity standards are set to ensure that the uses have the same suburban character as the surrounding suburban residential areas. They are intended to blend with the surrounding areas, not threaten the character of the area. This Zone shall not consist of strip developments but rather neighborhood centers with a sense of place.

B. Building Placement

Setback (Distance from ROW/Property Line)

Front	20' min.
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Side:

Side, Main Building	10' min.
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Side, Ancillary Building	10' min.
--------------------------	----------

Rear	15' min.
------	----------

Lot Size

Lot Size	5,000 SF min.
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Width	50' min.
-------	----------

Minimum Site Area

Single-Family and Duplex	5,000 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.
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Multi-Family	3 stories max.
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Non-Residential Buildings	2 stories max.
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Ground Floor Finish Level	No minimum
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D. Gross Density¹ and Floor Area Ratio

Gross Density	12 d.u./acre max.
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Floor Area Ratio ²	0.23 max.
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¹ Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F).

² Requirement applies to non-residential buildings.

E. Parking

Required Spaces: Residential Uses

Single-family detached	3 per unit
------------------------	------------

Single-family attached/duplex	2 per unit
-------------------------------	------------

Multi-family units	1.25 per unit
--------------------	---------------

Community residence	1 per bedroom
---------------------	---------------

Live/work	2 per unit plus 1 per 300 GSF of work area
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Required Spaces: Service or Retail Uses

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

Gas station/fuel sales	1 per pump plus requirement for retail
------------------------	----------------------------------------

Lodging: Inn/hotel	1 per room
--------------------	------------

Required Spaces: Industrial Uses

Light manufacturing, processing and packaging	1 per 500 GSF
-----------------------------------------------	---------------

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

3.3.50 Regional Center Mixed Use (C5) Zone Standards

A. Purpose

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

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

B. Building Placement

Setback (Distance from ROW/Property Line)

Front 25' min.

Side:

Side, Main Building 15' min.

Side, Ancillary Building 15' min.

Rear 10' min.

Lot Size

Lot Size 21,780 SF min.

Width 150' min.

Note:

For development within a Traditional Community Plan meeting the

requirements of Division 2.3, setback, minimum lot size and minimum site area requirements of the transect zone established

and delineated on the regulating plan shall apply.

C. Building Form

Building Height

All Buildings 3 stories max.

Ground Floor Finish Level No minimum

D. Gross Density¹ and Floor Area Ratio

Density 15.0 d.u./acre max.²

Floor Area Ratio³ 0.37 max.

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

²See Section 4.1.350 for Affordable Housing density bonuses.

³Requirement applies to non-residential buildings.

E. Parking

Required Spaces: Residential Uses

Single-family detached 3 per unit

Single-family attached/duplex 2 per unit

Multi-family units 1.25 per unit

Community residence 1 per bedroom

Live/work 2 per unit plus 1 per 300 GSF of work area

Required Spaces: Services or Retail Uses

Retail, offices, services 1 per 300 GSF

Restaurant, café, coffee shop 1 per 150 GSF

Drive-through facility Add 5 stacking spaces per drive-through

Gas station/fuel sales 1 per pump plus requirement for retail

Lodging: 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 space requirements for all other allowed uses see Table 5.5.40.B (Parking Space Requirements).

3.3.60 Industrial (SI) Zone Standards

A. Purpose

The Industrial (SI) Zone permits office, manufacturing, industrial, warehousing, and uses that support them. The Zone shall also be designed to permit small businesses and incubator businesses. Moderate to high intensities are permitted to achieve maximum land utilization. Such practices will maximize the land's use and accommodate small businesses and start-up or incubator businesses.

B. Building Placement

Setback (Distance from ROW/Property Line)

Front 40' min.

Side:

Side, Main Building 20' min.

Side, Ancillary Building 20' min.

Rear 20' min.

Lot Size

Lot Size 20,000 SF min.

Width 100' min.

Minimum Site Area

Industrial 20,000 SF

Other Permitted Uses 1 acre

C. Building Form

Building Height

All Buildings 4 stories max.¹

Ground Floor Finish Level No minimum

¹Not to exceed 50 feet above finished grade level

D. Floor Area Ratio

Industrial 0.48 max.

All Other Uses 0.37 max.

E. Parking

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

Required Spaces: Industrial Uses

Light manufacturing, processing and packaging 1 per 500 GSF

Heavy manufacturing, processing and packaging 1 per employee at maximum shift plus 1 per commercial vehicle

Warehousing/distribution 1 per 2,000 GSF

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

Section 6.1.40 (General Review Standards): Base Site Area is used to determine the density permitted on specific properties and, as such, undevelopable portions of the property are subtracted from gross site area to determine the maximum density allowed on any particular property. Staff recommends specifically addressing jurisdictional and non-jurisdictional wetlands when calculating Base Site Area in order to provide clear guidance on these calculations and prevent density increases based on the existence of any wetlands on any particular property.

6.1.40 General Review Standards

- A. **General.** Applications for subdivisions shall be reviewed and evaluated in accordance with the procedures of Section 7.2.70 (Subdivision), and the standards of this Article.
- B. **Subdivision Design.** Block and lot layout shall meet the standards established in Article 2 (Multi-Lot and Single Lot Community Scale Development).
- C. **Civic and Open Spaces.** Civic and open spaces shall meet the standards established in Division 2.8 (Civic and Open Space Types).
- D. **Streets.** New streets shall meet the standards established in Division 2.9 (Thoroughfare Standards).
- E. **Modulation Standards.** The applicant may request a modulation of some standards, see Section 7.2.30 (Modulation Permit), where appropriate to achieve better design that is consistent with the objectives of this Development Code, as long as the modulation is compatible with surrounding development, does not have an adverse impact on protected resources, and is generally consistent with the goals of this Development Code.
- F. **Density and Lot Size.** Maximum gross density and minimum/maximum lot size shall meet the standards established in Article 3 (Specific to Zones). Maximum gross density for a site shall be calculated using the Base Site Area.
- G. The Base Site Area shall be determined as follows:
 - Gross site area as determined by actual survey:
 - Minus Land separated by a road or utility right-of-way
 - Minus Land separated by water and/or marsh
 - Minus Land within existing roads ultimate rights-of-way
 - Minus Existing natural water bodies on the property, jurisdictional and non-jurisdictional wetlands, and land/tidal wetlands seaward of the OCRM critical line
 - Minus Land previously dedicated as open space
 - Equals = Base site Area

Section 5.11.100.F (Tree Removal on Developed Properties): Sections 5.11.100.B – 5.11.100.E protect trees during new development projects by requiring Specimen trees to be preserved to the maximum extent practicable. When specimen trees cannot be avoided because of new development, they must be mitigated in one of three ways: 1) replanting trees of the same species, 2) saving existing non-specimen-size native trees on the property or, 3) paying into a tree mitigation fund. Staff spends a lot of time regulating these requirements during development, however, per Section 5.11.100.F, once a single-family home exists on a lot, the property owners may remove all but grand trees and trees in river buffers without a tree removal permit. This means that specimen trees are no longer protected under Section 5.11.100.F and trees that have been kept for mitigation are afforded no protections. This has enabled the act of developers saving specimen and non-specimen size trees during development for mitigation purposes, allowing them to avoid replanting or paying into a tree mitigation fund, and then cut the trees down as soon as the single-family residence is certified for occupancy. To correct the issue, staff recommends adopting the following amendments:

1. Creating a time period of protection for specimen trees based on the time that has elapsed since the year of the home's completed construction.
2. Including language referencing mitigation trees as protected trees.
3. Clarifying language regarding river buffers.

5.11.100 Tree Protection

F. Tree Removal on Developed Properties.

1. Single-Family Residential Lots.

- a. **Permit Required to Remove a Grand-Tree.** On any individual single-family residential lot with an existing dwelling unit where construction was completed less than five years ago, a tree removal permit is required to remove specimen, grand, and/or mitigation trees, see Section 7.2.50 (Tree Removal Permit). On any individual single-family residential lot with an existing dwelling unit where construction was completed five or more years ago, a tree removal permit is required to remove a grand tree and/or mitigation trees, see Section 7.2.50 (Tree Removal Permit). A grand tree is an exceptionally large tree for its species that is healthy and worthy of protection. It represents an individual tree that contributes aesthetically to the region's visual "sense of place" and serves as a seed stock for future generations. An individual tree is considered a grand tree by the following size criteria:
 - 1) Live Oak (*Quercus virginiana*), Black Walnut (*Juglans nigra*), or Longleaf Pine (*Pinus palustris*) that are equal to or greater than a diameter of 24 inches DBH.
 - 2) Loblolly Pine (*Pinus taeda*), Slash Pine (*Pinus ellitoides*), and Shortleaf Pine (*Pinus echinata*) that are equal to or greater than a diameter of 36 inches DBH.
 - 3) All other species of trees, not defined above, that are equal to or greater than a diameter of 30 inches DBH except those identified as invasive species in Table 5.11.100.C.
- b. **Tree Removal Permit Standards.** A tree removal permit will be issued to remove a protected 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, or a species recommended by a certified arborist and approved by staff.
- c. **Removal of All Other Non-Protected Trees on Residential Lots.** All other trees on a single-family residential lot with an existing dwelling may be removed without a permit, except for mitigation trees or trees those within required river buffers, including river buffers, may be removed without a permit. Removal of trees within a river buffer and/or mitigation trees requires a tree removal permit; see Section 7.2.50 (Tree Removal Permit).



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
A RESOLUTION TO NAME THE LIND BROWN RECREATION CENTER OUTDOOR POOL IN HONOR OF MR. ALVIN SETTLES
MEETING NAME AND DATE:
Community Services Meeting - May 2, 2022
PRESENTER INFORMATION:
Chuck Atkinson, ACA Development & Recreation 10 Minutes
ITEM BACKGROUND:
The Parks and Recreation Board requested that a consideration be brought to Community Services Committee to name the Lind Brown Center outdoor pool in honor of Mr. Alvin Settles.
PROJECT / ITEM NARRATIVE:
Mr. Alvin Settles, a native of South Carolina, spent his entire adult life investing in Beaufort County's most valuable resource – Our children. He started Beaufort County's first publicly available swimming lessons program from scratch in 1981. He taught swimming lessons on the Marine Corps Air Station for thirty-two years and at Beaufort County's Lind Brown Center (Green Steet Gym) for thirty years. In May 2015, he was recognized for his service to our community by the SC House of Representatives via a resolution sponsored by Kenneth Hodges, a state representative and pastor of Mr. Settles church, "Whereas, many of Mr. Settles' students who never would have had exposure to swimming or the opportunity to learn how to swim have excelled, some of them even becoming lifeguards". In June 2015, the Beaufort City Council proclaimed June 23 as Alvin Settles Day in honor of his many years of service to our community. Staff and the Parks and Rec Board believe it is fitting to recognize the years of dedication and service that Mr. Settles provided to the citizens of Beaufort County.
FISCAL IMPACT:
No Fiscal Impact
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends Approval of the Resolution
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny a resolution to name the Lind Brown Community Center outdoor pool in honor of Mr. Alvin Settles. (Move forward to Council for approval if recommended by committee)

RESOLUTION 2022/___

A RESOLUTION TO NAME THE LIND BROWN RECREATION CENTER OUTDOOR POOL IN HONOR OF MR. ALVIN SETTLES.

WHEREAS, Mr. Alvin Settles, a native of South Carolina, spent his entire adult life investing in Beaufort County’s most valuable resource – Our children; and,

WHEREAS, he started Beaufort County’s first publicly available swimming lessons program from scratch in 1981; and,

WHEREAS, he taught swimming lessons on the Marine Corps Air Station for thirty-two years and at Beaufort County’s Lind Brown Center (Green Steet Gym) for thirty years; and,

WHEREAS, in May 2015 he was recognized for his service to our community by the SC House of Representatives via a resolution sponsored by Kenneth Hodges, a state representative and pastor of Mr. Settles church, “Whereas, many of Mr. Settles’ students who never would have had exposure to swimming or the opportunity to learn how to swim have excelled, some of them even becoming lifeguards.”; and,

WHEREAS, in June 2015 the Beaufort City Council proclaimed June 23 as Alvin Settles Day in honor of his many years of service to our community; and,

WHEREAS, it is fitting to recognize the years of dedication and service to his community which have brought great credit upon himself, his family and his community.

NOW, THEREFORE, BE IT RESOLVED that Beaufort County Council, duly assembled, does hereby affirm that the outdoor pool facility located at the Lind Brown Recreation Center shall be named in honor of Mr. Alvin Settles.

Adopted this ___th day of May, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____

Joseph Passiment, Chairman

ATTEST: _____

Sarah W. Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND FUND THE PURCHASE OF REAL PROPERTY CONSISTING OF APPROXIMATELY 2.1 ACRES OWNED BY THE TECHNICAL COLLEGE OF THE LOWCOUNTRY
MEETING NAME AND DATE:
May 9, 2022 County Council
PRESENTER INFORMATION:
Brittany Ward, Deputy Attorney 10 minutes
ITEM BACKGROUND:
On April 18, 2022 County Council approved an Ordinance for funding of the purchase of these properties.
PROJECT / ITEM NARRATIVE:
Technical College of the Lowcountry (TCL) owns 5 parcels consisting approximately of 2.1 acres. The County intends to purchase the property for the purpose of creating work force housing and affordable housing.
FISCAL IMPACT:
Purchase price is \$1,215,000 plus closing costs for all 5 properties Funding from the General Fund as approved on April 18, 2022 by County Council
STAFF RECOMMENDATIONS TO COUNCIL:
Approve purchase
OPTIONS FOR COUNCIL MOTION:
Motion to Approve Motion to Deny

RESOLUTION 2022/ _____

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND FUND THE PURCHASE OF REAL PROPERTY CONSISTING OF APPROXIMATELY 2.1 ACRES OWNED BY THE TECHNICAL COLLEGE OF THE LOWCOUNTRY

WHEREAS, Technical College of the Lowcountry (“TCL”), is the fee simple owner of approximately 2.1 acres of real properties consisting of five (5) individual parcels and as further described in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, Beaufort County (“County”) desires to provide the citizens of the County with work force housing and affordable housing; and

WHEREAS, TCL desires to sell and the County desires to purchase the Property for the purposes provided herein for a purchase price of \$1,215,000.00 plus ordinary closing costs; and

WHEREAS, Beaufort County Council finds that it is in the best interest of the citizens and residents of Beaufort County for the County Administrator to execute the necessary documents and fund the purchase of the Property.

NOW, THEREFORE, BE IT RESOLVED by Beaufort County Council, duly assembled, does hereby authorize the County Administrator to execute the necessary documents for the purchase of the real property described in Exhibit A in the amount of \$1,120,000.00 plus ordinary closing costs.

Adopted this _____ day of _____, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

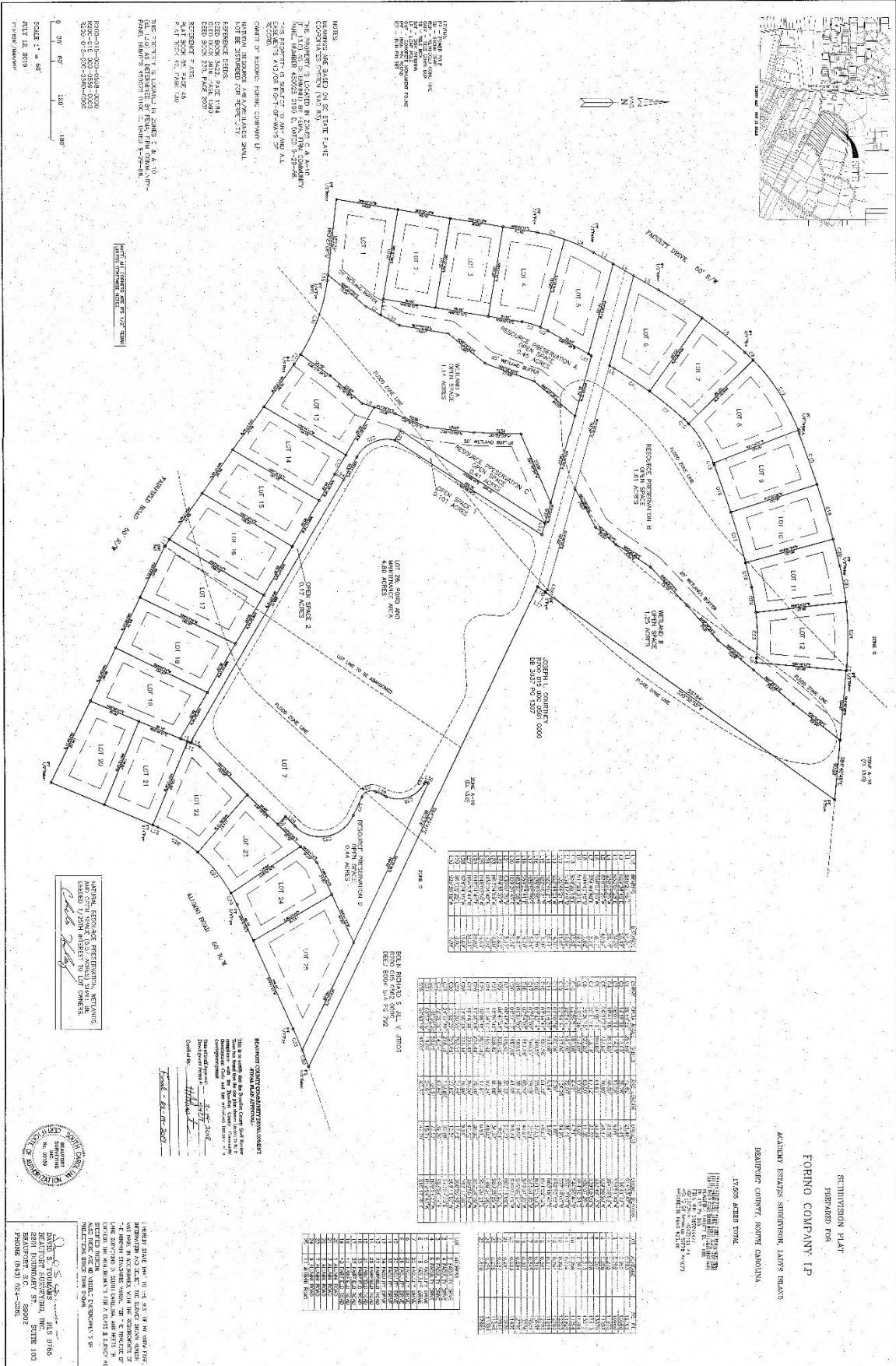
ATTEST:

Sarah W. Brock, Clerk to Council

EXHIBIT A

1. 114 Elliot Street, Beaufort, SC 29902; TMS. No.: R120-005-000-0105-0000
2. 870 Ribaut Road, Beaufort, SC 29902; TMS No.: R120-005-000-0133-0000
3. 109 Reynolds Street, Beaufort, SC 29902; TMS. No.: R120-005-000-0132-0000
4. 874 Ribaut Road, Beaufort, SC 29902; TMS. No.: R120-005-132A-0000
5. 111 Elliot Street, Beaufort, SC 29902; TMS No.: R120-005-000-0127-0000

EXHIBIT A





BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Medication Assisted Treatment-Prescription Drug and opioid Addiction (MAT-PDOA) Grant RFP 2022
MEETING NAME AND DATE:
Community Services Committee May 2, 2022
PRESENTER INFORMATION:
Steve Donaldson, Director, Alcohol and Drug Abuse Department 5 minutes
ITEM BACKGROUND:
The department was allowed and applied for the previous SAMHSA NOFO in 2021. The 2022 NOFO No. TI-22-013 will be applied for using feedback received from the last application.
PROJECT / ITEM NARRATIVE:
The Medication Assisted Treatment-Prescription Drug and opioid Addiction grant application will address the following: <ol style="list-style-type: none">1. Providing AOD service staff to provide services in the detention center.2. Education for the detention center personnel with hopes of piloting/providing medication services in the jail to applicable detainees.3. Embed Peer Recovery Specialist in the Beaufort Memorial Emergency Department to make referrals to BCADAD and MAT providers.4. Embed Peer Recovery Specialist in the 14th Circuit Multidisciplinary Drug Court to provide Peer services to opiate users.5. Contract with medical provider to provide medication services.
FISCAL IMPACT:
Grant is up to \$750,000 per year for five years. No matching funds.
STAFF RECOMMENDATIONS TO COUNCIL:
Allow BCADAD to apply for MAT-PDOA Grant RFP 2022
OPTIONS FOR COUNCIL MOTION:
Motion to approve submittal of grant application for MAT-PDOA RFP 2022 or motion to disapprove grant application for MAT-PDOA RFP 2022.

**Department of Health and Human Services
Substance Abuse and Mental Health Services
Administration**

FY 2022

**Medication-Assisted Treatment – Prescription Drug
and Opioid Addiction**

(Short Title: MAT- PDOA)

(Initial Announcement)

Notice of Funding Opportunity (NOFO) No. TI-22-013

Assistance Listing Number: (CFDA) No.: 93.243

Key Dates:

Application Deadline	Applications are due by April 29, 2022.
Intergovernmental Review (E.O. 12372)	Applicants must comply with E.O. 12372 if their state(s) participate(s). Review process recommendations from the State Single Point of Contact (SPOC) are due no later than 60 days after application deadline.
Public Health System Impact Statement (PHSIS)/Single State Agency Coordination	Applicants must send the PHSIS to appropriate state and local health agencies by the administrative deadline. Comments from the Single State Agency are due no later than 60 days after the application deadline.

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EXECUTIVE SUMMARY

The Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Substance Abuse Treatment (CSAT), is accepting applications for fiscal year (FY) 2022 for the Medication-Assisted Treatment – Prescription Drug and Opioid Addiction. The purpose of this program is to provide resource to help expand/enhance access to Medications for Opioid Use Disorder (MOUD). It is expected that this program will help to 1) increase the number of individuals with Opioid Use Disorder (OUD) receiving MOUD; and 2) decrease illicit opioid use and prescription opioid misuse.

Funding Opportunity Title:	Medication-Assisted Treatment – Prescription Drug and Opioid Addiction (Short Title: MAT-PDOA)
Funding Opportunity Number:	TI-22-013
Due Date for Applications:	April 29, 2022
Estimated Total Available Funding:	Up to \$22,575,000 (No less than \$11 million for MAT-PDOA grants will be provided to Indian tribes, tribal organizations, or consortia.)
Estimated Number of Awards:	Up to 30 awards (Up to 22 awards for tribal applicants)
Estimated Award Amount:	Up to \$750,000 per year per award
Cost Sharing/Match Required:	No
Anticipated Project Start Date:	9/30/2022
Anticipated Award Date	9/1/2022
Length of Project Period:	Up to 5 years
Eligible Applicants:	Eligible applicants are domestic public and private non-profit entities [See Section III-1 for complete eligibility information.]
Authorizing Statute	MAT-PDOA grants are authorized under Section 509 of the Public Health Services Act, as amended; 42 U.S.C 290bb-2.

Be sure to check the SAMHSA website periodically for any updates on this program.

All applicants **MUST** register with NIH's eRA Commons in order to submit an application. This process takes up to six weeks. If you believe you are interested in applying for this opportunity, you **MUST** start the registration process immediately. Do not wait to start this process.

WARNING: BY THE DEADLINE FOR THIS NOFO YOU MUST HAVE SUCCESSFULLY COMPLETED THE FOLLOWING TO SUBMIT AN APPLICATION:

- The applicant organization **MUST** be registered in NIH's eRA Commons; **AND**
- The Project Director **MUST** have an active eRA Commons account (with the PI role) affiliated with the organization in eRA Commons.

No exceptions will be made.

Applicants also must register with the System for Award Management (SAM) and Grants.gov (see [Appendix A](#) of this NOFO for all registration requirements).

DO NOT WAIT UNTIL THE LAST MINUTE TO SUBMIT THE APPLICATION. If you wait until the last minute, there is a strong possibility that the application will not be received without errors by the deadline.

I. PROGRAM DESCRIPTION

1. PURPOSE

The Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Substance Abuse Treatment (CSAT), is accepting applications for fiscal year (FY) 2022 for the Medication-Assisted Treatment – Prescription Drug and Opioid Addiction. The purpose of this program is to provide resources to help expand/enhance access to Medications for Opioid Use Disorder (MOUD). It is expected that this program will help to 1) increase the number of individuals with Opioid Use Disorder (OUD) receiving MOUD; and 2) decrease illicit opioid use and prescription opioid misuse.

Providing FDA-approved medications for the treatment of OUD (methadone, buprenorphine/naloxone products/buprenorphine products including sublingual tablets/film, buccal film, and extended release, long-acting injectable buprenorphine formulations and injectable naltrexone) in an ongoing manner is a required activity of the program. MOUD is to be provided in combination with comprehensive psychosocial services, including counseling, behavioral therapies, recovery support services (RSS), and other clinically appropriate services. The exact combination of services for any given individual should be determined through a comprehensive assessment and tailored to each individual's needs and treatment goals that may include achieving and sustaining remission and recovery from OUD.

MAT-PDOA grants are authorized under Section 509 of the Public Health Services Act, as amended; 42 U.S.C 290bb-2.

2. KEY PERSONNEL

Key personnel are staff members who must be part of the project regardless of whether they receive a salary or compensation from the project. These staff members must make a substantial contribution to the execution of the project.

The key personnel for this program are the **Project Director** (person responsible for overseeing, monitoring, and managing the grant) at a minimum of at least a .50 FTE (50 percent level of effort) and the **Program Evaluator** (person responsible for evaluating the processes and outcomes of the grant) at a minimum of at least .25 FTE (25 percent level of effort). These positions require prior approval by SAMHSA after a review of staff credentials and job descriptions.

3. REQUIRED ACTIVITIES

Required activities are the activities that every grant recipient must implement. They must be reflected in the Project Narrative of your application. This is in response to [Section V](#) of this NOFO.

Project implementation is expected to begin by the fourth month from the date that grant funding is made available.

Applicants must indicate the total number of unduplicated individuals that will be served each year of the grant and over the total project period. You are expected to achieve the numbers that are proposed.

You must use SAMHSA's services grant funds primarily to support direct services. This includes the following activities:

- Provide MOUD with at least one of the FDA-approved medications (e.g., methadone, buprenorphine/naloxone products/buprenorphine products including sublingual tablets/film, buccal film, and extended release, long-acting injectable buprenorphine formulations and injectable naltrexone) in combination with comprehensive psychosocial services, counseling, behavioral therapies, RSS, and other clinically appropriate services.
- Conduct clinical assessment to establish the diagnosis and severity level of OUD based on DSM-5 diagnostic criteria and with information necessary to identify a recommended level of care and develop an individualized treatment and recovery plan.
- Check the state, county, or local Prescription Drug Monitoring Program (PDMP), where available, for each new patient admission in compliance with any relevant state rules or regulations.
- Conduct screening and assessment for co-occurring substance use and mental disorders and develop a plan to either deliver or coordinate any services determined to be necessary to address any identified co-occurring disorders.
- Develop and implement outreach and engagement strategies to increase access to MOUD and related services for diverse populations with OUD.
- Ensure all applicable practitioners working on the grant-funded project obtain a DATA waiver to prescribe buprenorphine to more than 30 patients.
- Build funding mechanisms and service delivery models with rural and resource-limited counties and municipalities, organizations such as health plans, integrated health systems, universities, hospitals, including emergency departments, clinics, community-based organizations, law enforcement, community recovery organizations, faith-based organizations, and/or other local coalitions in order to provide a robust suite of treatment and RSS that effectively identify, engage, and retain individuals in OUD treatment and facilitate long-term

recovery. This also includes Opioid Treatment Programs (OTPs) such that access to OUD treatment with methadone is available for patients of grant recipients that may not themselves be able to offer this medication.

Consideration should be given for establishing a hub and spoke model, particularly in areas with limited access to MOUD.

- Use telehealth services, or other innovative interventions, to reach, engage, and retain patients in treatment.
- Provide or develop formal partnerships to provide RSS, including peer recovery support services designed to improve access to and retention in care with MOUD and facilitate long-term recovery.
- Provide harm reduction services on site, either singularly or in collaboration with a community-based harm reduction organization. Harm reduction services funded under this grant must adhere to federal, state, and local laws, regulations, and other requirements related to such programs or services.¹

4. ALLOWABLE ACTIVITIES:

Allowable activities are an allowable use of grant funds but are not required. Recipients may use grant funds to provide any allowable activity if it does not interfere or prevent the grant recipient from performing all required activities and serve the total number of unduplicated individuals each year of the grant. Allowable activities may include:

- Purchase and/or implement mobile and/or non-mobile medication units that provide appropriate privacy and adequate space to administer and dispense medications for OUD treatment in accordance with federal regulations.² The following services may be provided in mobile medication units, assuming compliance with all applicable federal, state, and local law:

¹ 21 U.S.C. §863(a) states:

[I]t is unlawful for any person to sell or offer for sale drug paraphernalia; to use the mails or any other facility of interstate commerce to transport drug paraphernalia; or to import or export drug paraphernalia.” The term “drug paraphernalia” is defined as “any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under this subchapter.” 21 U.S.C. §863(d).

² Letter to OTP Directors, SOTAs and State Directors from Kimberly Nelson, Acting Director of CSAT <https://www.samhsa.gov/sites/default/files/2021-letter-mobile-component.pdf>

Letter to State Substance Abuse Director on the adoption of mobile medication units from Miriam Delphin-Rittmon, Assistant Secretary for SAMHSA <https://www.samhsa.gov/sites/default/files/2021-letter-state-authorities-mobile.pdf>

- Administering and dispensing medications for opioid use disorder treatment
 - Collecting samples for drug testing or analysis
 - Dispensing of take-home medications
 - In units that provide appropriate privacy and adequate space, conduct intake/initial psychosocial and appropriate medical assessments (with a full physical examination to be completed or provided within 14-days of admission)
 - Initiating methadone or buprenorphine after an appropriate medical assessment has been performed
 - In units that provide appropriate privacy and have adequate space, other services, such as counseling, may be provided directly or when permissible through use of telehealth services. Non-mobile medication units may also offer the above services where space allows for quality patient care and are consistent with state and local laws and regulations.
- Implement evidence-based contingency management interventions to treat stimulant use disorder and concurrent substance misuse to improve retention in care.
 - Develop and implement tobacco cessation programs, activities, and/or strategies for people with OUD who are receiving MOUD.
 - Outreach and screening to identify incarcerated individuals who are within four months from release and may benefit from MOUD services upon release from a jail or detention facility. Grant funds may be used to provide MOUD to incarcerated individuals within four months of release.
 - Grant recipients may use up to \$25,000 for the purchase of Technical Assistance services for the project. If recipients opt not to use this for TA, the funds can be used for any other required/allowable activities of the grant. TA could be used to purchase training/TA to support client outreach, engagement, retention and/or follow-up, recipient staff retention (decrease in staff-turnover), use of evidence-based Interventions for the provision of care and services such as harm reduction strategies, improvement with client data collection, and continuous quality improvement.
 - Education, screening, care coordination, risk reduction interventions, testing, and counseling for HIV/AIDS, hepatitis, and other infectious diseases for people with OUD who are receiving MOUD.
 - Recovery housing: Recovery housing is one component of the SUD treatment and recovery continuum of care. While recovery residences vary widely in structure, all are centered on peer support and a connection to services that promote long-term recovery. Individuals in recovery should have a meaningful role in developing the service array used in their recovery plan. Recovery houses are safe, healthy, family-like substance-free living environments that support individuals in recovery from addiction. Substance-free does not prohibit prescribed medications taken as directed by a licensed practitioner, such as pharmacotherapies specifically approved by the Food and Drug Administration (FDA) for treatment of opioid use disorder as well as

other medications with FDA-approved indications for the treatment of co-occurring health conditions. Recipients must describe the mechanism(s) in place in their jurisdiction to assure that a recovery housing facility to receive these funds supports and provides clients access to evidence-based treatment, including all forms of MOUD, in a safe and appropriate setting. Recipients must also describe how recovery housing supported under this grant is in an appropriate and legitimate facility (e.g., state or other credentialing or certification or an established or recognized model).

- Develop and implement a low threshold approach that offers services and makes minimal requirements of patients, thus removing or reducing barriers to treatment and expanding access to care.

Infrastructure Development :(maximum 15 percent of total grant award for the budget period)

Although services grant funds must be used primarily for direct services, SAMHSA recognizes that infrastructure changes may be needed to implement the services or improve their effectiveness. You may use no more than 15 percent of the total grant award for the types of infrastructure development listed below, if necessary, to support the direct service expansion of the grant project. You must describe in Section B of your Project Narrative the use of grant funds for infrastructure activities which may include:

- Developing partnerships with other service providers and stakeholders serving the population of focus.
- Adopting and/or enhancing your computer system, management information system (MIS), electronic health records (EHRs), etc., to document and manage client needs, care process, integration with related support services, and outcomes.
- Training/workforce development to help project staff gain skills necessary to utilize new computer system/management information system/ EHRs, etc. funded through this service grant.
- Training/workforce development to help your staff or other providers in the community identify mental health or substance use disorder issues or provide effective services consistent with the purpose of the grant program.
- Policy development to support needed service system improvements (e.g., rate-setting activities, establishment of standards of care, adherence to the [Behavioral Health Guide for the National Standards for Culturally and Linguistically](#)

[Appropriate Services \(CLAS\) in Health and Health Care](#), development/revision of credentialing, licensure, or accreditation requirements).³

5. USING EVIDENCE-BASED PRACTICES

SAMHSA's services grants are intended to fund services or practices that have a demonstrated evidence base and that are appropriate for the population(s) of focus. An evidence-based practice (EBP) refers to approaches to prevention, harm reduction, treatment, or recovery that are validated by some form of documented research evidence. Both researchers and practitioners recognize that EBPs are essential to improving the effectiveness of treatment and prevention services. While SAMHSA realizes that EBPs have not been developed for all populations and/or service settings, application reviewers will closely examine proposed interventions for evidence base and appropriateness for the population of focus. If an EBP(s) exists for the population(s) of focus and types of problems or disorders being addressed, the expectation is that EBP(s) will be utilized. If one does not exist but there are evidence-informed and/or culturally promising practices that are appropriate or can be adapted, these interventions may be implemented in the delivery of services.

In your Project Narrative, in response to Section C of [Section V](#) of this NOFO, you will need to identify the evidence-based practice(s) and/or interventions that are evidence-informed and/or culturally promising that are appropriate or can be adapted to meet the needs of your specific population(s) of focus. You must discuss the population(s) for which the practice(s) has (have) been shown to be effective and document that it is (they are) appropriate for your population(s) of focus. You must also address how these interventions will improve outcomes and address how you will monitor and ensure fidelity of EBPs and other appropriate interventions.

Applicants are encouraged to visit the SAMHSA Evidence-Based Practice Resource Center (www.samhsa.gov/ebp-resource-center) and SAMHSA's National Network to Eliminate Disparities in behavioral health (NNED) (<https://nned.net/>) to identify evidence-informed and culturally appropriate mental illness and substance use prevention and treatment practices that can be implemented in your project.

³ For purposes of this NOFO efforts do not include activities designed to influence the enactment of legislation, appropriations, regulations, administrative actions, or Executive Orders ("legislation and other orders") proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, and awardees may not use federal funds for such activities. This restriction extends to both grassroots lobbying efforts and direct lobbying. However, for state, local, and other governmental recipients, certain activities falling within the normal and recognized executive-legislative relationships or participation by an agency or officer of a state, local, or tribal government in policymaking and administrative processes within the executive branch of that government are not considered impermissible lobbying activities and may be supported by federal funds.

6. DATA COLLECTION/PERFORMANCE MEASUREMENT AND PROJECT PERFORMANCE ASSESSMENT

Data Collection/Performance Measurement

All SAMHSA recipients are required to collect and report certain data so that SAMHSA can meet its obligations under the Government Performance and Results (GPR) Modernization Act of 2010. You must document your plan for data collection and reporting in your Project Narrative in response to Section E: Data Collection and Performance Measurement in Section V of this NOFO.

Recipients are required to collect and report data on the following performance measures: abstinence from use, types of MOUD received, housing status, employment status, criminal justice system involvement, access to services, retention in services (including medication therapies), social connectedness, and units of analysis, including measures of disparities in access, service use, and outcomes across subpopulations.

This information will be gathered using a uniform data collection tool provided by SAMHSA. Recipients are required to submit data via SAMHSA's Performance Accountability and Reporting System (SPARS); and access will be provided upon award. An example of the required data collection tool (i.e., National Outcome Measures (NOMs) or NOMS client level services tool) can be found here <https://www.samhsa.gov/grants/gpra-measurement-tools/csat-gpra/csat-gpra-discretionary-services>

Data will be collected by interview or by telephone using this tool at three data collection points: intake to services, six months post intake, and at discharge. Recipients will be expected to do a GPR interview of all clients in their specified unduplicated target number and are also expected to achieve a six-month follow-up rate of 80 percent. All data must be submitted through the specified online data submission tool within seven days of data collection or as specified after award. Recipients will be provided extensive training on the system and its requirements post award.

The collection of these data enables SAMHSA to report on key outcome measures relating to the grant program. In addition to these outcomes, data collected by recipients will be used to demonstrate how SAMHSA's grant programs are reducing disparities in behavioral health access, service use, and outcomes nationwide. As a result, SAMHSA may add additional reporting measures throughout the reporting period to meet these needs.

Performance data will be reported to the public as part of SAMHSA's Congressional Budget Justification.

Project Performance Assessment

Recipients must periodically review the performance data they report to SAMHSA (as required above), assess their progress, and use this information to improve the management of their grant project. Recipients are also required to report on their progress addressing the goals and objectives identified in your Project Narrative.

The project performance assessment should be designed to help you determine whether you are achieving the goals, objectives, and outcomes you intend to achieve and whether adjustments need to be made to your project. Performance assessments should be used to determine whether your project is having/will have the intended impact on behavioral health disparities.

Note: See Appendix E and Appendix F of this NOFO for more information on responding to this section.

7. OTHER EXPECTATIONS

SAMHSA Values That Promote Positive Behavioral Health

SAMHSA expects recipients to use grant funds to implement high quality programs, practices, and policies that are recovery-oriented, trauma-informed, and equity-based as a means of improving behavioral health.⁴

Recovery is “a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.” Recovery oriented systems of care promote partnering with people in recovery from mental and substance use disorders and their family members to guide the behavioral health system and promote individual, program, and system-level approaches that foster: *Health*—managing one’s illnesses or symptoms and making informed healthy choices that support physical and emotional wellbeing; *Home*—a stable and safe place to live; *Purpose*—meaningful daily activities such as a job or school; and *Community*—supportive relationships with families, friends and peers.

Trauma-informed care recognizes and intentionally responds to the lasting adverse effects of experiencing traumatic events (e.g., domestic violence, war, sexual abuse, generational trauma, etc.). Principles of recovery and trauma-informed care include: *Hope*—emphasizing that change, growth and healing are real and possible; *Person-Driven*—optimizing autonomy and independence; *Many Pathways*—adopting individualized approaches; *Respect*—treating all with dignity and respect and protecting

⁴ “**Behavioral health**” means the promotion of mental health, resilience and wellbeing; the treatment of mental and substance use disorders; and the support of those who experience and/or are in recovery from these conditions, along with their families and communities.

rights; *Safety*—assuring all are physically and psychologically safe; *Trustworthiness and Transparency*—conducting transparent operations and decisions to build trust; *Collaboration and Mutuality*—leveling power differences to facilitate healing relationships; and *Cultural, Historical, & Gender Issues*—actively moving beyond stereotypes/biases while offering culture and gender-responsive services including traditional cultural practices and addressing historical trauma. A key element of recovery and trauma-informed care is the full inclusion of people with lived experience and their family members in the design, delivery, and evaluation of behavioral health services and policies.

Behavioral health equity is the right to access high quality and affordable health care services and supports for all populations regardless of the individual’s race, age, ethnicity, gender, disability, socioeconomic status, sexual orientation, or geographical location. Advancing behavioral health equity involves ensuring that everyone has a fair and just opportunity to be as healthy as possible. In conjunction with quality services, this involves addressing social determinants of health, such as employment and housing stability, insurance status, proximity to services, and culturally responsive care – all of which have an impact on behavioral health outcomes.

Behavioral Health Disparities

If your application is funded, you will be expected to develop a behavioral health disparity impact statement no later than 60 days after your award. (See [Appendix H – Addressing Behavioral Health Disparities](#)).

The behavioral health disparity impact statement is in alignment with the expectations related to Executive Order 13985 “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.”

Tribal Behavioral Health Agenda

SAMHSA, working with tribes, the Indian Health Service, and National Indian Health Board developed the first collaborative National Tribal Behavioral Health Agenda (TBHA). Tribal applicants are encouraged to briefly cite the applicable TBHA foundational element(s), priority(ies), and strategies that are addressed by their grant application. The TBHA can be accessed at <http://nihb.org/docs/12052016/FINAL%20TBHA%2012-4-16.pdf>.

Tobacco and Nicotine Free Policy

SAMHSA strongly encourages all recipients to adopt a tobacco/nicotine inhalation (vaping) product-free facility/grounds policy and to promote abstinence from all tobacco products (except in regard to accepted tribal traditions and practices).

Reimbursements for the Provision of Services

Recipients must utilize third party reimbursements and other revenue realized from the provision of services to the extent possible and use SAMHSA grant funds only for services to individuals who are not covered by public or commercial health insurance programs, individuals for whom coverage has been formally determined to be unaffordable, or for services that are not sufficiently covered by an individual’s health insurance plan. Recipients are also expected to facilitate the health insurance application and enrollment process for eligible uninsured clients. Recipients should also consider other systems from which a potential service recipient may be eligible for services (for example, the Veterans Health Administration or senior services), if appropriate for and desired by that individual to meet his/her needs. In addition, recipients are required to implement policies and procedures that ensure other sources of funding are utilized first when available for that individual.

Behavioral Health for Military Service Members and Veterans

SAMHSA encourages all recipients to address the behavioral health needs of active-duty military service members, returning veterans, and military families in designing and developing their programs and to consider prioritizing this population for services, where appropriate.

8. GRANTEE MEETINGS

Recipient meetings will be held virtually, and recipients are expected to fully participate in these meetings. If SAMHSA elects to hold an in-person meeting, budget revisions will be permitted.

II. FEDERAL AWARD INFORMATION

1. GENERAL INFORMATION

Funding Mechanism:	Grant
Estimated Total Available Funding:	Up to \$22,575,000
Estimated Number of Awards:	30 Awards (Up to 22 awards for tribal applicants)
Estimated Award Amount:	Up to \$750,000 per year per award
Length of Project Period:	Up to 5 years

Anticipated Start Date: 9/30/2022

Proposed budgets cannot exceed \$750,000.00 in total costs (direct and indirect) in any year of the proposed project. Annual continuation awards will depend on the availability of funds, recipient progress in meeting project goals and objectives, timely submission of required data and reports, and compliance with all terms and conditions of award.

Funding estimates for this announcement are based on an annualized Continuing Resolution and do not reflect the final FY 2022 appropriation. Applicants should be aware that funding amounts are subject to the availability of funds.

III. ELIGIBILITY INFORMATION

1. ELIGIBLE APPLICANTS

Eligible applicants are:

- Domestic public and private non-profit entities including federally recognized American Indian/Alaska Native (AI/AN) tribes/tribal organizations.

All non-profit entities must submit documentation of their non-profit status in **Attachment 8** of your application.

This NOFO includes a \$11 million set-aside for Indian tribes, tribal organizations, or consortia, per congressional mandate.

Tribal organization means the recognized body of any AI/AN tribe; any legally established organization of AI/ANs which is controlled, sanctioned, or chartered by such governing body, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of AI/ANs in all phases of its activities. Consortia of tribes or tribal organizations are eligible to apply, but each participating entity must indicate its approval. A single tribe in the consortium must be the legal applicant, the recipient of the award, and the entity legally responsible for satisfying the grant requirements.

Urban Indian Organization (UIO) (as identified by the Indian Health Service Office of Urban Indian Health Programs through active Title V grants/contracts) means a non-profit corporate body situated in an urban center governed by an urban Indian-controlled board of directors, and providing for the maximum participation of all interested Individuals and groups, which body is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in 503(a) of 25

U.S.C. § 1603. UIOs are not tribes or tribal governments and do not have the same consultation rights or trust relationship with the federal government.

It is recommended that you review information on eligibility in [Appendix C](#) of this NOFO.

2. COST SHARING AND MATCHING REQUIREMENTS

Cost sharing/match is not required in this program.

3. OTHER REQUIREMENTS

- **MAT-PDOA recipients who received funding in FY20 under TI-18-009 and in FY21 under TI-21-006 are not eligible to apply for this funding opportunity.**

- The Project Narrative must not exceed 10 pages. If the Project Narrative is over 10 pages, the application will not be considered for review.

- **Evidence of Experience and Credentials**

SAMHSA believes that only existing, experienced, and appropriately credentialed organizations with demonstrated infrastructure and expertise will be able to provide the required services quickly and effectively. All Required Activities must be provided by applicants directly, by subrecipients, or through referrals to applicant partner agencies. Applicants must submit evidence under Attachment 1 of their application meeting three additional requirements related to the provision of services.

The three requirements are:

- A provider organization for direct client substance use disorder treatment services appropriate to the grant must be involved in the proposed project. The provider may be the applicant, or another organization committed to the project. More than one provider organization may be involved.
- Each mental health/substance use disorder treatment provider organization must have at least two years of experience (as of the due date of the application) providing relevant services (official documents must establish that the organization has provided relevant services for the last two years).
- Each mental health/substance use disorder treatment provider organization must comply with all applicable local (city, county) and

state licensing, accreditation, and certification requirements, as of the due date of the application.

The above requirements apply to all service provider organizations. A license from an individual clinician will not be accepted in lieu of a provider organization's license. Eligible tribes and tribal organization mental health/substance use disorder treatment providers must comply with all applicable tribal licensing, accreditation, and certification requirements, as of the due date of the application. In Attachment 1, you must include a letter certifying that the service provider organizations meet these requirements.

Following application review, if your application's score is within the fundable range, the GPO may contact you to request that additional documentation be sent by email or uploaded through eRA Commons, or to verify that the documentation you submitted is complete. **If the GPO does not receive this documentation within the time specified, your application will not be considered for an award.**

IV. APPLICATION AND SUBMISSION INFORMATION

1. ADDRESS TO REQUEST APPLICATION PACKAGE

The application forms package specific to this funding opportunity can be accessed through [Grants.gov Workspace](#) or [eRA ASSIST](#). Due to difficulties with internet access, SAMHSA understands that applicants may have a need to request paper copies of materials, including forms and required documents. See [Appendix A](#) for more information obtaining an application package.

2. CONTENT AND FORM OF APPLICATION SUBMISSION

REQUIRED APPLICATION COMPONENTS:

The standard and supporting documents that must be submitted with the application are outlined below and in [Appendix A - 2.2](#) Required Application Components of this NOFO.

All files uploaded as part of the application must be in Adobe PDF file format. See [Appendix B](#) of this NOFO for formatting and validation requirements.

SAMHSA will not accept paper applications except under very special circumstances. If you need special consideration, SAMHSA must approve the waiver

of this requirement in advance. See [Appendix A](#) - 3.2 Waiver of Electronic Submission of this NOFO.

- **SF-424** – Fill out all Sections of the SF-424.
 - In **Line #4** (i.e., Applicant Identifier), input the Commons Username of the PD/PI.
 - In **Line #17** input the following information: (Proposed Project Date: a. Start Date: 9/30/2022; b. End Date: 9/29/2027).

- **SF-424A BUDGET INFORMATION FORM** – Fill out all Sections of the SF-424A using instructions below. **The totals in Sections A, B, and D must match.**
 - **Section A** – Budget Summary: If cost sharing/match is **not required**, use the first row only (Line 1) to report the total federal funds (e) and non-federal funds (f) requested for the **first year** of your project only. If cost sharing/match **is required**, use the **second row** (Line 2) to report the total non-federal funds (f) for the **first year** of your project only.
 - **Section B** – Budget Categories: If cost sharing/match is **not required**, use the first column only (Column 1) to report the budget category breakouts (Lines 6a through 6h) and indirect charges (Line 6j) for the total funding requested for the **first year** of your project only. If cost sharing/match is required, you must use the second column (Column 2) to report the budget category breakouts for the **first year** of your project only.
 - **Section C** – If cost sharing/match is **not required** leave this section blank. If cost sharing/match **is required** use the second row (line 9) to report non-federal match for the **first year** only.
 - **Section D** – Forecasted Cash Needs: Input the total funds requested, broken down by quarter, only for **Year 1** of the project period. Use the first row for federal funds and the second row (Line 14) for **non-federal** funds.
 - **Section E** – Budget Estimates of Federal Funds Needed for the Balance of the Project: Enter the total funds requested for the out years (e.g., Year 2, Year 3, Year 4, and Year 5). For example, if you are requesting funds for four years in total, enter the requested budget amount for each budget period in columns b, c, and d (i.e., 4 out years). - (b) First column is the budget for the second budget period; (c) Second column is the budget for the third budget period; (d) Third column is the budget for the fourth budget period. Use Line 16 for federal funds and Line 17 for non-federal funds; (e) Fourth column is the budget for the fifth budget period. Use Line 16 for federal funds and Line 17 for non-federal funds.

See [Appendix B](#) of this NOFO to review common errors in completing the SF-424 and the SF-424A. These errors will prevent your application from being successfully submitted.

A link to a sample budget form and justification is provided in [Appendix L](#) of this NOFO. **It is highly recommended that you use this sample budget format. This will expedite review of your application.**

- **PROJECT NARRATIVE – (Maximum 10 pages total)**

The Project Narrative describes your project. It consists of Sections A through E. (Remember that if your Project Narrative starts on page 5 and ends on page 15, it is 11 pages long, not 10 pages.) More detailed instructions for completing each section of the Project Narrative are provided in [Section V.2](#) – Application Review Information.

- **BUDGET JUSTIFICATION AND NARRATIVE**

The budget justification and narrative must be submitted as a file entitled “BNF” (Budget Narrative Form) when you submit your application into Grants.gov. (See [Appendix A](#) – 2.2 Required Application Components.)

- **ATTACHMENTS 1 THROUGH 9**

- ***Attachment 1: Evidence of Experience and Credentials***

1. Identification of at least one experienced, licensed mental health/substance use treatment provider organization.
2. A list of all direct service provider organizations that have agreed to participate in the proposed project, including the applicant agency, if it is a service provider organization.
3. Letters of Commitment from these direct service provider organizations; **(Do not include any letters of support. Reviewers will not consider them if you do.)**
4. A letter certifying that all listed providers have met the two-year experience requirement, are appropriately licensed, accredited, and certified, and that if the application is within the funding range for an award, the applicant will send the GPO the required documentation within the specified time.

- ***Attachment 2: Data Collection Instruments/Interview Protocols***

If you are using standardized data collection instruments/interview protocols, you do not need to include these in your application. Instead, provide a web link to the appropriate instrument/protocol. If the data collection instrument(s) or interview protocol(s) is/are not standardized, you must include a copy in Attachment 2.

- **Attachment 3: Sample Consent Forms**
Forms to be submitted include, as appropriate, sample consent forms that provide for: (1) informed consent for participation in service intervention; (2) informed consent for participation in the data collection component of the project; and (3) informed consent for the exchange (releasing or requesting) of confidential information.
- **Attachment 4: Project Timeline**
This attachment is scored by reviewers. Maximum of 2 pages. See instructions in [Section V, B.3](#) of this NOFO.
- **Attachment 5: Biographical Sketches and Position Descriptions**
See [Appendix G](#) of this NOFO for information on completing biographical sketches and job descriptions. Position descriptions should be no longer than one page each and biographical sketches should be two pages or less.
- **Attachment 6: Letter to the Single State Agency (SSA)**
See [Appendix J](#) of this NOFO for Intergovernmental Review (E.O. 12372) Requirements, if applicable.
- **Attachment 7: Confidentiality and SAMHSA Participant Protection/ Human Subjects Guidelines**
This attachment is in response to [Appendix D](#) of this NOFO and is a **required attachment**.
- **Attachment 8: Documentation of Non-profit Status**
All non-profit entities must submit documentation of their non-profit status. Any of the following is acceptable documentation:
 - Proof of nonprofit status must be submitted by private nonprofit organizations with the application. Any of the following is acceptable evidence of nonprofit status: a reference to the applicant organization's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in section 501(c)(3) of the IRS Code;
 - A copy of a currently valid Internal Revenue Service tax exemption certificate.
 - A statement from a State taxing body, State Attorney General, or other appropriate state official certifying the applicant organization has a non-profit status;
 - A certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status; or

- Any of the above proof for a state or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.
- **Attachment 9: Form SMA 170 – Assurance of Compliance with SAMHSA Charitable Choice Statutes and Regulations** You are required to complete Form SMA 170 if your project is offering substance use prevention or treatment services. This form is posted on SAMHSA’s website at <http://www.samhsa.gov/grants/applying/forms-resources>.

3. UNIQUE ENTITY IDENTIFIER AND SYSTEM FOR AWARD MANAGEMENT

See [Appendix A](#) for information about the four registration processes that must be completed including obtaining a Unique Entity Identifier and registering with the System for Award Management (SAM). You must continue to maintain an active SAM registration with current information during the period of time your organization has an active federal award or an application under consideration by an agency (unless you are an individual or federal agency that is exempted from those requirements under 2 CFR § 25.110(b) or (c), has an exception approved by the agency under 2 CFR § 25.110(d)).

4. APPLICATION SUBMISSION REQUIREMENTS

Applications are due by **11:59 PM** (Eastern Time) on **April 29, 2022**. If an organization is submitting more than one application; the project title should be different for each application.

If you have been granted permission to submit a paper copy, the application must be received by the above date and time. See [Appendix A](#) of this NOFO for information on how to submit the application.

All applicants MUST register with NIH's eRA Commons in order to submit an application. This process takes up to six weeks. If you believe you are interested in applying for this opportunity, you MUST start the registration process immediately. Do not wait to start this process.

WARNING: BY THE DEADLINE FOR THIS NOFO YOU MUST HAVE SUCCESSFULLY COMPLETED THE FOLLOWING TO SUBMIT AN APPLICATION:

- **The applicant organization MUST be registered in NIH's eRA Commons; AND**
- **The Project Director MUST have an active eRA Commons account (with the PI role) affiliated with the organization in eRA Commons.**

No exceptions will be made.

Applicants must also register with SAM and Grants.gov (see [Appendix A](#) for all registration requirements).

DO NOT WAIT UNTIL THE LAST MINUTE TO SUBMIT THE APPLICATION. If you wait until the last minute, there is a strong possibility that the application will not be received without errors by the deadline.

5. FUNDING LIMITATIONS/RESTRICTIONS

The funding restrictions for this project are below. Be sure to identify these expenses in your proposed budget.

- No more than 15 percent of the total grant award for the budget period may be used for developing the infrastructure necessary for expansion of services.
- No more than 20 percent of the total grant award for the budget period may be used for data collection, performance measurement, and performance assessment, including incentives for participating in the required data collection follow-up.
- Up to \$25,000 of the total grant award for the budget period can be used for the purchase of Technical Assistance (TA). If recipients opt not to use this amount for TA, the funds can be used for any other required/allowable activities of the grant.

- Grant funds may not be used solely for withdrawal management services, except when medically managed withdrawal is used as part of a process of induction onto Extended-release Naltrexone (XR-NXT).

SAMHSA recipients must also comply with SAMHSA’s standard funding restrictions, which are included in [Appendix I](#) – Standard Funding Restrictions.

6. INTERGOVERNMENTAL REVIEW (E.O. 12372) REQUIREMENTS

All SAMHSA grant programs are covered under Executive Order (EO) 12372, as implemented through Department of Health and Human Services (HHS) regulation at 45 CFR Part 100. Under this Order, states may design their own processes for reviewing and commenting on proposed federal assistance under covered programs. See [Appendix J](#) for additional information on these requirements as well as requirements for the Public Health System Impact Statement (PHSIS).

7. OTHER SUBMISSION REQUIREMENTS

See Appendix A for specific information about submitting your application.

V. APPLICATION REVIEW INFORMATION

1. EVALUATION CRITERIA

The Project Narrative describes what you intend to do with your project and includes the Evaluation Criteria in Sections A-E below. Your application will be reviewed and scored according to your response to the requirements in Sections A-E.

In developing the Project Narrative section of your application, use these instructions, which have been tailored to this program.

- The Project Narrative (Sections A-E) together may be no longer than **10 pages**.
- You must use the five sections/headings listed below in developing your Project Narrative. **You must indicate the Section letter and number in your response, i.e., type “A-1”, “A-2”, etc., before your response to each question.** You do not need to type the full criterion in each section. You only need to include the letter and number of the criterion. You may not combine two or more questions or refer to another section of the Project Narrative in your response, such as indicating that the response for B.2 is in C.1. **Only information included in the appropriate numbered question will be considered by reviewers.** Your application will be scored according to how well you address the requirements for each section of the Project Narrative.

- The number of points after each heading is the maximum number of points a review committee may assign to that section of your Project Narrative. Although scoring weights are not assigned to individual questions, each question is assessed in deriving the overall Section score.
- Any cost sharing proposed in your application will not be a factor in the evaluation of your response to the Evaluation Criteria.

**SECTION A: Population of Focus and Statement of Need
(10 points – approximately 1 page)**

1. Identify and describe your population(s) of focus and the geographic catchment area where services will be delivered that align with the intended population of focus of this program. Provide a demographic profile of the population of focus in the catchment area in terms of race, ethnicity, federally recognized tribe (if applicable), language, sex, gender identity, sexual orientation, age, and socioeconomic status.
2. Describe the extent of the problem in the catchment area, including service gaps, and document the extent of the need (i.e., current prevalence rates or incidence data) for the population(s) of focus identified in your response to A.1. Identify the source of the data.

**SECTION B: Proposed Implementation Approach
(30 points – approximately 5 pages not including Attachment 4 – Project Timeline)**

1. Describe the goals and measurable objectives (see [Appendix F](#)) of the proposed project and align them with the Statement of Need described in A.2. Provide the following table:

Number of Unduplicated Individuals to be Served with Grant Funds					
Year 1	Year 2	Year 3	Year 4	Year 5	Total

2. Describe how you will implement all of the Required Activities in Section I. If you plan to use grant funds for infrastructure development, also describe how those funds will be used.
3. In **Attachment 4**, provide a chart or graph depicting a realistic timeline for the entire 5years of the project period showing dates, key activities, and

responsible staff. These key activities must include the requirements outlined in Section I [**NOTE:** Be sure to show that the project can be implemented, and service delivery can begin as soon as possible and no later than four months after grant award. **The timeline cannot be more than two pages and should be submitted in Attachment 4.**] The recommendation of pages for this section does not include the timeline.

**SECTION C: Proposed Evidence-Based Service/Practice
(25 points approximately 2 pages)**

1. Identify the Evidence-Based Practice(s) (EBPs), evidence-informed, and/or culturally promising practices that will be used. Discuss how each intervention chosen is appropriate for your population(s) of focus and the outcomes you want to achieve. Describe any modifications that will be made to the EBP(s) and the reason the modifications are necessary. If you are not proposing any modifications, indicate so in your response. interventions.
2. Describe how you will monitor and ensure fidelity of EBPs, evidence-informed and/or promising practices that will be implemented.

**SECTION D: Staff and Organizational Experience
(15 points – approximately 1 page)**

1. Describe the experience of your organization with similar projects and/or providing services to the population(s) of focus for this NOFO. Identify other organization(s) that you will partner with in the proposed project. Describe their experience providing services to the population(s) of focus, and their specific roles and responsibilities for this project. If applicable, Letters of Commitment from each partner must be included **Attachment 1** of your application. If you are not partnering with any other organization(s), indicate so in your response.
2. Provide a complete list of staff positions for the project, including the Key Personnel (Project Director and Program Evaluator) and other significant personnel. Describe the role of each, their level of effort, and qualifications, to include their experience providing services to the population(s) of focus and familiarity with their culture(s) and language(s).

**SECTION E: Data Collection and Performance Measurement
(20 points – approximately 1 page)**

1. Provide specific information about how you will collect the required data for this program and how such data will be utilized to manage, monitor, and enhance the program.

2. BUDGET JUSTIFICATION, EXISTING RESOURCES, OTHER SUPPORT (other federal and non-federal sources)

You must provide a narrative justification of the items included in your proposed budget, as well as a description of existing resources and other support you expect to receive for the proposed project. Other support is defined as funds or resources, whether federal, non-federal, or institutional, in direct support of activities through fellowships, gifts, prizes, in-kind contributions, or non-federal means. (This should correspond to Item #18 on your SF-424, Estimated Funding.) Other sources of funds may be used for unallowable costs, e.g., meals, sporting events, entertainment.

A link to a sample budget and narrative justification is included in [Appendix L](#) – Sample Budget and Justification. **It is highly recommended that you use this sample budget format.** Your budget must reflect the funding limitations/restrictions specified in **Section IV.3. Specifically identify the items associated with these costs in your budget.**

3. REVIEW AND SELECTION PROCESS

The Project Narratives of SAMHSA applications are peer-reviewed according to the evaluation criteria listed above.

Decisions to fund a grant are based on:

The strengths and weaknesses of the application as identified by peer reviewers. The results of the peer review are of an advisory nature.

The program office makes the final determination for funding based on the following;

- MAT-PDOA recipients who received funding in FY20 under TI-18-009 and in FY21 under TI-21-006 are not eligible to apply for this funding opportunity.
- When the individual award is over \$250,000, approval by the Center for Substance Abuse Treatment (CSAT) National Advisory Council;
- Availability of funds;
- Equitable distribution of awards in terms of geography (including urban, rural, and remote settings) and balance among populations of focus and program size;

- Submission of any required documentation that must be submitted prior to making an award;
- SAMHSA is required to review and consider any information about your organization that is in the Federal Award Performance and Integrity Information System (FAPIIS). In accordance with 45 CFR 75.212, SAMHSA reserves the right not to make an award to an entity if that entity does not meet the minimum qualification standards as described in section 75.205(a)(2). If SAMHSA chooses not to award a fundable application in accordance with 45 CFR 75.205(a)(2), SAMHSA must report that determination to the designated integrity and performance system accessible through the System for Award Management (SAM) [currently, FAPIIS]. You may review and comment on any information about your organization that a federal awarding agency previously entered. SAMHSA will consider your comments, in addition to other information in FAPIIS in making a judgment about your organization's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed as described in 45 CFR 75.205 HHS Awarding Agency Review of Risk by Applicants.

VI. FEDERAL AWARD ADMINISTRATION INFORMATION

1. FEDERAL AWARD NOTICES

You will receive an email from SAMHSA, via NIH's eRA Commons, that will describe the process for how you can view the general results of the review of your application, including the score that your application received.

If your application is approved for funding, a Notice of Award (NoA) will be emailed to the following: 1) the BO's email address identified in the Authorized Representative section email field on page 3 of the SF-424; and 2) the email associated with the Commons account for the Project Director (section 8 Item f on page 1 of the SF-424). Hard copies of the NoA will no longer be mailed via postal service. The NoA is the sole obligating document that allows you to receive federal funding for work on the grant project. Information about what is included in the NoA can be found at: <https://www.samhsa.gov/grants/grants-management/notice-award-noa>.

If your application is not funded, you will receive a notification from SAMHSA, via NIH's eRA Commons.

2. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

If your application is funded, you must comply with all terms and conditions of the NoA. SAMHSA's standard terms and conditions are available on the SAMHSA website - . <https://www.samhsa.gov/grants/grants-management/notice-award-noa/standard-terms-conditions>. See [Appendix K](#) for specific information about administrative and national policy requirements.

3. REPORTING REQUIREMENTS

In year 1 of the grant, you will be required to submit semi-annual programmatic reports that are due within 30 days of the reporting period. In years 2-5, annual progress reports on project performance will be due within 90 days of the end of each budget period. The report must discuss:

- Progress achieved in the project which should include qualitative and quantitative data (GPRA) to demonstrate programmatic progress in addressing quality care of under-resourced populations related to the Disparity Impact Statement (DIS);
- Barriers encountered, including barriers serving sub-populations;
- Efforts to overcome these barriers;
- Evaluation activities for tracking DIS efforts; and
- A revised quality improvement plan if the DIS does not meet quality of care requirements as stated in the DIS.

A final performance report must be submitted within 120 days after the end of the final budget period. The final performance report must be cumulative and report on all grant activities during the entire project period. Refer to [Section VI.3](#) for any program specific information on the frequency of reporting and any additional requirements.

Grants Management:

Successful applicants must also comply with the following standard grants management reporting requirements at <https://www.samhsa.gov/grants/grants-management/reporting-requirements>, unless otherwise noted in the NOFO or NoA.

VII. AGENCY CONTACTS

For program related and eligibility questions contact:

Fred Bamfo, DNP
Center for Substance Abuse Treatment
Substance Abuse and Mental Health Services Administration
(240) 276-2423
PDOA-C@samhsa.hhs.gov

For fiscal/budget related questions contact:

Office of Financial Resources, Division of Grants Management
Substance Abuse and Mental Health Services Administration
(240) 276-1400
FOACSAT@samhsa.hhs.gov

For grant review process and application status questions contact:

Angela Houde
Office of Financial Resources, Division of Grant Review
Substance Abuse and Mental Health Services Administration
(240) 276-1091
Angela.Houde@samhsa.hhs.gov

Appendix A – Application and Submission Requirements

1. GET REGISTERED

You are required to complete **four (4) registration processes**:

- 1.1) Dun & Bradstreet Data Universal Numbering System (DUNS number) **Please review the information below on the DUNS number transitioning to a new Unique Entity Identifier (UEI) effective April 2022.**
- 1.2) System for Award Management (SAM);
- 1.3) Grants.gov; and
- 1.4) eRA Commons.

If this is your first time submitting an application, you must complete all four registration processes until the new UEI becomes active April 4, 2022. Please take note of the timing for these registrations.

If you have already completed registrations for DUNS, SAM, and Grants.gov, you need to ensure that your accounts are still active, and then register in **eRA Commons (see 1.4)**.

You must register in eRA Commons and receive a Commons Username in order to have access to electronic submission, receive notifications on the status of your application, and retrieve grant information.

WARNING: If your organization is not registered and does not have an active eRA Commons PI/PD account by the deadline, the application will not be accepted. No exceptions will be made.

1.1 Dun & Bradstreet Data Universal Numbering System (DUNS) Registration

Starting April 4, 2022, the Data Universal Numbering System (DUNS) will be replaced by a Unique Entity Identifier (SAM) created in SAM.gov. For information on the transition, see <https://www.gsa.gov/about-us/organization/federal-acquisition-service/office-of-systems-management/integrated-award-environment-iae/iae-systems-information-kit/unique-entity-identifier-update>.

To obtain a DUNS number, access the Dun and Bradstreet website at: <http://www.dnb.com> or call 1-866-705-5711. To expedite the process, let Dun and Bradstreet know that you are a public/private nonprofit organization getting ready to submit a federal grant application. **The DUNS number you use on your application must be registered and active in the System for Award Management.**

After April 4, 2022, you will obtain a UEI through sam.gov. If your organization is registered in SAM.gov, your Unique Entity Identifier (SAM) has already been assigned and is viewable in SAM.gov. This includes inactive registrations. The Unique Entity Identifier is currently located below the DUNS Number on your entity registration record. You must be signed in to your SAM.gov account to view entity records.

1.2 System for Award Management Registration

You must also register with the System for Award Management (SAM) and continue to maintain active SAM registration with current information during the period of time your organization has an active federal award or an application under consideration by an agency (unless you are an individual or federal agency that is exempted from those requirements under 2 CFR § 25.110(b) or (c), has an exception approved by the agency under 2 CFR § 25.110(d)). To create a SAM user account, Register/Update your account, and/or Search Records, go to <https://www.sam.gov>. It takes 7-10 business days for a new SAM entity registration to become active.

It is important to initiate this process well before the application deadline. You will receive an email alerting you when your registration is active. You will continue to register in SAM.gov using the DUNS number assigned by Dun and Bradstreet until April 4, 2022.

It is also highly recommended that you renew your account prior to the expiration date. **SAM information must be active and up-to-date and should be updated at least every 12 months to remain active (for both recipients and sub-recipients).** Once you update your record in SAM, **it will take 48 to 72 hours to complete the validation processes.** Grants.gov rejects electronic submissions from applicants with expired registrations.

If your SAM account expires, the renewal process requires the same validation with IRS and DoD (Cage Code) as a new account requires.

1.3 Grants.gov Registration

[Grants.gov](https://www.grants.gov) is an online portal for submitting federal grant applications. It requires a one-time registration to submit applications. While Grants.gov registration is a one-time only registration process, it consists of multiple sub-registration processes (i.e., DUNS number and SAM registrations) before you can submit your application. [Note: eRA Commons registration is separate but can be done concurrently. See 1.4.]. You can register to obtain a Grants.gov username and password at <http://www.grants.gov/web/grants/register.html>.

If you have already completed Grants.gov registration and ensured your **Grants.gov and SAM accounts are up-to-date and/or renewed**, go to the eRA Commons registration steps noted below. If this is your first time submitting an application through Grants.gov, registration information can be found at the Grants.gov "[Applicants](#)" tab.

The person submitting your application must be properly registered with Grants.gov as the Authorized Organization Representative (AOR) for the specific DUNS number cited on the SF-424 (first page). See the Organization Registration User Guide for details at the following Grants.gov link: <http://www.grants.gov/web/grants/applicants/organization-registration.html>.

1.4 eRA Commons Registration

eRA Commons is an online data platform managed by NIH that allows applicants, award recipients, and federal staff to securely share, manage, and process grant-related information. It is strongly recommended that you start the eRA Commons registration process **at least six (6) weeks** prior to the application due date. Organizations applying for SAMHSA funding must register in eRA Commons. This is a one-time registration separate from Grants.gov registration. Note: Grants.gov and eRA Commons Registration may occur concurrently. In addition to the organization registration, the BO named in the Authorized Representative section field on page 4 of the SF-424 and the Project Director details entered in the Applicant Information item f on page 2 of the SF-424 (Name and contact information of the person to be contacted on matters involving this application) must have accounts in eRA Commons and receive a Commons ID in order to have access to electronic submission and retrieval of application/grant information. **If your organization is not registered and does not have an active eRA Commons PI account by the deadline, the application will not be accepted.**

For organizations registering with eRA Commons for the first time, the BO named in the Authorized Representative section of the SF-424 must complete the online [Institution Registration Form](#). Instructions on how to complete the online Institution Registration Form is provided on the eRA Commons Online Registration Page.

[Note: You must have a valid and verifiable DUNS number to complete the eRA Commons registration.]

After the BO named as the Authorized Representative completes the online Institution Registration Form and clicks Submit, the eRA Commons will send an e-mail notification from era-notify@mail.nih.gov with the link to confirm the email address. Once the e-mail address is verified, the registration request will be reviewed and confirmed via email. If your request is denied, the representative will receive an email detailing the reason for the denial. If the request is approved, the BO will receive an email with a Commons

User ID for the Signing Official account ('SO') role. The representative will receive a separate email pertaining to this SO account containing a temporary password to be used for the first-time log in. The representative will need to log into Commons with the temporary password, at which time the system will provide prompts to change the temporary password to one of their choosing. Once the BO/SO signs the registration request, the organization will be active in Commons. The BO/SO can then create additional accounts for the organization as needed. Organizations can have multiple user accounts with the SO role, and any user with the SO role will be able to create and maintain additional accounts for the organization's staff, including accounts for those designated as Project Director/Principal Investigator (PD/PI) and other Signing Officials.

Important: The eRA Commons requires organizations to identify at least one BO/SO, who is the BO entered in the Authorized Representative section on the SF-424, and a PD/PI in order to submit an application. The primary BO/SO must create the account for the PD/PI listed as the person to contact regarding the application on page 2 of the SF-424 assigning that person the 'PI' role in Commons. Note that you must also enter the PD/PI's Commons Username into the 'Applicant Identifier' field of the SF-424 document (Line 4).

You can find additional information about the eRA Commons registration process at https://era.nih.gov/reg_accounts/register_commons.cfm.

2. WRITE AND COMPLETE APPLICATION

SAMHSA strongly encourages you to sign up for Grants.gov email notifications regarding this NOFO. If the NOFO is cancelled or modified, individuals who sign up with Grants.gov for updates will be automatically notified.

2.1 Obtaining Paper Copies of Application Materials

If your organization has difficulty accessing high-speed internet and cannot download the required documents, you may request a paper copy of the application materials. Call the Division of Grant Review at 240-276-1199 for additional information on obtaining paper copies.

2.2 Required Application Components

After downloading and retrieving the required application components and completing the registration processes, it is time to write and complete your application. All files uploaded with the Grants.gov application **MUST** be in **Adobe PDF** file format. Directions for creating PDF files can be found on the Grants.gov website. See [Appendix B](#) for all application formatting and validation requirements.

Standard Application Components

Applications must include the following required application components listed in the table below. This table consists of a full list of standard application components, a description of each required component, and where you can find each document.

#	Standard Application Components	Description	Where to Find Document
1	SF-424 (Application for Federal Assistance) Form	<p>This form must be completed by applicants for all SAMHSA grants. The names and contact information for Project Director (PD) and Business Official (BO) are required for SAMHSA applications, and are to be entered on the SF-424 form.</p> <ul style="list-style-type: none"> The PD must have an eRA Commons account: the PD's Commons Username must be entered in field 4. Applicant Identifier; and the PD's name, phone number and email address must be entered in Section 8. APPLICANT INFORMATION: item f. Name and contact information of person to be contacted on matters involving this application. The BO name, title, email address and phone number must be entered in the Authorized Representative section fields on page four of the SF 424. The organization mailing address is required in section 8. APPLICANT INFORMATION item d. Address. <p>All SAMHSA Notices of Award (NoAs) will be emailed by SAMHSA via NIH's eRA Commons to the Project Director/Principal Investigator (PD/PI), and the Signing Official/Business Official (SO/BO).</p>	Grants.gov/forms
2	SF-424 A (Budget Information – Non-Construction Programs) Form	Use SF-424A. Fill out Sections A, B, D and E of the SF-424A. Section C should only be completed if applicable. It is highly recommended that you use the budget template.	Grants.gov/forms
3	Project/Performance Site Location(s) Form	The purpose of this form is to collect location information on the site(s) where work funded under this grant announcement will be performed.	Grants.gov/forms
4	Project Abstract Summary	It is recommended the abstract is no more than one page. It should include the project name, population(s) to be served (demographics and clinical characteristics), strategies/interventions,	

#	Standard Application Components	Description	Where to Find Document
		project goals and measurable objectives, including the number of people to be served annually and throughout the lifetime of the project, etc. In the first five lines or less of your abstract, write a summary of your project that can be used, if your project is funded, in publications, reports to Congress, or press releases.	
5	Project Narrative Attachment	The Project Narrative is your response to the Evaluation Criteria found at Section V.1 of this NOFO. It cannot be longer than 10 pages. You must attach the Project Narrative file (Adobe PDF format only) inside the Project Narrative Attachment Form.	
6	Budget Justification and Narrative Attachment	You must include a detailed Budget Narrative in addition to Budget Form SF-424A. In preparing the budget, adhere to any existing federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. The budget justification and narrative must be submitted as file "BNF" when you submit your application into Grants.gov.	SAMHSA Website
7	SF-424 B (Assurances for Non-Construction) Form	You must read the list of assurances provided on the SAMHSA website and check the box marked 'I Agree' before signing the first page (SF-424) of the application.	SAMHSA Website
8	Disclosure of Lobbying Activities (SF-LLL) Form	Federal law prohibits the use of appropriated funds for publicity or propaganda purposes or for the preparation, distribution, or use of the information designed to support or defeat legislation pending before Congress or state legislatures. You must sign and submit this form, if applicable.	Grants.gov/forms
9	Other Attachments Form	Refer to the Supporting Documents below. Use the Other Attachments Form to attach all required additional/supporting documents listed in the table below.	

Supporting Documents

In addition to the Standard Application Components listed above, the following supporting documents are necessary for the review of your application. Supporting documents must be attached to your application. **For each of the following**

application components, attach each document (Adobe PDF format only) using the Other Attachments Form in ASSIST, Workspace, or other S2S provider.

#	Supporting Documents	Description	Where to Find Document
1	HHS 690 Form	Every grant applicant must have a completed HHS 690 form (PDF 291 KB) on file with the Department of Health and Human Services.	SAMHSA Website
2	Charitable Choice Form SMA 170 (Attachment 9)	See Section IV-1 of the NOFO to determine if you are required to submit Charitable Choice Form SMA 170. If you are, you can upload this form to Grants.gov when you submit your application.	SAMHSA Website
3	Biographical Sketches and Job Descriptions (Attachment 5)	See Appendix G of this document for additional instructions for completing these sections. Formatting requirements outlined in Appendix B are not applicable for these documents.	Appendix G of this document.
4	Confidentiality and SAMHSA Participant Protection/Human Subjects (Attachment 7)	See the NOFO or requirements related to confidentiality, participant protection, and the protection of human subject's regulations.	NOFO: See Appendix D
5	Additional Documents in the NOFO	The NOFO will indicate the attachments you need to include in your application.	NOFO: Section IV.

2.3 Additional Documents for Submission (SAMHSA Website)

You will find additional materials you will need to complete your application on the SAMHSA website at <http://www.samhsa.gov/grants/applying/forms-resources>.

3. SUBMIT APPLICATION

3.1 Electronic Submission (eRA ASSIST, Grants.gov Workspace, or other S2S provider)

After completing all required registration and application requirements, SAMHSA requires applicants to **electronically submit** using eRA ASSIST, Grants.gov Workspace, or another system to system (S2S) provider. Information on each of these options is below:

- 1) **ASSIST** – The Application Submission System and Interface for Submission Tracking (ASSIST) is an NIH sponsored online interface used to prepare applications using the SF424 form set, submit electronically through Grants.gov to SAMHSA and other participating agencies, and track grant applications. [Note: ASSIST requires an eRA Commons ID to access the system]
- 2) **Grants.gov Workspace** – You can use the shared, online environment of the Grants.gov Workspace to collaboratively work on different forms within the application.

The specific actions you need to take to submit your application will vary by submission method as listed above. The steps to submit your application are as follows:

To submit to Grants.gov using ASSIST: [eRA Modules, User Guides, and Documentation | Electronic Research Administration \(eRA\)](#)

To submit to Grants.gov using the Grants.gov Workspace:

<http://www.grants.gov/web/grants/applicants/workspace-overview.html>

Regardless of the option you use, your application will be subject to the same registration requirements, completed with the same data items, routed through Grants.gov, validated against the same agency business rules, assembled in a consistent format for review consideration, and tracked in eRA Commons. All applications that are successfully submitted must be validated by Grants.gov before proceeding to the NIH eRA Commons system and validations.

3.2 Waiver from Electronic Submission

SAMHSA will not accept paper applications except under very special circumstances. If you need special consideration, SAMHSA must approve the waiver of this requirement in advance.

If you do not have the technology to apply online, or your physical location has no Internet connection, you may request a waiver of electronic submission. **You must send a written request to the Division of Grant Review at least 15 calendar days before the application due date.**

Direct any questions regarding the submission waiver process to the Division of Grant Review at 240-276-1199.

3.3 Deadline

On-time submission requires that electronic applications be error-free and made available to SAMHSA for processing from the NIH eRA system on or before the application due date and time. Applications must be submitted to and validated successfully by Grants.gov and eRA Commons no later than 11:59 PM Eastern Time on the application due date. Applications submitted in Grants.gov after the application due date will not be considered for review.

You are strongly encouraged to allocate additional time prior to the submission deadline to submit your application and to correct errors identified in the validation process. You are also encouraged to check the status of your application submission to determine if the application is complete and error-free.

3.4 Resources for Assistance

If you encounter problems when submitting your application in Grants.gov, you must attempt to resolve them by contacting the Grants.gov Service Desk at the following:

- By e-mail: support@grants.gov
- By phone: (toll-free) 1-800-518-4726 (1-800-518-GRANTS). The Grants.gov Contact Center is available 24 hours a day, 7 days a week, excluding federal holidays.

Make sure you receive a case/ticket/reference number that documents the issues/problems with Grants.gov.

Additional support is also available from the NIH eRA Service desk at:

- By e-mail: <http://grants.nih.gov/support/index.html>
- By phone: 301-402-7469 or (toll-free) 1-866-504-9552. (press menu option 6 for SAMHSA). The NIH eRA Service desk is available Monday – Friday, 7 a.m. to 8 p.m. Eastern Time, excluding federal holidays.

If you experience problems accessing or using ASSIST (see below), you can:

- Access the ASSIST Online Help Site at: <https://era.nih.gov/erahelp/assist/>
- Or contact the NIH eRA Service Desk

SAMHSA highly recommends that you submit your application 24-72 hours before the submission deadline. Many submission issues can be fixed within that time and you can attempt to re-submit.

4. AFTER SUBMISSION

4.1 System Validations and Tracking

After you complete and comply with all registration and application requirements and submit your application, the application will be validated by Grants.gov. You will receive a notification that your application is being processed. You will receive two additional e-mails from Grants.gov within the next 24-48 hours (one notification email will confirm receipt of the application in Grants.gov, and the other notification email will indicate that the application was either successfully validated by the Grants.gov system or rejected due to errors). It is important that you retain this Grants.gov tracking number. **Receipt of the Grants.gov tracking number is the only indication that Grants.gov has successfully received and validated your application.** If you do not receive a Grants.gov tracking number, you may want to contact the Grants.gov help desk for assistance (see Resources for Assistance in Section 3.4).

If Grants.gov identifies any errors and rejects your application with a “Rejected with Errors” status, you must address all errors and resubmit. If no problem is found, Grants.gov will allow the eRA system to retrieve the application and check it against its own agency business rules (eRA Commons Validations). If you use ASSIST to complete your application, you can validate your application and fix errors before submission.

After you successfully submit your application through Grants.gov, your application will go through eRA Commons validations. If no errors are found, the application will be assembled in eRA Commons. At this point, you can view your application in eRA commons. It will then be forwarded to SAMHSA as the receiving institution for further review.

If errors are found during eRA Commons validation, you will receive a System Error and/or Warning notification regarding the problems found in the application (see 4.2 below). You must take action to make the required corrections and resubmit the application through Grants.gov before the application due date and time. Do not assume that if your application passes the grants.gov validations that it will successfully pass eRA validations and will be received by SAMHSA. You must check your application status in eRA Commons to ensure that no errors were identified. It is critical that you allow for sufficient time to resubmit the application if errors are detected.

You are responsible for viewing and tracking your applications in the eRA Commons after submission through Grants.gov to ensure accurate and successful submission. Once you can access your application in the eRA Commons, be sure to review it carefully as this is what reviewers will see.

4.2 eRA Commons: Warning vs. Error Notifications

You may receive a System Warning and/or Error notification after submitting an application. Take note that there is a distinction between System Errors and System Warnings.

Warnings – If you receive a Warning notification after the application is submitted, you are not required to resubmit the application. The reason for the Warning will be identified in the notification. It is at your discretion to choose to resubmit, but if the application was successfully received, it does not require any additional action.

Errors – If you receive an Error notification after the applications is submitted, you must correct and resubmit the application. The word Error is used to characterize any condition which causes the application to be deemed unacceptable for further consideration.

4.3 System or Technical Issues

If you encounter a system error that prevents you from completing the application submission process on time, the BO from your organization will receive an email notification from eRA Commons. SAMHSA highly recommends contacting the eRA Service Desk and submitting a web ticket to document your good faith attempt to submit your application and determining next steps. See Section 3.4 for more information on contacting the eRA Service Desk.

4.4 Resubmitting a Changed/Corrected Application

If SAMHSA does not receive your application by the application due date as a result of a failure in the SAM, Grants.gov, or NIH's eRA Commons systems, you must contact the Division of Grant Review within **one business day after the official due date at: dgr.applications@samhsa.hhs.gov** and provide the following:

- A case number or email from SAM, Grants.gov, and/or NIH's eRA system that allows SAMHSA to obtain documentation from the respective entity for the cause of the error.

SAMHSA will consider the documentation to determine **if** you followed Grants.gov and NIH's eRA requirements and instructions, met the deadlines for processing paperwork within the recommended time limits, met NOFO requirements for submission of electronic applications, and made no errors that caused submission through Grants.gov or NIH's eRA to fail. No exceptions for submission are allowed when user error is involved. Note that system errors are extremely rare.

[Note: When resubmitting an application after revisions have been made, ensure that the **Project Title is identical to the Project Title in the originally submitted application** (i.e., no extra spacing) as the Project Title is a free-text form field.] In addition, check the Changed/Corrected Application box in #1.

Appendix B - Formatting Requirements and System Validation

1. SAMHSA FORMATTING REQUIREMENTS

SAMHSA's goal is to review all applications submitted for grant funding. However, this goal must be balanced against SAMHSA's obligation to ensure equitable treatment of applications. For this reason, SAMHSA has established certain formatting requirements for its applications. See below for a list of formatting requirements required by SAMHSA:

- Text must be legible. Pages must be typed in black, single-spaced, using a font of Times New Roman 12, with all margins (left, right, top, bottom) at least one inch each. You may use Times New Roman 10 only for charts or tables.
- **You must submit your application and all attached documents in Adobe PDF format, or your application will not be forwarded to eRA Commons and will not be reviewed. See Section 3 below for more details on PDF requirements.**
- To ensure equity among applications, the 10-page limit for the Project Narrative cannot be exceeded. If an application exceeds the 10-page limit, the application will not be reviewed.
- Black print should be used throughout your application, including charts and graphs (no color).
- If you are submitting more than one application under the same announcement number, you must ensure that the Project Title in Field 15 of the SF-424 is unique for each submission.

2. GRANTS.GOV FORMATTING AND VALIDATION REQUIREMENTS

- Grants.gov allows the following list of UTF-8 characters when naming your attachments: A-Z, a-z, 0-9, underscore, hyphen, space, and period. Other UTF-8 characters should not be used as they will not be accepted by NIH's eRA Commons, as indicated in item #9 in the table below.
- Scanned images must be scanned at 150-200 dpi/ppi resolution and saved as a PDF file. Using a higher resolution setting or different file type will result in a larger file size, which could result in rejection of your application.

- Any files uploaded or attached to the Grants.gov application must be PDF file format and must contain a valid file format extension in the filename. In addition, the use of compressed file formats such as ZIP, RAR or Adobe Portfolio will not be accepted.

3. eRA COMMONS FORMATTING AND VALIDATION REQUIREMENTS

The following are formatting requirements and system validations required by eRA Commons and will result in errors if not met. The application must be 'error free' to be processed through the eRA Commons. There may be additional validations which will result in Warnings but these will not prevent the application from processing through the submission process. (See Appendix A, Section 4.2)

ASSIST File Formatting Requirements

The eRA system contains file formatting requirements for uploading documents in ASSIST. The only accepted file type for submission is PDF and each file may be no larger than 6 MB. Fillable forms must be 'flattened' and saved as a PDF prior to upload. Adobe Portfolio file types will not be accepted.

Files for Upload to ASSIST must be:

- PDF Format
- Under 6MB in File Size
- 8.5 x 11 Page Size
- Flat (*No Fillable/Editable Fields*)

Files must **NOT** contain:

- Password-Protection
- Live hyperlinks (*only plain text URLs*)
- Bookmarks or Signature Boxes
- A filename exceeding 50 Characters (*including spaces*)

Flatten Fillable Forms Prior to Upload in ASSIST

A completed fillable form (an electronic document that can be filled out and edited digitally—also called fillable, dynamic, or interactive forms) should not only be saved as a PDF; it must also be flattened to remove the interactive fields so that the final answers

are saved. Flattening a form is not the same as “locking” it; locking a form restricts access to editing, printing, and copying the document.

Flattening a PDF document:

- **Keeps form values permanent.** When an interactive PDF is uploaded or emailed, every field remains open to accidental or deliberate revision. Flattening the form ensures that only the completed version of the form is visible.
- **Removes values on drop down lists.** A flattened document will show only the selected text or value, no other values and options are shown and there is no indication that options were present.
- **Simplifies the PDF.** Interactive forms are larger than normal files, which may prevent upload for submission. Flattening reduces the file size which makes it easier to render and view.

To flatten a file, follow the steps below.

1. Ensure that the form is completed, and the information is correct. Go to the print settings by selecting **File > Print**.
2. On the pull-down menu of printer options, choose Adobe PDF or Microsoft Print to PDF, then click OK.
3. After clicking **OK**, a pop-up will open with options to save the PDF. Be sure to select a specific location to save the document where it can easily be found and give it a unique file name. Use a file name that clearly differentiates the completed form from the original fillable form. File names cannot exceed 50 characters.
4. The flattened form should appear in the new location with the new file name. Open it to check once more for any changes and to confirm that the conversion worked.

If you do not adhere to these requirements, you will receive an email notification from era-notify@mail.nih.gov to take action and adhere to the requirements so that your application can be processed successfully. It is highly recommended that you submit your application 24-72 hours before the submission deadline to allow for sufficient time to correct errors and resubmit the application. If you experience any system validation or technical issues after hours on the application due date, contact the eRA Service Desk and submit a Web ticket to document your good faith attempt to submit your application.

eRA Commons Validation Table

The following table shows formatting requirements and system validations required by eRA Commons and will result in errors if not met.

eRA Validations	eRA Error Messages
<p>#1: Applicant Identifier (Item 4 on the SF-424):</p> <p>The PD/PI Credentials must be provided</p> <p>Username provided must be a valid Commons account</p> <p>Username must be affiliated with the organization submitting the application and or have the PI role</p>	<p>The Commons Username must be provided in the Applicant Identifier field for the PD/PI.</p> <p>The Commons Username provided in the Applicant Identifier is not a recognized Commons account.</p> <p>The Commons account provided in the Applicant Identifier field for the PD/PI is either not affiliated with the applicant organization or does not hold the PI role. Check with your Commons Account Administrator to make sure your account affiliation and roles are set-up correctly.</p>
<p>#2. The DUNS number provided must include valid characters (9 or 13 numbers with or without dashes)</p>	<p>The DUNS number provided has invalid characters (other than 9 or 13 numbers) after stripping of dashes</p>
<p>#3. The documentation (forms) required for the NOFO must be submitted</p>	<p>The format of the application does not match the format of the NOFO. Contact the eRA Service Desk for assistance.</p>
<p>#4 If a change or correction is made to address an error, "Changed/Corrected" must be selected. (Item #1 on the SF-424). Refer to Appendix A II-4.4 for more information on resubmission criteria.</p>	<p>This application has been identified as a duplicate of a previous submission. The 'Type of Submission' should be set to Changed/Corrected if you are addressing errors/warnings.</p>
<p>#5. The application cannot exceed 1.2GB.</p>	<p>The application did not follow the agency-specific size limit of 1.2 GB. Resize the application to be no larger than 1.2 GB before submitting.</p>
<p>#6. The correct Notice of Funding Opportunity (NOFO) number must be provided</p>	<p>The Funding Opportunity Announcement number does not exist.</p>

eRA Validations	eRA Error Messages
<p>#7. All documents and attachments must be submitted in PDF format.</p>	<p>"The <attachment> attachment is not in PDF format. All attachments must be provided to the agency in PDF format with a .pdf extension. Help with PDF attachments can be found at http://grants.nih.gov/grants/ElectronicReceipt/pdf_guidelines.htm."</p>
<p>#8. All attachments must comply with the following formatting requirements: PDF attachments cannot be empty (0 bytes).</p> <p>All PDF attachments cannot have Meta data missing, cannot be encrypted, password protected or secured documents.</p> <p>The size of PDF attachments cannot be larger than 8.5 x 11 inches (horizontally or vertically). [Note: It is recommended that you limit the size of attachments to 35 MB.]</p> <p>PDF attachments must have a valid file name. Valid file names must include the following UTF-8 characters: A-Z, a-z, 0-9, underscore (_), hyphen (-), space, period.</p>	<p>The {attachment} attachment was empty. PDF attachments cannot be empty, password protected or encrypted.</p> <p>The <attachment> attachment contained formatting or features not currently supported by NIH: <condition returned>.</p> <p>Filename <file> cannot be larger than U.S. standard letter paper size of 8.5 x 11 inches. See the PDF guidelines at http://grants.nih.gov/grants/ElectronicReceipt/pdf_guidelines.htm</p> <p>The <attachment> attachment filename is invalid. Valid filenames may only include the following characters: A-Z, a-z, 0-9, underscore (_), hyphen (-), space, or period. No special characters (including brackets) can be part of the filename.</p>
<p>#9. The email addresses for the Contact Person (SF-424 Section F) and the Authorized Representative (SF-424 below Section 21) must contain a '@', with at least 1 and at most 64 chars preceding and following the '@'. Control characters (ASCII 0 through 31 and 127), spaces and special chars < > () [] \ , ; : are not valid.</p>	<p>The submitted e-mail address for the person to be contacted {email address}, is invalid. Must contain a '@', with at least 1 and at most 64 chars preceding and following the '@'. Control characters (ASCII 0 through 31 and 127), spaces and special chars < > () [] \ , ; : are not valid.</p>
<p>#10. Congressional district code of applicant (after truncating) must be valid. (SF-424, item 16 a and b)</p>	<p>Congressional district <Congressional District> is invalid. To locate your district, visit http://www.house.gov/</p>

Budget Errors	
eRA Validations	eRA Error Messages
<p><u>SF424-A: Section A – Budget Summary</u> The total fields at the end of rows or at the bottom of columns must equal the sum of the elements for that row or column</p>	<p>Ensure that the sum of Grant Program Function or Activity (a) elements entered equals the total amounts in the Total field</p>
<p><u>SF424-A: Section B – Budget Categories</u> The Total in Section B (Column 5 - Row k) must equal the Total in Section A – Budget Summary: (Row 5, Column g).</p>	<p>Ensure that the TOTALS Total (row k, column 5) equals the Budget Summary Totals in section A, row 5 column g.</p>
<p><u>SF424-A: Section D – Forecasted Cash Needs</u> The Federal Total for the 1st Year (Line 13) must equal the Total in Section A (Row 5, Column g)</p> <p>The Non-Federal Total for 1st Year sum must equal Estimated Unobligated Funds Non-Federal Totals in Section A (d-5) + New or Revised Budget Non-Federal Totals (f-5)</p>	<p>Ensure that the Federal Total for 1st year, in Section D- Forecasted Needs equals the Section A, New or Revised Budget Federal Totals (e-5) amount.</p> <p>Ensure that the Non-Federal Total for 1st year equals the sum of Estimated Unobligated Funds Non-Federal Totals (d-5) and New or Revised Budget Non-Federal Totals (f-5) on Section A.</p>
<p>The Total for 1st Year TOTAL in Section D must equal the Totals Total (Column 5, Row G) in Section A</p>	<p>Ensure that the Forecasted Cash Needs: 15. TOTAL equals to SECTION A – Budget Summary: 5.Totals Total (g).</p>
<p><u>SF424-A: Section E – Budget Estimates of Federal Funds Needed for Balance of The Project</u></p> <p>The number of budget years/periods must match the span of the project. The number of years in the project period in Block 17 on the SF-424 must align with the future funding periods.</p>	<p>Ensure that the project period years on the SF 424 block 17 matches the provided budget periods in the SF-424A. Enter data for the first budget period in Section D and enter future budget periods in Section E.</p>

Appendix C – General Eligibility Information

Determining whether you are eligible to apply for and receive a SAMHSA grant is very important. If you are not legally eligible for a specific funding opportunity, you would spend considerable time and money completing the application process when you cannot receive the grant.

There are many types of organizations generally eligible to apply for SAMHSA funding opportunities. However, eligibility is strictly tied to the statutory authority governing this grant. Please be sure to double check the NOFO for eligibility. Eligibility for this NOFO may include the following:

Government Organizations

State governments and territories

County governments

City or township governments

Special district governments

Native American tribal governments (federally recognized)

Native American tribal governments (other than federally recognized)

State-Recognized Tribes

Other Tribal Entities

Tribal organizations

Consortia of tribes or tribal organizations

Urban Indian Organizations

Education Organizations

Independent school districts

Public and state-controlled institutions of higher education

Private institutions of higher education

Education agencies/authorities serving children and youth residing in federally recognized American Indian/Alaska Native (AI/AN) tribes

Nonprofit Organizations

Nonprofits having a 501(c)(3) status with the Internal Revenue Service (IRS), other than institutions of higher education

Nonprofits that do not have a 501(c)(3) status with the IRS, other than institutions of higher education, including entities with 501(c)(4) status (civic leagues, social welfare organizations, and local associations of employees) and 501(c)(5) status (labor organizations)

Please note: For-profit organizations and foreign entities are not eligible to apply for SAMHSA grants.

Appendix D – Confidentiality and SAMHSA Participant Protection/Human Subjects Guidelines

CONFIDENTIALITY AND PARTICIPANT PROTECTION:

It is important to have safeguards protecting individuals from risks associated with their participation in SAMHSA projects. **As part of Attachment 7 of the application, all applicants (including those who plan to obtain Institutional Review Board (IRB) approval) must address the elements below.** If some elements are not applicable to the proposed project, explain why the element(s) is not applicable. In addition to addressing these elements, you will need to determine if the section below titled “Protection of Human Subjects Regulations” applies to your project. If so, you must submit the required documentation as described below.

1. Protect Clients and Staff from Potential Risks

- Identify and describe the foreseeable physical, medical, psychological, social, and legal risks or potential adverse effects **participants** may be exposed to because of the project.
- Identify and describe the foreseeable physical, medical, psychological, social, and legal risks or potential adverse effects **staff** may be exposed to as a result of the project.
- Describe the procedures you will follow to minimize or protect participants and staff against potential risks, including risks to confidentiality.
- Identify your plan to provide guidance and assistance in the event there are adverse effects to participants and/or staff.

2. Fair Selection of Participants

- Explain how you will recruit and select participants.
- Identify any individuals in the geographic catchment area where services will be delivered who will be excluded from participating in the project and explain the reasons for this exclusion.

3. Absence of Coercion

- If you plan to compensate participants, state how participants will be awarded incentives (e.g., gift cards, bus passes, gifts, etc.) If you have included funding for incentives in your budget, you **must** address this item. (A recipient or treatment or prevention provider may provide up to \$30 non-cash incentive to individuals to participate in required data collection follow up. This amount may be paid for participation in each required follow-up interview.)

- Provide justification that the use of incentives is appropriate, judicious, and conservative and that incentives do not provide an “undue inducement” that removes the voluntary nature of participation.
- Describe how you will inform participants that they may receive services even if they chose to not participate in or complete the data collection component of the project.

4. Data Collection

- Identify from whom you will collect data (e.g., participants, family members, teachers, others).
- Describe the data collection procedures and specify the sources for obtaining data (e.g., school records, interviews, psychological assessments, questionnaires, observation, or other sources). Identify what type of specimens (e.g., urine, blood) will be used, if any. State if the specimens will be used for purposes other than evaluation.
- In **Attachment 2**, “Data Collection Instruments/Interview Protocols,” you **must** provide copies of all available data collection instruments and interview protocols that you plan to use (unless you are providing the web link to the instrument(s)/protocol(s)).

5. Privacy and Confidentiality

- Explain how you will ensure privacy and confidentiality. Describe:
 - Where data will be stored,
 - Who will have access to the data collected, and
 - How the identity of participants will be kept private, for example, using a coding system on data records, limiting access to records, or storing identifiers separately from data.
- **NOTE:** Recipients must maintain the confidentiality of alcohol and drug misuse client records according to the provisions of **Title 42 of the Code of Federal Regulations, Part II, Subpart B.**

6. Adequate Consent Procedures

- Include, as appropriate, sample consent forms that provide for:
 1. informed consent for participation in service intervention;
 2. informed consent for participation in the data collection component of the project; and

3. informed consent for the exchange (releasing or requesting) of confidential information.
- The sample forms must be included in **Attachment 3, “Sample Consent Forms”**, of your application. If needed, give English translations.
 - Explain how you will obtain consent for youth, the elderly, people with limited reading skills, and people who do not use English as their first language. Describe how the consent will be documented. For example: Will you read the consent forms? Will you ask prospective participants questions to be sure they understand the forms? Will you give them copies of what they sign?

NOTE: The consent forms should never imply that the participant waives or appears to waive any legal rights. The forms should also not imply that individuals cannot end involvement with the project or that your project or its agents will be released from liability for negligence.

7. Risk/Benefit Discussion

- Discuss why the risks you have identified in **Element 1. Protect Clients and Staff from Potential Risks** are reasonable compared to the anticipated benefits to participants involved in the project.

PROTECTION OF HUMAN SUBJECTS REGULATIONS

SAMHSA expects that most recipients funded under this announcement will not have to comply with the Protection of Human Subjects Regulations (45 CFR 46), which requires Institutional Review Board (IRB) approval. However, in some instances, the applicant’s proposed project may meet the regulation’s criteria for research involving human subjects. Although IRB approval is not required at the time of award, you are required to provide the documentation below prior to enrolling participants into your project.

In addition to the elements above, applicants whose projects must comply with the Human Subjects Regulations must:

- Describe the process for obtaining IRB approval for your project.
- Provide documentation that an Assurance of Compliance is on file with the Office for Human Research Protections (OHRP).
- Provide documentation that IRB approval has been obtained for your project prior to enrolling participants.

General information about Human Subjects Regulations can be obtained through OHRP at <http://www.hhs.gov/ohrp> or (240) 453-6900. SAMHSA-specific questions should be directed to the program contact listed in Section VII of this announcement.

Appendix E – Developing Goals and Measurable Objectives

To be able to effectively evaluate your project, it is critical that you develop realistic goals and measurable objectives. This appendix provides information on developing goals and objectives for use in your Project Narrative. It also provides examples of well-written goals and measurable objectives.

GOALS

Definition – a goal is a broad statement about the long-term expectation of what should happen because of your program (the desired result). It serves as the foundation for developing your program objectives. Goals should align with the statement of need that is described. Goals should only be one sentence.

The characteristics of effective goals include:

- Goals address outcomes, not how outcomes will be achieved.
- Goals describe the behavior or condition in the community expected to change.
- Goals describe who will be affected by the project.
- Goals lead clearly to one or more measurable results.
- Goals are concise.

Examples

Unclear Goal	Critique	Improved Goal
Increase the substance misuse and HIV/AIDS prevention capacity of the local school district	This goal could be improved by <i>specifying an expected program effect in reducing a health problem</i>	Increase the capacity of the local school district to reduce high-risk behaviors of students that may contribute to substance misuse and/or HIV/AIDS
Decrease the prevalence of marijuana, alcohol, and prescription drug use among youth in the community by increasing the number of schools that implement effective policies, environmental change, intensive training of teachers, and educational approaches to address high-risk behaviors, peer pressure, and tobacco use.	This goal is not concise	Decrease youth substance use in the community by implementing evidence-based programs within the school district that address behaviors that may lead to the initiation of use.

OBJECTIVES

Definition – Objectives describe the results to be achieved and the manner in which they will be achieved. Multiple objectives are generally needed to address a single goal. Well-written objectives help set program priorities and targets for progress and accountability. It is recommended that you avoid verbs that may have vague meanings to describe the intended outcomes, like “understand” or “know” because it may prove difficult to measure them. Instead, use verbs that document action, such as: “By the end of 2020, 75 percent of program participants will be *placed* in permanent housing. To be effective, objectives should be clear and leave no room for interpretation.

SMART is a helpful acronym for developing objectives that are ***specific, measurable, achievable, realistic, and time-bound***:

Specific –

Includes the “who” and “what” of program activities. Use only one action verb to avoid issues with measuring success. For example, “Outreach workers will administer the HIV risk assessment tool to at least 100 injection drug users in the population of focus” is a more specific objective than “Outreach workers will use their skills to reach out to drug users on the street.”

Measurable –

How much change is expected. It must be possible to count or otherwise quantify an activity or its results. It also means that the source of and mechanism for collecting measurement data can be identified and that collection of the data is feasible for your program. A baseline measurement is required to document change (e.g., to measure the percentage of increase or decrease). If you plan to use a specific measurement instrument, it is recommended that you incorporate its use into the objective. Example: By 9/20 increase by 10 percent the number of 8th, 9th, and 10th grade students who disapprove of marijuana use as measured by the annual school youth survey.

Achievable –

Objectives should be attainable within a given time frame and with available program resources. For example, “The new part-time nutritionist will meet with seven teenage mothers each week to design a complete dietary plan” is a more achievable objective than “Teenage mothers will learn about proper nutrition.”

Realistic –

Objectives should be within the scope of the project and propose reasonable programmatic steps that can be implemented within a specific time frame. For example, “Two ex-gang members will make one school presentation each week for two months to raise community awareness about the presence of gangs” is a more realistic objective than “Gang-related violence in the community will be eliminated.”

Time-bound –

Provide a time frame indicating when the objective will be measured or a time by when the objective will be met. For example, “Five new peer educators will be recruited by the second quarter of the first funding year” is a better objective than “New peer educators will be hired.”

Examples:

Non-SMART Objective	Critique	SMART Objective
Teachers will be trained on the selected evidence-based substance misuse prevention curriculum.	The objective is not SMART because it is not <i>specific</i> , <i>measurable</i> , or <i>time-bound</i> . It can be made SMART by <i>specifically</i> indicating who is responsible for training the teachers, how many will be trained, who they are, and by when the trainings will be conducted.	By June 1, 2020, LEA supervisory staff will have trained 75% of health education teachers in the local school district on the selected, evidence-based substance misuse prevention curriculum.
90% of youth will participate in classes on assertive communication skills.	This objective is not SMART because it is not <i>specific</i> or <i>time-bound</i> . It can be made SMART by indicating <i>who</i> will conduct the activity, <i>by when</i> , and <i>who</i> will participate in the lessons on assertive communication skills.	By the end of the 2020 school year, district health educators will have conducted classes on assertive communication skills for 90% of youth in the middle school receiving the substance misuse and HIV prevention curriculum .
Train individuals in the community on the prevention of prescription drug/opioid overdose-related deaths.	This objective is not SMART as it is not <i>specific</i> , <i>measurable</i> or <i>time-bound</i> . It can be made SMART by specifically indicating <i>who</i> is responsible for the training, <i>how many</i> people will be trained, <i>who</i> they are, and by <i>when</i> the training will be conducted.	By the end of year two of the project, the Health Department will have trained 75% of EMS staff in the County Government on the selected curriculum addressing the prevention of prescription drug/opioid overdose-related deaths.

Appendix F – Developing the Plan for Data Collection and Performance Measurement

Information in this Appendix should be taken into consideration when developing a response for criteria in Section E of the Project Narrative.

Data Collection:

In describing your plan for data collection, consider addressing the following points:

- What electronic data collection software that will be used?
- How often data will be collected?
- The organizational processes that will be implemented to ensure the accurate and timely collection and input of data.
- The staff that will be responsible for collecting and recording the data.
- The data source/data collection instruments that will be used to collect the data.
- How well the data collection methods will take into consideration the language, norms, and values of the population(s) of focus.
- How will the data be kept secure.
- If applicable, how will the data collection procedures ensure that confidentiality is protected, and that informed consent is obtained. and
- If applicable, how data will be collected from partners, sub-awardees.

It is not necessary to provide information related to data collection and performance measurement in a table, but the following samples may give you some ideas about how to display the information.

Table 1 *[provides an example of how information for the required performance measures could be displayed]*

Performance Measures	Data Source	Data Collection Frequency	Responsible Staff for Data Collection	Method of Data Analysis

Table 2 *[provides an example of how information could be displayed for the data that will be collected to measure the objectives that are included in B.1]*

Objective	Data Source	Data Collection Frequency	Responsible Staff for Data Collection	Method of Data Analysis
Objective 1.a				

Objective	Data Source	Data Collection Frequency	Responsible Staff for Data Collection	Method of Data Analysis
Objective 1.b				

Data Management

Points to consider:

- How data will be protected, including information about who will have access to data.
- How will data be stored.
- The staff member who will be responsible for tracking the performance measures and measurable objectives.
- Who will be responsible for conducting the data analysis, including the role of the Evaluator?
- What data analysis methods will be used.
- Who will be responsible for completing the reports?
- How will the data be reported to staff, stakeholders, SAMHSA, Advisory Board, and other relevant project partners.

Data Monitoring

Points to consider:

- How frequently performance data will be reviewed.
- How will you use this data to monitor and evaluate activities and processes and to assess the progress that has been made achieving the goals and objectives?
- Who will be responsible for monitoring the data?

How Data Will Be Used to Enhance the Project/Quality Improvement (QI):

Points to consider:

- If applicable, the QI model that will be used.
- How will the QI process be used to track progress?
- The staff members who will be responsible for overseeing these processes.
- How you will implement any needed changes in project implementation and/or project management.
 - What decision-making processes will be used.
 - When and by whom will decisions be made concerning project improvement.
 - What are the thresholds for determining that changes need to be made?
- Will the Advisory Board have a role in the QI process?
- How will the changes be communicated to staff and/or partners/sub-awardees?

Appendix G – Biographical Sketches and Position Descriptions

Include position descriptions and biographical sketches for all project staff as supporting documentation to the application. The formatting requirements outlined in Appendix B are not applicable for these documents.

Biographical Sketch

Existing curricula vitae of project staff members may be used if they are updated and contain all items of information requested below. You may add any information items listed below to complete existing documents. For development of new curricula vitae include items below in the most suitable format:

1. Name of staff member
2. Educational background: school(s), location, dates attended, degrees earned (specify year), major field of study
3. Professional experience
4. Recent relevant publications

Position Description

1. Title of position
2. Description of duties and responsibilities
3. Qualifications for position
4. Supervisory relationships
5. Skills and knowledge required
6. Amount of travel and any other special conditions or requirements
7. Salary range
8. Hours per day or week

Appendix H – Addressing Behavioral Health Disparities

SAMHSA expects recipients to submit a Behavioral Disparity Impact Statement (DIS) within 60 days of receiving the grant award. The DIS is a data-driven, quality improvement effort to ensure under-resourced populations are addressed in the grant. The DIS is built on the required GPRA data such that no additional data collection is required. It is expected that the DIS will be no more than two pages in length.

The DIS consists of three components:

- (1) Number of individuals to be served during the grant period and identify under-resourced population(s) (i.e., racial, ethnic, sexual, and gender minority groups) vulnerable to behavioral health disparities.
- (2) A quality improvement plan to address under-resourced population differences based on the GPRA data on access, use and outcomes of service activities.
- (3) Methods for the development of policies and procedures to ensure adherence to the [Behavioral Health Implementation Guide for the National Standards for Culturally and Linguistically Appropriate Services \(CLAS\) in Health and Health Care](#).

As part of SAMHSA's Disparity Impact Statement requirements, include the number of unduplicated individuals to be served by under-resourced populations in the grant implementation area provided in a table that covers the entire grant period. The under-resourced population(s) should be identified in a narrative that includes a description of the population and a rationale for how the determination was made. Include demographic data and an environmental scan of the population(s) of focus. For data about your population(s) of focus, refer to <https://www.census.gov/about/partners/cic.html>. Indicate what the disparity(ies) is and how your services and activities will be monitored and implemented to close the gap(s). In addition, describe how you will evaluate and disseminate the findings to your stakeholders.

Examples of a DIS are available on the SAMHSA website at <http://www.samhsa.gov/grants/grants-management/disparity-impact-statement>.

Definition of Health Disparities

Healthy People 2030 defines a health disparity as a “particular type of health difference that is closely linked with social, economic, and/or environmental disadvantage. Health disparities adversely affect groups of people who have systematically experienced greater obstacles to health based on their racial or ethnic group; religion; socioeconomic status; gender; age; disability; mental health; cognitive, sensory, or physical disability;

sexual orientation or gender identity; geographic location; or other characteristics historically linked to discrimination or exclusion.”

Social Determinants of Health (SDOH)

SDOH are the conditions in the environment where people are born, live, work, play, worship, and age that affect a wide range of health, functioning, and quality-of-life outcomes and risks. SDOH can be grouped into 5 domains:

- Economic Stability
- Education Access and Quality
- Health Care Access and Quality
- Neighborhood and Built Environment
- Social and Community Context

For more information about SDOH Z codes and how SDOH are being used to narrow the health disparities gaps, see <https://www.cms.gov/files/document/zcodes-infographic.pdf>; <https://www.cms.gov/files/document/cms-omh-january2020-zcode-data-highlightpdf.pdf>; and <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6207437/pdf/18-095.pdf>

Definition of Health Equity

Health equity involves ensuring that everyone has a fair and just opportunity to be as healthy as possible. Behavioral health equity is the right to access quality health care for all populations regardless of the individual’s race, ethnicity, gender, socioeconomic status, sexual orientation, or geographical location. This includes access to prevention, harm reduction, treatment, and recovery services for mental and substance use disorders.

Under-resourced populations

SAMHSA grant applicants are routinely asked to define the population they intend to serve given the focus of a particular grant program (e.g., adults with opioid use disorders at risk of overdose; adults with serious mental illness [SMI]; adolescents engaged in underage drinking; populations at risk for contracting HIV/AIDS, etc.). Within these populations of focus are *under-resourced populations* that may have unequal access to, use of, or outcomes from provided services. These disparities may be the result of differences in race, ethnicity, language, culture, and/or socioeconomic factors specific to that under-resourced population. For instance, Latino adults with opioid use disorder may be at heightened risk for overdoses due to lack of in-language prevention campaigns and treatment; African Americans with an SMI may more likely terminate treatment prematurely due to lack of providers with whom they can develop a therapeutic relationship; Native American youth may have an increased incidence of underage drinking due to coping patterns related to historical trauma; and African

American women may be at greater risk for contracting HIV/AIDS due to lack of access to education on risky sexual behaviors in urban low-income communities, etc. While these factors might not be pervasive among the general population served by a recipient, they may be predominant among under-resourced populations or groups vulnerable to disparities. It is imperative that recipients understand who is being served, who is under-resourced, and who is not being served within their community in order to provide outreach and care that will yield positive outcomes, per the focus of the grant. For organizations to attend to the potentially disparate impact of their grant efforts, recipients are asked to address access, use and outcomes, disaggregated by under-resourced populations. Under-resourced populations can be defined by the following factors:

- By race
- By ethnicity
- By gender (including transgender populations)
- By sexual orientation (including lesbian, gay and bisexual populations)

Access refers to which populations/under-resourced populations are being served/reached by the grant program. Use refers to what interventions/services are received by the various populations. Outcomes refers to the outcome measures stipulated by the grant and examined across under-resourced populations.

Culturally and Linguistically Appropriate Services in Health and Health Care (CLAS Standards)

The ability to address the quality of care provided to under-resourced populations served within SAMHSA's grant programs is enhanced by programmatic alignment with the federal National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care (CLAS Standards).

The CLAS Standards are comprised of 15 Standards that provide a blueprint for health and health care organizations to implement culturally and linguistically appropriate, respectful, and responsive services that will advance health equity, improve quality, and help eliminate health care disparities.

The CLAS Standards are grouped into a Principal Standard and three themes focused on

- 1) Governance and Leadership.
- 2) Communication and Language Assistance.
- 3) Engagement, Continuous Improvement and Accountability.

Widely embraced by States and health care systems, the National CLAS Standards are more recently being promoted in behavioral health care, which includes a Behavioral Health CLAS Implementation Guide at

https://www.minorityhealth.hhs.gov/Assets/PDF/clas%20standards%20doc_v06.28.21.pdf. You can learn more about the CLAS mandates, guidelines, and recommendations at: <http://www.ThinkCulturalHealth.hhs.gov>.

Guidelines for behavioral health implementation of the CLAS Standards can be found at <https://thinkculturalhealth.hhs.gov/clas>. This document addresses the importance of improving access to behavioral health care, promoting quality behavioral health programs and practice, and ultimately reducing persistent disparities in mental health and substance use prevention, harm reduction, treatment, and recovery for under-resourced, minority populations and communities.

Appendix I – Standard Funding Restrictions

HHS codified the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards*, 45 CFR Part 75. In Subpart E, cost principles are described and allowable and unallowable expenditures for HHS recipients are delineated. 45 CFR Part 75 is available at <https://ecfr.federalregister.gov/current/title-45/subtitle-A/subchapter-A/part-75>. Unless superseded by program statute or regulation, follow the cost principles in 45 CFR Part 75 and the standard funding restrictions below.

You may also reference the SAMHSA site for grantee guidelines on financial management requirements at <https://www.samhsa.gov/grants/grants-management/policies-regulations/financial-management-requirements>.

SAMHSA grant funds may not be used to:

- SAMHSA grant funds may not be used to purchase, prescribe, or provide marijuana or treatment using marijuana. See, e.g., 45 C.F.R. 75.300(a) (requiring HHS to ensure that Federal funding is expended in full accordance with U.S. statutory and public policy requirements); 21 U.S.C. 812(c)(10) and 841 (prohibiting the possession, manufacture, sale, purchase, or distribution of marijuana).
- Pay for promotional items including, but not limited to, clothing and commemorative items such as pens, mugs/cups, folders/folios, lanyards, and conference bags. (See 45 CFR 75.421(e)(3))
- Pay for the purchase or construction of any building or structure to house any part of the program. Minor alterations and renovations (A&R) may be authorized for up to 25 percent of a given budget period or \$150,000 (whichever is less) for existing facilities, if necessary and appropriate to the project. Minor A&R may not include a structural change (e.g., to the foundation, roof, floor, or exterior or loadbearing walls of a facility, or extension of an existing facility) to achieve the following: Increase the floor area; and/or, change the function and purpose of the facility. All minor A&R must be approved by SAMHSA.
- Provide inpatient treatment or hospital-based detoxification services. Residential services are not considered to be inpatient or hospital-based services.
- Make direct payments to individuals to enter treatment or continue to participate in prevention or treatment services (See 42 U.S.C. § 1320a-7b).

Note: A recipient or treatment or prevention provider may provide up to \$30 non-cash incentive to individuals to participate in required data collection follow-up.

This amount may be paid for participation in each required follow-up interview. For programs including contingency management as a component of the treatment program, each individual contingency must be \$15 or less in value and clients may not receive contingencies totaling more than \$75 per budget period.

- Meals are generally unallowable unless they are an integral part of a conference grant or specifically stated as an allowable expense in the NOFO (See <https://www.hhs.gov/grants/contracts/contract-policies-regulations/spending-on-food/index.html>)
- General Provisions under Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act Public Law 116-260, Consolidated Appropriations Act, 2021, Division H, Title V, Section 527, notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug. Provided, that such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with state and local law.
- **Salary Limitation:** The Consolidated Appropriations Act, 2021 (Public Law 116-260), Division H, Title II, Section 202, provides a salary rate limitation. The law limits the salary amount that may be awarded and charged to SAMHSA grants and cooperative agreements. Award funds may not be used to pay the salary of an individual at a rate in excess of Executive Level II, which is \$203,700. This amount reflects an individual's base salary exclusive of fringe and any income that an individual may be permitted to earn outside of the duties to your organization. This salary limitation also applies to subrecipients under a SAMHSA grant or cooperative agreement. Note that these or other salary limitations will apply in the following fiscal years, as required by law.

Appendix J – Intergovernmental Review (E.O. 12372) Requirements

States with SPOCs

All SAMHSA grant programs are covered under Executive Order (EO) 12372, as implemented through Department of Health and Human Services (DHHS) regulation at 45 CFR Part 100. Under this Order, states may design their own processes for reviewing and commenting on proposed federal assistance under covered programs. Certain jurisdictions have elected to participate in the EO process and have established State Single Points of Contact (SPOCs). Information on the SPOC for participating states can be found at: <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>

You do not need to do this if you are an American Indian/Alaska Native tribe or tribal organization. If your state participates, contact your SPOC as early as possible to alert him/her to the prospective application(s) and to receive any necessary instructions on the state's review process. For proposed projects serving more than one state, you are advised to contact the SPOC of each affiliated state.

The SPOC should send any state review process recommendations to the following address within 60 days of the application deadline:

Director, Division of Grants Management
Office of Financial Resources,
ATTN: SPOC – Funding Announcement No. TI-22-013
Substance Abuse and Mental Health Services Administration,
5600 Fishers Lane, Room 17E20
Rockville, MD 20857

States without SPOCs

If your state does not have a SPOC and you are a community-based, non-governmental service provider, you must submit a Public Health System Impact Statement (PHSIS)⁵ to the head(s) of appropriate state and local health agencies in the area(s) to be affected no later than the application deadline. The PHSIS is intended to keep state and local health officials informed of proposed health services grant applications submitted

⁵ Approved by OMB under control no. 0920-0428; Public reporting burden for the Public Health System Reporting Requirement is estimated to average 10 minutes per response, including the time for copying the first page of SF-424 and the abstract and preparing the letter for mailing. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0920-0428. Send comments regarding this burden to CDC Clearance Officer, 1600 Clifton Road, MS D-24, Atlanta, GA 30333, ATTN: PRA (0920-0428).

by community-based, non-governmental organizations within their jurisdictions. If you are a state or local government or American Indian/Alaska Native tribe or tribal organization, you are not subject to these requirements.

The PHSIS consists of the following information:

- A copy of the first page of the application (SF-424); and
- A summary of the project, no longer than one page in length that provides: 1) a description of the population to be served; 2) a summary of the services to be provided; and 3) a description of the coordination planned with appropriate state or local health agencies.

For SAMHSA grants, the appropriate state agencies are the Single State Agencies (SSAs) for substance misuse and mental health. A listing of the SSAs for substance misuse and the SSAs for mental health can be found on SAMHSA's website at <http://www.samhsa.gov/grants/applying/forms-resources>. If the proposed project falls within the jurisdiction of more than one state, you should notify all representative SSAs.

Review Section IV of the NOFO carefully to determine if you must include an attachment with a copy of a letter transmitting the PHSIS to the SSA. The letter must notify the state that, if it wishes to comment on the proposal, its comments should be sent no later than 60 days after the application deadline to the following address:

Director of Grants Management
Office of Financial Resources,
ATTN: SSA – Funding Announcement No. TI-22-013
Substance Abuse and Mental Health Services Administration
5600 Fishers Lane, Room 17E20
Rockville, MD 20857

In addition, applicants may request that the SSA send them a copy of any state comments. The applicant must notify the SSA within 30 days of receipt of an award.

Appendix K – Administrative and National Policy Requirements

If your application is funded, you must comply with all terms and conditions of the NoA. SAMHSA's standard terms and conditions are available on the SAMHSA website.

HHS Grants Policy Statement (GPS)

If your application is funded, you are subject to the requirements of the HHS Grants Policy Statement (GPS) that are applicable based on recipient type and purpose of award. This includes any requirements in Parts I and II of the HHS GPS that apply to the award. The HHS GPS is available at <http://www.samhsa.gov/grants/grants-management/policies-regulations/hhs-grants-policy-statement>. The general terms and conditions in the HHS GPS will apply as indicated unless there are statutory, regulatory, or award-specific requirements to the contrary (as specified in the NoA).

HHS Grant Regulations

If your application is funded, you agree that the award and any activities thereunder are subject to all provisions of 45 CFR part 75, currently in effect or implemented during the period of the award, other Department regulations and policies in effect at the time of the award, and applicable statutory provisions. For more information see the SAMHSA website at <http://www.samhsa.gov/grants/grants-management/policies-regulations/requirements-principles>.

Additional Terms and Conditions

Depending on the nature of the specific funding opportunity and/or your proposed project as identified during review, SAMHSA may negotiate additional terms and conditions with you prior to grant award. These may include, for example:

- actions required to be in compliance with confidentiality and participant protection/human subjects requirements;
- requirements relating to additional data collection and reporting;
- requirements relating to participation in a cross-site evaluation;
- requirements to address problems identified in review of the application; or revised budget and narrative justification.

Performance Goals and Objectives

If your application is funded, you will be held accountable for the information provided in the application relating to performance targets. SAMHSA program officials will consider your progress in meeting goals and objectives, as well as your failures and strategies for overcoming them, when making an annual recommendation to continue the grant and the amount of any continuation award. Failure to meet stated goals and objectives

may result in suspension or termination (see [2 CFR 200.202](#), [2 CFR 200.301](#) and [2 CFR 200.329](#)) of the grant award, or in reduction or withholding of continuation awards.

Termination of Federal Award

Note that the OMB revisions to Guidance for Grants and Agreements termination provisions located at [2 CFR § 200.340](#) - Termination apply to all federal awards effective August 13, 2020.

Accessibility Provisions for All Grant Application Packages and Funding Opportunity Announcements

Should you successfully compete for an award, recipients of federal financial assistance (FFA) from HHS must administer their programs in compliance with federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, disability, age and, in some circumstances, religion, conscience, and sex (including gender identity, sexual orientation, and pregnancy). This includes ensuring programs are accessible to persons with limited English proficiency and persons with disabilities. The HHS Office for Civil Rights provides guidance on complying with civil rights laws enforced by HHS. See <https://www.hhs.gov/civil-rights/for-providers/provider-obligations/index.html> and <https://www.hhs.gov/civil-rights/for-individuals/nondiscrimination/index.html>.

- Recipients of FFA must ensure that their programs are accessible to persons with limited English proficiency. For guidance on meeting your legal obligation to take reasonable steps to ensure meaningful access to your programs or activities by limited English proficient individuals. See <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/fact-sheet-guidance/index.html> and <https://www.lep.gov/>.
- For information on your specific legal obligations for serving qualified individuals with disabilities, including reasonable modifications, and making services accessible to them, see <http://www.hhs.gov/ocr/civilrights/understanding/disability/index.html>.
- HHS funded health and education programs must be administered in an environment free of sexual harassment, see <https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/index.html>.
- For guidance on administering your program in compliance with applicable federal religious nondiscrimination laws and applicable federal conscience protection and associated anti-discrimination laws, see <https://www.hhs.gov/conscience/conscience-protections/index.html> and <https://www.hhs.gov/conscience/religious-freedom/index.html>.

Acknowledgement of Federal Funding

As required by HHS appropriations acts, all HHS recipients must acknowledge Federal funding when issuing statements, press releases, publications, requests for proposal, bid solicitations, and other documents, such as tool-kits, resource guides, websites, and presentations describing the projects or programs funded in whole or in part with HHS federal funds. The recipient must clearly state: 1) the percentage and dollar amount of the total costs of the program or project funded with federal money; and 2) the percentage and dollar amount of the total costs of the project or program funded by non-governmental sources.

Supplement Not Supplant

Grant funds may be used to supplement existing activities. Grant funds may not be used to supplant current funding of existing activities. "Supplant" is defined as replacing funding of a recipient's existing program with funds from a federal grant (2 CFR Part 200, Appendix XI).

Mandatory Disclosures

A term may be added to the NoA which states: Consistent with 45 CFR 75.113, applicants and recipients must disclose in a timely manner, in writing to the HHS awarding agency, with a copy to the HHS Office of Inspector General (OIG), all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Sub-recipients must disclose, in a timely manner, in writing to the prime recipient (pass through entity) and the HHS OIG, all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Disclosures must be sent in writing to SAMHSA at the following address:

SAMHSA
Attention: Office of Financial Advisory Services
5600 Fishers Lane
Rockville, MD 20857

AND by email to grantdisclosures@oig.hhs.gov or by mail to the following address:

Office of Counsel to the Inspector General
Office of the Inspector General
U.S. Dept. of Health and Human Services
Grant Self-Disclosures
330 Independence Avenue SW
Cohen Building Room 5527
Washington, DC 20201

Failure to make required disclosures can result in any of the remedies described in 45 CFR 75.371 Remedies for noncompliance; including suspension or debarment (See 2 CFR parts 180 & 376 and 31 U.S.C. 3321).”

System for Award Management (SAM) Reporting

A term may be added to the NoA that states: “In accordance with the regulatory requirements provided at 45 CFR 75.113, 2 CFR 25, and Appendix XII to 45 CFR Part 75, recipients that have currently active federal grants and procurement contracts with cumulative total value greater than \$10,000,000, must report and maintain information in the System for Award Management (SAM) about civil, criminal, and administrative proceedings in connection with the award or performance of a federal award that reached final disposition within the most recent five-year period. The recipient also must make semiannual disclosures regarding such proceedings. Proceedings information will be made publicly available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). Full reporting requirements and procedures are found in Appendix XII to 45 CFR Part 75.”

Drug-Free Workplace

A term may be added to the NoA that states: “You as the recipient must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of part 382, which adopts the Government-wide implementation (2 CFR part 182) of section 5152-5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701-707).”

Smoke-Free Workplace

The Public Health Service strongly encourages all award recipients to provide a smoke-free workplace and to promote the non-use of all tobacco products. Further, 20 USC 6081 et seq., the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children.

Standards for Financial Management

Recipients are required to meet the standards and requirements for financial management systems set forth in 45 CFR part 75 Subpart D. The financial systems must enable the recipient to maintain records that adequately identify the sources of funds for federally assisted activities and the purposes for which the award was used, including authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and any program income. The system must also enable the recipient to compare actual expenditures or outlays with the approved budget for the award.

SAMHSA funds must retain their award-specific identity – they may not be commingled with state funds or other federal funds. [“Commingling funds” typically means depositing or recording funds in a general account without the ability to identify each specific source of funds for any expenditure.]. Common mistakes related to comingling are outlined below:

- *Commingling of Cost Centers.* Every business activity constitutes a cost center. Examples of cost centers include: a federal grant, a state grant, a private grant, matching costs for a specific grant, a self-funded project, fundraising activities, membership activities, lines of business, unallowable costs, indirect costs, etc. Recipients must establish a unique account(s) in the accounting system to capture and accumulate expenditures of each cost center, apart from other cost centers.
- *Commingling of Cost Categories.* Recipients must avoid budget fluctuations that violate programmatic restrictions. They must also avoid applying indirect cost rates to prohibited cost categories, such as equipment, participant support costs and subcontracts/subawards in excess of \$25,000. As a result, recipients must establish unique object codes in the accounting system to capture and accumulate costs by budget category (i.e., salaries, fringe benefits, consultants, travel, participant support costs, subcontracts, etc.).
- *Commingling of Time Worked and Not Worked.* Recipients may not directly charge a grant for employees’ time not spent working on the grant. Therefore, *Paid Time Off (PTO)*, such as vacation, holiday, sick and other paid leave, is not recoverable directly from grants, but rather must be allocated to all grants, projects, and cost centers over an entire cost accounting period through either an indirect cost or fringe benefit rate.
- *Unsupported Labor Costs.* To support charges for direct and indirect salaries and wages, recipients maintaining hourly timesheets must ensure that timesheets encompass all hours worked and not worked on a daily basis. The timesheet should identify the: (a) grant, project or cost center being worked on; (b) number of hours worked on each; (c) description of work performed; and (d) Paid Time Off (PTO) hours. The total hours recorded each day should coincide with an individual’s employment status in accordance with established policy (i.e., full-time employees work 8 hours each day, etc.).
- *Inconsistent Treatment of Costs.* Recipients must treat costs consistently across all federal and non-federal grants, projects, and cost centers. For example, recipients may not direct-charge federal grants for costs typically considered indirect in nature, unless done consistently. Examples of indirect costs include administrative salaries, rent, accounting fees, utilities, etc. Additionally, in most cases, the cost to develop an accounting system adequate to justify direct charging of the aforementioned items outweighs the benefits. As a result, use of an indirect cost rate is the most effective mechanism to recover these costs and not violate federal financial requirements of consistency, allocability and

allowability. See the appendix titled “*Sample Budget and Justification*,” for additional indirect cost guidance.

Trafficking in Persons

Awards issued by SAMHSA are subject to the requirements of [2 CFR part 175](#) and [22 USC 7104\(g\)](#). For the full text of the award term, go to <http://www.samhsa.gov/grants/grants-management/notice-award-noa/standard-terms-conditions>.

NOTE: The signature of the AOR on the application serves as the required certification of compliance for your organization regarding the administrative and national policy requirements.

Publications

Recipients are required to notify the Government Project Officer (GPO) of any materials based on the SAMHSA-funded grant project that are accepted for publication. In addition, SAMHSA requests that recipients:

- Provide the GPO with advance copies of publications.
- Include acknowledgment of the SAMHSA grant program as the source of funding for the project.
- Include a disclaimer stating that the views and opinions contained in the publication do not necessarily reflect those of SAMHSA or the U.S. Department of Health and Human Services and should not be construed as such.

SAMHSA reserves the right to issue a press release about any publication deemed by SAMHSA to contain information of program or policy significance to the substance misuse treatment/substance misuse prevention/mental health services community.

Appendix L – Sample Budget and Justification

All applications must have a detailed budget justification and narrative that explains the federal and the non-federal expenditures broken out by the object class cost categories listed on SF-424A – Section B (Budget Category) for non-construction awards.

- The budget narrative must match the costs identified on the SF-424A form and the total costs on the SF-424.
- The Budget Narrative and justification must be consistent with and support the Project Narrative.
- The Budget Narrative and justification must be concrete and specific. It must provide a justification for the basis of each proposed cost in the budget and how that cost was calculated. Examples to consider when justifying the basis of your estimates can be ongoing activities, market rates, quotations received from vendors, or historical records. The proposed costs must be reasonable, allowable, allocable, and necessary for the supported activity.
- NOFOs invite applications for periods of performance of one to up to five years. Generally, awards, on a competitive basis, will be for a one-year budget period but the period of performance may be up to five years. Submission and SAMHSA approval of the progress report(s) and any other required submission or reports is the basis for the budget period renewal and release of subsequent year funds. Funding beyond the one-year budget period but within the multi-year period of performance is subject to availability of funds, satisfactory progress of the recipient, and a determination that continued funding would be in the best interest of the Federal Government. Progress will be evaluated by submission of data on required performance measures, satisfactory achievement of identified goals and objectives, providing services to the projected number of individuals specified in the application, and satisfactory resolution of barriers and challenges that arise in the implementation of the project.
- Refer to the program specific Funding Restrictions/Limitations and the Standard Funding Restrictions in the NOFO, as well as to 45 CFR Part 75 (<https://www.ecfr.gov/cgi-bin/text-idx?node=pt45.1.75>), for applicable administrative requirements and cost principles.

SAMHSA Budget Template

To expedite review of your application, it is highly recommended you use the following PDF budget template to complete the Detailed Budget and Narrative Justification for submission with your application:

- To locate the budget template [Click here SAMHSA Forms and Resources](#) – scroll down to “**SAMHSA Budget Template**” section. You **must** download the budget template PDF to your computer first before opening it directly in Adobe Acrobat or Acrobat Reader (not your internet browser):
 1. Right-click the link "**SAMHSA Budget Template (PDF)**"
 2. Select "save link as" and save to a location on your computer
 3. Go to the saved location and open the "SAMHSA Budget Template (PDF)" using Adobe Acrobat or Acrobat Reader.

Guidance

The following documents provide guidance on using the budget template:

- [Key Features of the Budget Template](#)
- [Budget Template Users Guide](#)
- [Budget Review Checklist](#) – use this checklist to review your Detailed Budget and Narrative Justification before submission to SAMHSA.

Note: For SAMHSA to view all of your budget data, you must convert the PDF to a non-editable format by **PRINTING TO PDF** before submission.

Sample Budgets

The following PDFs are samples of Detailed Budgets and Narrative Justification:

- [Sample Budget – NON-MATCH \(PDF | 697 KB\)](#)

Completing the SF-424A

Complete Sections A – F of the SF-424A Budget Information – Non-Construction Programs form included with the application package for each year of the period of performance. The budget period is for one year. However, you must submit one-year budgets for each of the subsequent budget periods within the requested period of performance at the time of application.

In **Section A** use rows 1–4 to provide the budget amounts for the first four years of the project. Enter the amounts in the “New or Revised Budget” column- not the “Estimated Unobligated Funds” column. In Section B 6. Object Class Categories of the SF-424A, provide the object class category breakdown (i.e., line-item budget) for each year of the period of performance specified in Section A.

In **Section B**, use column (1) to provide category amounts for year one and use columns (2) through (4), if applicable, for subsequent budget years. If applicable for

year five, submit a copy of Section B of the SF-424A as an Attachment (specific attachment number will be listed in the NOFO - not counted in the page limit).

Section C – Non-Federal Resources: complete only if Section III. 2. Cost Sharing/Matching of the NOFO indicates that cost sharing/matching is required. Lines 8–11 correspond to the first four years of the project. If applicable for year five, submit a copy of Section C of the SF-424A as an Attachment (specific attachment number will be listed in the NOFO).

Section D – Forecasted Cash Needs: If no cost sharing/matching is required, complete only line “13. Federal” in the first column titled “Total for 1st Year.” If cost sharing/matching is required, complete all three lines “13. Federal,” “14. Non-Federal,” and “15. Total (Sum of lines 13 and 14)” in the first column titled “Total for 1st Year.”

Section E – Budget Estimates of Federal Funds Needed for Balance of the Project: Complete line 16 of the Future Funding Periods columns for the out years, with (b) First being the 2nd year, (c) Second being the 3rd year, etc.

Section F – Other Budget Information. Complete as appropriate.

Budget Cost Categories

Personnel Costs: Explain personnel costs by listing each staff member who will be supported from funds, name (if possible), position title, percentage of full-time equivalency, and annual salary. Award funds may not be used to pay the salary of an individual at a rate in excess of Executive Level II or **\$203,700**. An individual's base salary, per se, is NOT constrained by the statutory provision for a limitation of salary. The rate limitation simply limits the amount that may be awarded and charged to SAMHSA grants and cooperative agreements.

Note: If an organization is awarded a grant and chooses to move forward with hiring an individual for a Key Personnel position before receiving SAMHSA's formal approval, this will be done at the organization's own risk. If SAMHSA's review of the Key Personnel request results in the proposed individual not being approved or deemed not qualified for the position, the expectation is that the organization must submit a qualified candidate to be placed in the Key Personnel position. SAMHSA will not be liable for any costs incurred or pay for salaries of a Key Personnel that is not approved or deemed not qualified on the grant program.

Fringe Benefits: List the components that comprise the fringe benefit rate, for example health insurance, taxes, unemployment insurance, life insurance, retirement plans, and tuition reimbursement. The fringe benefits should be directly proportional to that portion of personnel costs that are allocated for the project.

Travel: List travel costs according to local and long-distance travel. For local travel, outline the mileage rate, number of miles, reason for travel and staff member/consumers completing the travel. The budget should also reflect the travel expenses (e.g., airfare, lodging, parking, per diem, etc.) for each person and trip associated with participating in meetings and other proposed trainings or workshops. Name the traveler(s) if possible, describe the purpose of the travel, provide number of trips involved, the destinations, and the number of individuals for whom funds are requested.

Equipment: List equipment costs and provide justification for the need of the equipment to carry out the program's goals. Extensive justification and a detailed status of current equipment must be provided when requesting funds for the purchase of items that meet the definition of equipment (a unit cost of \$5,000 or more and a useful life of one or more years). For example, large items of medical equipment.

Supplies: List the items that the project will use to implement the proposed project. Items must be listed separately: office supplies (e.g., paper, pencils).

Per 45 CFR § 75.321, property will be classified as supplies if the acquisition cost is under \$5,000. Note that items such as laptops, tablets, and desktop computers are classified as a supply if the value is under the \$5,000 equipment threshold.

Contractual/Subawards/Consortium/Consultant: Provide a clear explanation as to the purpose of each contract/subaward, how the costs were estimated, and the specific contract/subaward deliverables. You should provide the basis for your cost estimate for the contract. You are responsible for ensuring that your organization or institution has in place an established and adequate procurement system with fully developed written procedures for awarding and monitoring all contracts/subawards. Recipients must notify potential subrecipients that entities receiving subawards must be registered in SAM and provide the recipient with their DUNS number (see 2 CFR part 25). For consultant services, list the total costs for all consultant services. In the budget narrative, identify each consultant, the services he/she will perform, total number of days, travel costs, and total estimated costs.

For subawards to entities that will help carry out the work of the award, you should describe how you will monitor their work to ensure the funds are being properly used.

Other: Include all costs that do not fit into any other category and provide an explanation of each cost in this category (e.g., provider licenses). In some cases, rent, utilities, and insurance fall under this category if they are not included in an approved indirect cost rate.

Indirect Costs: Indirect costs are those costs incurred for common or joint objectives which cannot be readily and specifically identified with a particular project or program but are necessary to the operations of the organization, e.g., the cost of operating and

maintaining facilities, depreciation, and administrative salaries. For some institutions, the term “facilities and administration” (F&A) is used to denote indirect costs. If your organization does not have an indirect cost rate, you may wish to obtain one through HHS’s Cost Allocation Services (CAS) (formerly the Division of Cost Allocation (DCA)). Visit CAS’s website to learn more about rate agreements, the process for applying for them, and the regional offices which negotiate them. **If indirect costs are included in the budget, attach a copy of the indirect cost rate agreement.**

Any non-federal entity that has never received a negotiated indirect cost rate, (except a governmental department or agency unit that receives more than \$35 million in direct federal funding) may elect to charge a de minimis rate of 10 percent of modified total direct costs (MTDC) which may be used indefinitely. If chosen, this methodology once elected must be used consistently for all federal awards until such time as a non-federal entity chooses to negotiate for a rate, which the nonfederal entity may apply to do at any time.