

ATTACHMENT 2
ORDINANCE NO. 2025-_____

AN ORDINANCE PROVIDING FOR AN AMENDMENT OF THE BUCKWALTER DEVELOPMENT AGREEMENT TO INCORPORATE CERTAIN PROPERTIES OWNED BY BEAUFORT MEMORIAL HOSPITAL, CONSISTING OF 10.9 ACRES, MORE OR LESS, LOCATED AT 333 AND 335 BUCKWALTER PARKWAY, AND BEARING BEAUFORT COUNTY TAX MAP NO. R610 030 000 0712 0000, TO PROVIDE FOR AN AFFORDABLE HOUSING DENSITY BONUS INCREASING THE TOTAL PERMITTED DEVELOPMENT RIGHTS BY 60 RESIDENTIAL DWELLING UNITS AND INCORPORATE CERTAIN TERMS TO THE BUCKWALTER DEVELOPMENT AGREEMENT

WHEREAS, on April 19, 2000, the Town of Bluffton ("Town") enacted Ordinance No. 2000-03 adopting the Buckwalter Development Agreement ("Development Agreement") and Ordinance No. 2000-04 adopting the Buckwalter Concept Plan ("Concept Plan"); and

WHEREAS, concurrent with the entering into the Development Agreement on April 19, 2000, the Town annexed the Buckwalter Tract into the Town's corporate boundaries and approved Planned Unit Development ("PUD") zoning for the tract and the Concept Plan; and

WHEREAS, the Town has previously approved thirteen amendments to the Tract Development Agreement and Concept Plan to add and/or reallocate additional property and density thereto; and

WHEREAS, Beaufort County ("County") conveyed certain property located at 333 and 335 Buckwalter Parkway consisting of 10.09 acres, bearing Beaufort County Tax Map No. R610 030 000 0712 0000 ("Property") and assigned the associated 10.09 acres of general commercial development rights to Beaufort Memorial Hospital ("BMH") for the construction of a 120 unit multi-family development providing affordable housing as well as up to 6,000 square feet of medical facilities (collectively hereinafter the "Project") pursuant to certain terms as set forth in County Ordinance 2024-36, as amended by County Ordinance 2025-08; and

WHEREAS, in order to construct the 120 multi-family unit portion of the Project, BMH must acquire 120 residential development rights ("RDUs"); and

WHEREAS, BMH has submitted a request to the Town to acquire 60 RDUs owned by the Town which are associated with Buckwalter from the Development Rights Bank via approval of a Transfer of Development Rights Ordinance and conveyance of the 60 RDUs via a purchase and sale agreement approved by Ordinance; and

WHEREAS, BMH also requests a 100% density bonus of 60 RDUs as 100% of the RDUs will be designated for affordable housing for households which qualify at up to 80% of the current Area Median Income ("AMI") requiring an amendment to

the Development Agreement and Concept Plan to add the 60 RDUs to the total RDUs allowed within Buckwalter PUD as well as incorporate additional terms as deemed necessary; and

WHEREAS, the Town recognizes the need for additional affordable housing within the Town; and

WHEREAS, throughout the County and, in particular, southern Beaufort County, a shortage of affordable housing remains a pressing issue for local businesses, residents, and governmental organizations. Both the Town and BMH suffer due to the difficulties caused by a lack of reasonable housing options in attracting and retaining well-trained and highly qualified employees; and

WHEREAS, the Town of Bluffton Comprehensive Plan ("Blueprint Bluffton") adopted by Bluffton Town Council ("Town Council") on November 8, 2022, as amended, identifies affordable housing as an Objective for the Town's focus per Sections H1.4 and Sections H2.4; and

WHEREAS, Section XIII.3 of the Development Agreement allows density bonuses as an incentive for affordable housing; and

WHEREAS, on _____, the Town of Bluffton Planning Commission held a Public Hearing and voted to forward to Town Council a recommendation of approval for the 14th Amendment of the Development Agreement ("14th Amendment") request; and

WHEREAS, the Town Council concurs with Planning Commission's recommendation; and

WHEREAS, the Town Council finds it to be in the Town's best interest to approve the 14th Amendment as shown in Exhibit A attached hereto and incorporated herein by reference and as further described herein.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends the Buckwalter Development Agreement in the following particulars:

1. The Development Agreement shall be amended in accordance with the terms and conditions of the Fourteenth Amendment to Development Agreement And Concept Plan attached hereto and incorporated herein as Exhibit A.
2. In the event of any conflict between the terms and conditions of the Development Agreement and the 14th Amendment, the terms and conditions of this 14th Amendment to the Development Agreement shall control and the Development Agreement shall be deemed amended to that extent.
3. All other terms and conditions of the Development Agreement, as amended,

shall not be changed or otherwise modified herein and are reaffirmed and remain unchanged.

4. This Ordinance shall take full force and effect upon final adoption by Town Council.

DONE, RATIFIED AND ENACTED this _____ day of _____, 2025.

This Ordinance was read and passed at first reading on _____, 2025.

Larry Toomer, Mayor
Town of Bluffton, South Carolina

Marcia Hunter
Town of Bluffton, South Carolina

A public hearing was held on this Ordinance on _____, 2025.

Larry Toomer, Mayor
Town of Bluffton, South Carolina

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

This Ordinance was passed at second reading held on _____, 2025.

Larry Toomer, Mayor
Town of Bluffton, South Carolina

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

Exhibit A

14th Amendment To Development Agreement And Concept Plan - Buckwalter Tract