

South Carolina



Planning Education Advisory Committee

Committee Members:

Stephen G. Riley, Chairman
Representing MASC
Term Expires: 2017

Phillip L. Lindler
Representing SCAC
Term expires: 2015

Cliff Ellis
Representing Clemson
University
Term expires: 2016

Dennis Lambries
Representing USC
Term expires: 2016

Wayne Shuler
Representing SCAPA
Term expires: 2018

November 7, 2014

City of North Charleston
Kriston D. Neely, Staff Attorney
2900 City Hall Lane
North Charleston, SC 29406

Re: 2014 Training for BOZA and Planning Commission

Dear Ms. Neely:

On October 24, 2014, I received the Program Materials you submitted for accreditation of the Continuing Education Course detailed above. Upon receipt of your application, I sent an email to confirm receipt by all Committee members and set a deadline for comments.

Under the "no objection policy" adopted on July 8, 2009, your request is considered approved. Your signed "Notice of Decision" is attached. Formal, after-the-fact approval will be handled as part of a Consent Agenda at the regular quarterly meeting of the Committee, which is scheduled for January 21, 2015 at 1:30 p.m.

Thank you for your efforts to help make this program a success.

Sincerely,

A handwritten signature in black ink that reads "Stephen G. Riley".

Stephen G. Riley, ICMA~CM
Chairman

cc: Phil Lindler, Cliff Ellis, Dennis Lambries, and Wayne Shuler

South Carolina Planning Education Advisory Committee (SCPEAC)

ONE TOWN CENTER COURT • HILTON HEAD ISLAND, SC • 29928
PHONE: 843-341-4700 • FAX: 843-842-7728
www.scstatehouse.net/SCPEAC/index.htm
Stever@hiltonheadislandsc.gov

NOTICE OF DECISION

12. The following action has been taken by the SCPEAC on this application:

- a) X ACCREDITED for 3.0 CE credits
- b) DENIED ACCREDITATION
 - i. Reason: _____
- c) RETURNED for more information

13. If accredited:

- a) Approved Course No.: 2014-06
- b) Date of accreditation: 11-07-2014
- c) Comments: None

Signature of SCPEAC Representative: _____



**For further information, contact Mr. Stephen Riley, Chairman,
843-341-4701 or steve@hiltonheadislandsc.gov**

**APPLICATION FOR ACCREDITATION
OF A CONTINUING EDUCATION PROGRAM**

Note: This certification form, together with the required information referenced therein, shall be submitted to the Committee. If no objections are raised by a member of the SCPEAC within 10 working days of receipt, the continuing education program shall be considered accepted. If an objection is raised, a teleconference meeting shall be scheduled, with appropriate public notice, as soon as reasonably possible, to review the application.

1. Name and address of organization providing or sponsoring the orientation program:

a. Organization Name: City of North Charleston

b. Address: P.O. Box 190016

c. City: North Charleston

d. State: South Carolina

Zip Code: 29419

e. Telephone: 843-740-2553

f. Email: kneely@northcharleston.org

2. Contact Information:

a. Name of Contact Person: Kriston D. Neely

b. Title: Deputy City Attorney

c. Telephone: 843-740-2553

d. Email: kneely@northcharleston.org

3. Information on orientation program:

a. Title of Program:

2014 Training for BOZA and Planning Commission

b. Date(s) and Location(s) of Program:

December 9, 2014 North Charleston City Hall

c. Brief description of the program and its content:

An overview of the duties for BOZA and PC members; a review of parliamentary procedure; and an in-depth discussion of key issues and ordinance sections relevant to the their roles in the planning and zoning process.

4. Method of presentation (check all that apply. All sessions must have a Coordinator present):

a. Presentor(s) in room with participants

b. Live presentation via close circuit TV, video conferencing, or similar; Coordinator present

- c. Videotape or CD/DVD presentation; Facilitator present
- d. Webinar or similar; Coordinator present
- e. Other (describe) _____

5. Description of materials to be distributed (check/fill in all that apply):

a. Powerpoint handout: <input checked="" type="checkbox"/>	number of slides: 135 144
b. Other handouts: <input checked="" type="checkbox"/>	total pages: 9

- c. CD/DVD:
- d. Other (describe) _____
- e. None:

6. When are materials distributed?

- a. Sent before the program:
- b. Handed out at the program:
- c. Other (describe) _____

7. Required attachments (5 copies distributed as described below):

- a. Course description and outline including estimated time per section
- b. Brochure, if available
- c. Course Presenter(s) and credentials (include brief resumes and qualifications)
- d. Copies of all handouts and course materials
- e. Evaluation Form and method of evaluation (each program must be evaluated)

8. Instruction Time:

- a. Indicate the total minutes of instruction time: 3 hours

Note: Breaks, meals and introductions should not be counted. A reasonable period of Q and A should be included and counted.

9. Method of Advertisement:

- a. Describe the ways in which you intend to let potential attendees know about this orientation program:
The City's Planning and Zoning Department will communicate with each member of the BOZA and Planning Commission regarding this program.

10. Certification. By Submitting this application, the applicant agrees to:

- a. Allow in-person observation, without charge, of the Program by the SCPEAC Committee members. Any food, travel or lodging costs will be the responsibility of the Committee member(s).

b. The applicant acknowledges that its approval for this Program may be withdrawn for violations of the regulations or failure to comply with the agreements and representations contained herein and as may be required by the SCPEAC.

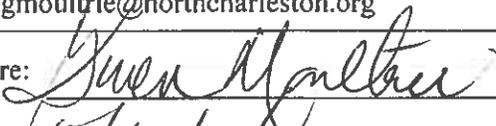
i. Name of Organization: City of North Charleston Planning and Zoning Department

ii. Name of Representative: Gwen Moultrie

iii. Title: Director

iv. Phone: 843-740-2572

v. Email: gmoultrie@northcharleston.org

vi. Signature: 

vii. Date: 10/21/14

Application and all Materials may be submitted in one of the following means:

1. Electronic submission to each of the committee members listed below via email; or
2. Hardcopy via U. S. Mail, 1 copy each to each committee member; or
3. Electronic submission of the application via email to all committee members, and submit hardcopy supporting materials via U.S. Mail to each member, if materials not available electronically.
4. Please cc all applications to the Chairman's assistant, Vicki Pfannenschmidt at vickip@hiltonheadislandsc.gov

To access committee members email and postal addresses visit the link below:

<http://www.scstatehouse.gov/scpeac/members.htm>

Course: 2014 Training for BOZA and Planning Commission

Credits: Three (3) hours. The course should span 3.5 hours including the breaks.

Course Description:

This workshop is designed to provide a concise explanation of the duties, authority, and methods on which the Planning Commission and Board of Zoning and Appeals function effectively. It will include an overview of basic functions of both the Board of Zoning and Appeals and the Planning Commission, a discussion of variance criteria, a review of the various district classifications and uses within the City of North Charleston, an overview of parliamentary procedure and proper methods of conducting a meeting, and a summary of our current buffer requirements.

Time Breakdown:

Introduction / Overview	
Planning and Zoning 101	30
Variance Criteria / Exercise	45
District Classifications and Allowable	45
Uses within the City of North Charleston	
Parliamentary Procedure Rundown	30
North Charleston's Current Buffer	30
Ordinance	

Questions and Answers Following Each Topic

Course Presenters

Kriston D. Neely, Deputy City Attorney, City of North Charleston

Francie Austin, Deputy City Attorney, City of North Charleston

Variance Exercise Problems

MEMORANDUM

To: The Zoning Board of Appeals (ITEMS III)
From: Gwen Moultrie, Zoning Administrator
Date: October 01, 2012
Re: Request for Variance from Article VI, Section 6-2.1, Paragraph (c)

Mr. Daniel C. Forsberg is seeking a variance on behalf of MTAV, LLC from Article VI, Section 6-2.1, Paragraph (c) relating to the 10 ft. rear yard setback requirement for the property located at 2695 Elms Plantation Boulevard (TMS# 486-02-00-014) in the B-2, General Business Zoning District and University Boulevard Overlay. The applicant, Mr. Daniel Forsberg, is designing a new medical office development and would like to position a number of condensing units within the required 10 ft. rear yard setback area. However, he is prevented from doing so by the building setback requirements for structures located in the B-2 zoning district.

The applicant, Mr. Forsberg, argues that the property owner would like to place a number of air conditioning units along the rear property line within the 10 ft. rear yard setback. He notes that the new building will exceed the 10 ft. rear yard setback but that the air conditioning units would encroach 5 ft. into the required setback. As a result, he is proposing to reduce the minimum setback from 10 ft. to five feet to allow for the placement of the air conditioning units at the rear of the site. He also argues that the alternative would be to place the air conditioning units on the roof top with screening; however, he believes this situation is less desirable.

The parcel proposed for redevelopment is positioned at the corner of University Boulevard and Elms Plantation Boulevard in the University Boulevard Overlay District. The lot is somewhat narrower when compared to other lots within the vicinity of the site with dimensions of 167' x 388' which in this case the lot turns out to be twice as long as it is wide. Additionally, because the parcel has dual frontage, the site requires a 15' buffer to be installed along University Boulevard and buffering along Elms Plantation Boulevard which is also typically not the norm but unique to corner parcels. As a result of the buffer requirement, portions of an area along Elms Plantation Boulevard that ordinarily would have been devoted to parking is now buffer area. The parking spaces and driveway aisles have been relocated further within in the site further restricting the manner in which the applicant is able to develop without encroaching in required setbacks. The applicant's request of a 5 ft. setback reduction will only result in the accessory use structures being placed at the rear of the site enclosed between the building and 8 ft. opaque privacy fence. As all other applicable setback requirements will be met and the

proposal will not have a detrimental impact on the adjacent properties or to the public good, I am recommend approval of the requested variance.

City of North Charleston, SC

APPLICATION FOR ZONING VARIANCE CITY OF NORTH CHARLESTON ZONING ORDINANCE	DATE: 9.10.2012 \$75.00 Application Fee
--	--

TMS# 486-02-00-014 ZONING B-2

LOCATION ADDRESS 2695 ELMS PLANTATION BLVD. NORTH CHARLESTON, SC 29405

REQUEST FOR VARIANCE FROM THE PROVISIONS OF ARTICLE VI, SECTION 2.1C

PARAGRAPH 2.1C, OF THE ZONING ORDINANCE RELATING TO THE AREA

YARD X, HEIGHT _____, PARKING _____, OR OTHER _____

_____ PROVISIONS OF THE REGULATIONS.

PRESENT USE OF PROPERTY: OFFICE

PROPOSED USE OF PROPERTY: OFFICE

Applicant/Owner/Representative

Applicant FORSBERG ENGINEERING & SURVEYING, INC.

Print Daniel C Forsberg Signature [Signature]

Address P.O. BOX 30575 CHARLESTON, SC 29417

Phone # (Home) N/A Phone # (Work) (843) 571-2622

Owner(s) (If different from applicant) MTAV, LLC.

Print _____ Signature _____

Address 200 FERRY STREET MOUNT PLEASANT, SC 29464

Phone # (Home) _____ Phone # (Work) _____

Representative (If different from applicant)

Print _____ Signature _____

Address _____

Phone # (Home) _____ Phone # (Work) _____

City of North Charleston, SC

A SITE PLAN SHOWING THE FOLLOWING MUST BE SUBMITTED WITH THIS APPLICATION:

- 1. SITE PLAN (Showing all existing and proposed buildings, roads, driveways, 9' x 19' minimum parking spaces, fences, etc.) (10 Copies Required)
- 2. STATEMENT OF APPELLANT containing the following:

THE FOLLOWING ISSUES MUST BE ADDRESSED AS PART OF THE APPLICATION PROCESS:

A. Please identify the particular requirements of this ordinance which prevent the proposed use or construction.
10' SIDE SET BACK AS APPLIED TO A/C UNITS.

B. Indicate any extraordinary and exceptional conditions of the subject property which prevent compliance with said requirements of this ordinance.
REDEVELOPMENT OF AN EXISTING PARCEL. THE NEW BUILDING WILL EXCEED THE SIDE YARD SETBACK BUT THE A/C UNIT WILL NOT.

C. What is the minimum reduction of the requirements of this ordinance which would be necessary to permit the proposed use or construction?
10' TO 5'

D. Identify the particular hardship which would result if said particular requirements of this ordinance were applied to the subject property.
THE UNITS COULD POSSIBLY BE SITUATED ON THE ROOF WITH SCREENING. WE BELIEVE THIS IS THE LESS DESIRABLE ALTERATION.


Signature of Appellant

THIS APPLICATION MUST BE COMPLETED IN ITS ENTIRETY BEFORE SUBMITTAL.

- 1. Forwarded to the Zoning Board of Appeals.
- 2. This application with supporting documents meet all applicable regulations of the Zoning Ordinance except indicated.

Scheduled for _____ Zoning Board of Appeals Meeting
Form corrected February 2008

MEMORANDUM

To: The Zoning Board of Appeals (ITEMS VI)

From: Gwen Moultrie, Zoning Administrator

Date: February 04, 2013

Re: Request for variance from Article VI, Section 6-1, Paragraph (c) 3 (a)

Ms. Linda Mann is seeking a variance from Article VI, Section 6-1, Paragraph (c) 3(a) relating to the location of a detached accessory use structure for the property located at 3073 Nantuckett Avenue (TMS# 484-08-00-427) in the R-1, Single Family Residential Zoning District and Ladson Overlay / Council District 2. The applicant, Ms. Mann, would like to place an accessory use building in her side yard but is prevented from doing so because the Zoning Ordinance relegates accessory use structures to rear yards and makes no provision for them in side yards. According to our Zoning Ordinance, the rear yard is defined as the area between the rear wall of a house and the rear property line. The applicant has already poured the foundation without the benefit of a building permit or zoning review and is now seeking a variance to enable her to place the accessory use structure within the side yard.

Ms. Mann argues that the foundation for the accessory use shed was poured in the side yard prior to her learning about the provision of the ordinance that requires these types of structures to be placed in the rear yard. Ms. Mann further argues that by allowing the shed to be placed in her side yard this would prevent the rear yard from becoming cluttered. Additionally, Ms. Mann explains that adherence to the application of the ordinance would cause a hardship as she would lose the \$1,000 she has already paid for the work to be performed plus additional monies would have to be spent paying to have the foundation removed. Lastly, she asserts that she would lose value in the back yard area due to the shed being placed in the middle of the rear yard because of the existing drainage easement.

The applicant began performing the work without the benefit of an approved building permit or without receiving zoning approval back in April 2012. As a result, she is now seeking relief by a way of a variance asserting that the exceptional or unique conditions are: 1. the foundation has already been pour in the side yard; 2. she has already paid \$1,000 to have the foundation poured and additional monies would be required to pay for the removal of the foundation from its present location; 3. placing the shed in the rear yard would lead to clutter since the shed would have to be placed in the back yard due to an existing easement. Staff believes that the hardship the applicant is presently experiencing is the result of having work performed without the benefit of zoning approval or an approved building permit application rather than out of a hardship from the City's regulations. She argues that there is an existing drainage easement on the property but

she has not provided any proof that an encroachment permit was denied by our Public Works Department. It appears that the hardship the applicant is presently experiencing is the result of her own actions and not the result of the City's regulations. Consequently, I recommend denial of the requested variance.

APPLICATION FOR ZONING VARIANCE
CITY OF NORTH CHARLESTON ZONING ORDINANCE

DATE: 14 Jan 13
\$75.00 Application Fee

TMS# 484-08-00-427 ZONING R-1

LOCATION ADDRESS 3073 Nantuckett Ave. N. Charleston 29420

REQUEST FOR VARIANCE FROM THE PROVISIONS OF ARTICLE 6, SECTION 6-2

PARAGRAPH 2 OF THE ZONING ORDINANCE RELATING TO THE AREA

YARD Side, HEIGHT -, PARKING -, OR OTHER

PROVISIONS OF THE REGULATIONS.

PRESENT USE OF PROPERTY: Side yard

PROPOSED USE OF PROPERTY: Shed

Applicant/Owner/Representative

Applicant Linda Mann

Print _____ Signature Linda Mann

Address 3073 Nantuckett Ave

N. Charleston, SC 29420

Phone # (Home) _____ Phone # (Work) _____

Owner(s) (If different from applicant) _____

Print _____ Signature _____

Address _____

Phone # (Home) _____ Phone # (Work) _____

Representative (If different from applicant) _____

Print _____ Signature _____

Address _____

Phone = (Home) _____ Phone = (Work) _____

A SITE PLAN SHOWING THE FOLLOWING MUST BE SUBMITTED WITH THIS APPLICATION:

1. SITE PLAN (10 Copies) (Showing all existing and proposed buildings, roads, driveways, 9' x 19' minimum parking spaces, fences, etc.)
2. STATEMENT OF APPELLANT containing the following:

THE FOLLOWING ISSUES MUST BE ADDRESSED AS PART OF THE APPLICATION PROCESS:

A. Please identify the particular requirements of this ordinance which prevent the proposed use or construction.

I have laid the foundation in the Sideyard prior to finding out it was subject to the ordinance.

B. Indicate any extraordinary and exceptional conditions of the subject property which prevent compliance with said requirements of this ordinance.

We hoped to use the Sideyard to prevent cluttering the backyard. The foundation has been laid prior to finding out we needed a permit.

C. What is the minimum reduction of the requirements of this ordinance which would be necessary to permit the proposed use or construction?

Allowing accessory building in the Sideyard without attachment to the home.

D. Identify the particular hardship which would result if said particular requirements of this ordinance were applied to the subject property.

I would loose the \$1000.00 paid for foundation plus pay for removal. As the homeowner I believe I would loose value by leasing the backyard area, due to easment placement the shed would be in the middle of backyard.

[Signature]
Signature of Applicant

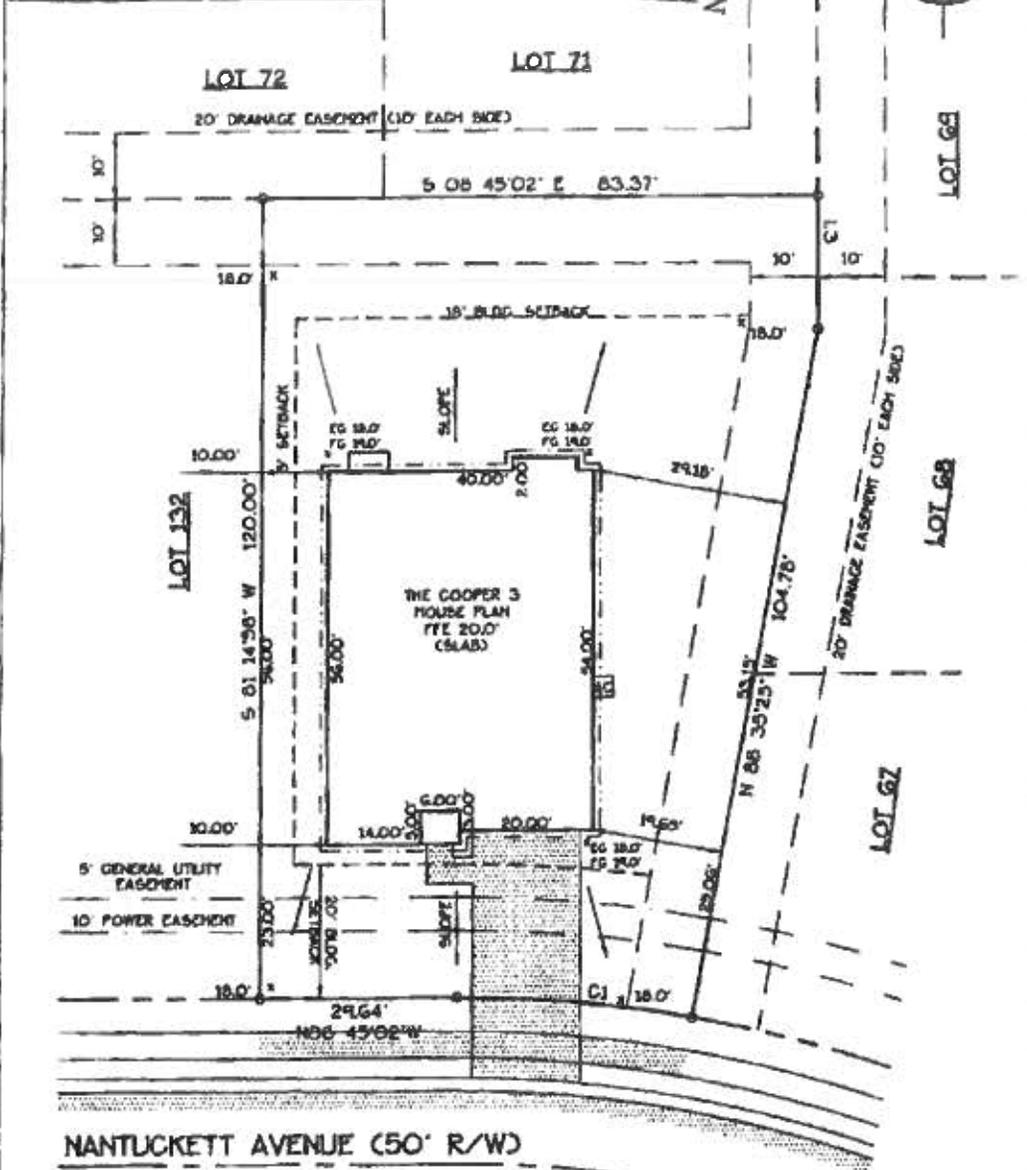
THIS APPLICATION MUST BE COMPLETED IN ITS ENTIRETY BEFORE SUBMITTAL.

1. Forwarded to the Zoning Board of Appeals.
2. This application, with supporting documents, meet all applicable regulations of the Zoning Ordinance except as noted.

Scheduled for _____ Zoning Board of Appeals Meeting
Print corrected June 2008

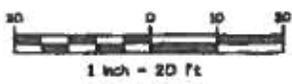
CURVE TABLE					
CURVE	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	200.00	35.47	17.78	35.42	S03 40'14"E

LINE DATA		
LINE	LENGTH	BEARING
L3	20.00'	N81 08'30"E



TOTAL AREA FOR
LANDSCAPING IS
3432.5 sq. ft.

APPROX. AREA FOR
DRIVE AND FRONT WALK
639.4 sq. ft.



PREPARED FOR DAN RYAN BUILDERS
PLOT PLAN SHOWING LOT 133
THE RESERVE at COLONY NORTH PHASE II
 LOCATED IN THE CITY OF NORTH CHARLESTON, CHARLESTON COUNTY, SC

SCALE: 1" = 20' DATE: JULY 30, 2004
 REFERENCE: PLAT RECORDED IN PLAT BOOK LOR, PAGE 277-279
 LOT MAY BE SUBJECT TO EASEMENTS AND RESTRICTIONS NOT OBVIOUS OR APPARENT TO THE SURVEYOR.
 PROPERTY APPEARS TO BE IN FLOOD ZONE X. 45079G ORBO J. REVISED NOVEMBER 17, 2004
 FLOOD ZONE SHOULD BE VERIFIED WITH GOVERNING MUNICIPALITY BEFORE CONSTRUCTION.
 NOTE: ALL ELEVATIONS ARE ASSUMED
 GN-133PP dsc

PARKER LAND SURVEYING, LLC
 3220 YEAMANS HALL ROAD, NANTUCKET, SC 29950
 TEL: (843) 884-7777 FAX: (843) 884-7774

THIS PLOT PLAN DOES NOT REPRESENT A LAND SURVEY, WAS NOT
 PREPARED FOR RECORDATION AND IS NOT SUITABLE FOR DEEDING
 OF PROPERTY. NO GROUND SURVEY WAS PERFORMED.

2014 Training for BOZA and Planning Commission

Evaluation Form

1. The presenter communicated ideas and concepts clearly.

1 – Strongly agree; 2 – agree; 3 – neutral; 4 – disagree; 5 – strongly disagree

2. The presenter demonstrated a thorough grasp of the course material.

1 – Strongly agree; 2 – agree; 3 – neutral; 4 – disagree; 5 – strongly disagree

3. The presentation was well organized.

1 – Strongly agree; 2 – agree; 3 – neutral; 4 – disagree; 5 – strongly disagree

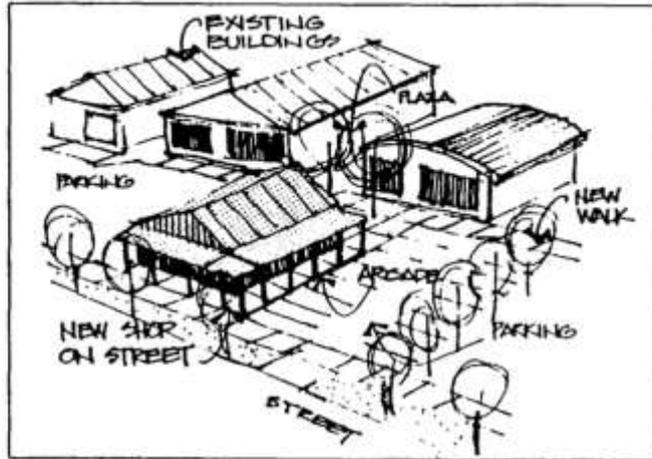
4. The subject matters discussed was appropriate for my duties on the Planning Commission or BOZA.

1 – Strongly agree; 2 – agree; 3 – neutral; 4 – disagree; 5 – strongly disagree

5. Provide three things that were beneficial from this presentation.

6. Provide any suggestions on how the presentation can be improved.

7. I would be interested in learning about the following topics at a later date.



2014 Training for BOZA and Planning Commission

Presented by the City of North Charleston's Legal Dept.

Session Overview:

- Planning and Zoning 101
- Variance Criteria
- District Classifications and Allowable Uses
- Parliamentary Procedure Rundown
- North Charleston's Current Buffer Ordinance

Planning and Zoning 101

Planning Commission

- Appointed by the Mayor.
- Consists of eight (8) members.
- Four-year terms.
- No compensation (except for expenses).

Planning Commission

General Powers

Initiate and recommend revisions to the comprehensive plan.

Recommend zoning amendments to ordinances.

Review and approve subdivision of land and subdivision variances.

Recommend changes to the zoning ordinance and Official Map of the City.

Approve the name of City streets.

1. Comp plan – Every ten years; review every five.
2. These are ordinance changes (tree ordinance, buffer ordinance, etc.)
3. If lots are greater than 10, new roads or city easement are being created, it's a PC item. Otherwise, exempt plats are approved by Gwen without PC input.
4. These are zoning changes (ex. From B1 to B2).

Planning Commission & Street Names

- Planning Commission shall approve street or road names within the City in the following instances:
 - Creation of a new street or road;
 - Avoid a duplicate name to avoid confusion;
 - Change to simplify marking or give better directions; or
 - Any good reason.
- Approval must be granted before a street or road name is listed on a plat, marking, or deed, etc.

S.C. Code 6-29-1200. Approval of street names required; violation is a misdemeanor; changing street name.

Changing a Zoning Ordinance

- Applicant submits a request to the planning office.
- Request goes to Planning Commission for review and recommendation.
- Planning Commission has a hearing to determine whether to approve or deny request.
- Planning Commission sends the recommendation to City council.
- Council decides to hear the request at a public hearing.
- Council considers the request at a Public Safety Committee meeting.
- Council decides whether to approve or deny the request.

Order does not matter.

PC just needs to make a recommendation before Council's final vote.

Planning Commission's Timeline

- The proposed change cannot have been submitted to the Planning Commission within the last twelve (12) months.
- Properly submitted amendments must be considered within thirty (30) days or will be deemed approved.
- Council has sixty (60) days to consider a recommendation from the Planning Commission or it will be automatically denied.

Mention the Withdrawal Rule

What can the planning commission consider during rezoning?

- Applicable district uses, contents, etc.

What should the planning commission NOT consider?

- Site plans
- Project specific items
- Owner's intention with the property
- Individual commissioner's proposal for the property
- The imaginary demarcation line

We cannot make decision based on what an applicant will do. They aren't bound by their proposal.

BOZA

- Quasi-Judicial Function
- Seven members serving three-year (3) overlapping terms.
- Appointed by the Mayor.
- Cannot hold public office in the city or county.
- Chairman is elected by the board for a one (1) year term; or until a successor is elected.

Code 7-7.1

BOZA

Any decision made by the Zoning Administrator regarding the administration of the zoning ordinance may be appealed to the BOZA.

7-6 Can't appeal the ZA's decision/interpretation of the zoning ordinance.

Appeal Formula

- Totality of the Circumstances Test
- Procedure --
 1. An applicant approaches Gwen claiming that he should be allowed to continue his nonconforming use (height, mobile home, business in R1, etc.).
 2. Gwen looks at the facts to determine if the status has been abandoned.
 3. If so, the applicant can appeal Gwen's decision to BOZA.
 4. BOZA looks at the TOC to determine if the abandonment has occurred.

Totality of the Circumstances

- No Bright Line Rule (ex. Battery case; CSC; warrant or warrant exceptions)
- Judge the situation by looking at all the facts
- No single definition

BOZA

Most common role is to determine whether a variance from the zoning ordinance is appropriate.

BOZA Voting

Four (4) votes are needed to reverse the zoning administrator or decide in favor of an applicant.

“Decisions of the board of zoning appeals. The concurring vote of four (4) members of the board of appeals shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator or to decide in favor of the applicant on any matter upon which it is required to pass under the article or affect any variation of this article.” 7-7.2(b).

THE TAKE AWAY: To Grant a Variance OR Grant an Appeal

BOZA Appeals

Appeals from the BOZA can be filed with the Circuit Court; and they can be appealed to the Supreme Court.

Sections 7-7.5; 7-7.8

Nonconforming Uses

- Nonconforming uses that lose their status must comply with the statute.
- Must be a legal nonconforming use.
- When a violation occurs, an appeal can be filed.

Reason the status is granted is to allow for a transition. But you want to end them as soon as the status changes because the goal is to make things conform.

Actions must be legal – Ex using power from one unit to manage a duplex.

Options with Nonconforming Uses

- Immediate Change
- Grandfather the Change
- Amortization

General Concept: Landowner has a vested property right / He relies on that right / Rules change / Now its nonconforming

Taking is okay. It is just requires just compensation.

1. Immediate Change – Look at the right and determine the value, If it is insignificant, you can propose an immediate change. If its value is great, we can still have an immediate change, but we MAY have to pay/compensate.
2. Grandfather the Change –
 - a. Grace period
 - b. Prevents the City from compensating for a takings claim
 - c. Can used conditions to end the nonconforming use: abandoned or repair costs exceed a certain percentage/value
 - d. Considered urban planning – overtime, the entire area will come into compliance (can take a long time)
 - e. Example: Houses near the ports (used to be residential, now it is M2)
3. Amortization –
 1. Used when you want the nonconforming use to be eliminated on a

defined time table.

2. Set a specific time to comply.
3. General Rule – The more valuable the taking, the longer the amortization.

Variations – The **Big** Picture

- A variation may be granted in a case of unnecessary hardship
- Bright-Line Test (Four Requirements)

Magic Words – Unnecessary hardship

Both BOZA and PC use variations

Variance Requirement

- Extraordinary and exceptional conditions pertaining to the particular piece of property



Variance Requirement

- These conditions do not generally apply to other property in the vicinity.



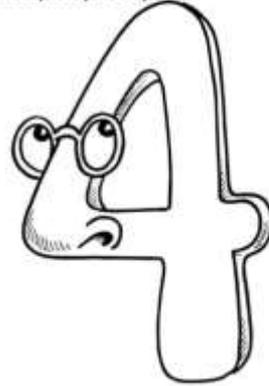
Variance Requirement

- Application of the ordinance here would prohibit or unreasonably restrict the use of the property



Variance Requirement

- The variance will not:
 - be of substantial detriment to adjacent property OR public good AND
 - harm the character of the district



Can't grant a variance . . .

- Can't grant a variance that would establish a use not otherwise permitted in a zoning district.



Can't grant a variance . . .

- Can't grant a variance that would extend physically a nonconforming use of land.



Example: nonconforming mobilehome park adding another mobile home.

Can't grant a variance . . .

- Can't grant a variance that would change the zoning district boundaries shown on the official zoning map.



Things you shouldn't consider:

- Profitability
- One owner for both parcels
- Personal feelings/emotions

Example: Kid's treehouse in the backyard.



Mother-in-law suite (on a separate lot)

What happens when it is sold?

Any questions about variances?

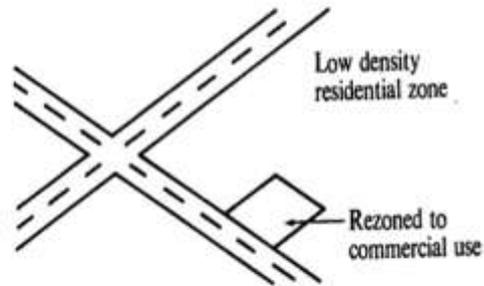
Which factor creates biggest issue for you?

Application of Variance Elements

Review Packets

Spot Zoning

- The “process of singling out a small parcel of land for use classification totally different from that of the surrounding area, for the benefit of owners of that property and to the detriment of other owners.”



Bob Jones Univ. v. City of Greenville, 243 S.C. 351 (1963).

Basically, can't change the zoning of a small area to a classification not consistent with the area.

Not spot zoning if the proposed use classification for the property already applies to a considerable amount of adjoining property.

Spot Zoning

- Invalid where the ordinance:
 - does not form a part of a comprehensive plan of zoning
or
 - is for mere private gain as distinguished from the good
of the common welfare.

Talbot v. Myrtle Beach Board of Adjustments, 222 S.C. 165, 175 (1952).

City should amend the comp plan when making a zoning change so this won't be an issue.

Trend Setting – Often a “trend” has to start somewhere; so not every spot is an illegal spot.

How do Courts View City's Spot Zoning

- Consider the Following Factors:

1. Whether the rezoning creates an injustice that is clearly shown; and
2. Whether the zoning adheres to the City's comprehensive plan; and
3. Whether the rezoning promotes the good of the common welfare.

Courts don't become zoning departments when looking at spot zoning.

Under #2 – Remember the comp plan can be amended to reflect the change. Staff handles this.

Court will only try to fix “injustices” that are clearly shown.

How do Courts View City's Spot Zoning

Take-a-ways :

1. A Court cannot substitute its "wisdom" in lieu of the municipality's decision.
2. City's the decision can't be "so unreasonable as to impair or destroy citizen's constitutional rights."
3. The alleged "spot zoning" is okay if it is fairly debatable.

Constitutional Rights – Due process violation (actions would result in an inverse condemnation or taking with proper compensation).

How do Courts View City's Spot Zoning

Easiest Take-A-Way:

- Decision can't be *arbitrary* or *unreasonable*.



Conflict of Interest:

- In the event of a conflict of interest, a public member must recuse himself from participating in governmental actions or decisions.

Conflict of Interest Rule:

- No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a family member, an individual within whom his is associated, or a business with which his is associated. (Section 8-13-700(A)).

Governed by the State Legislature.

Ethics, Government Accountability, and Campaign Reform Act of 1911 (Act. No. 248 of 1991; Section 2-17-5 et. seq. and Section 8-13-100 et. seq., as amended, 1976 Code of Laws of South Carolina.

Plain English: Section 8-13-700(A):

No public member may knowingly use his official membership to obtain an economic interest for himself, his family member, an associate (individual or business).

What's an economic interest???

Economic Interest Defined:

- An interest distinct from that of the general public in a purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services in which a public official, public member, or public employee may gain an economic benefit of fifty dollars or more. (Section 8-13-100(11)).

No economic interest in where a new Chick-Fi-la will go simply because one closer to your house would mean you'd spend less in gas. (General public interest)

Conflict of Interest Procedure:

- Prepare a written statement describing
 - the matter requiring action; and
 - the nature of the potential conflict.
- Excused from votes, deliberations, etc.

The Planning Department is given a copy of the letter prior to the meeting.

The Chairperson is given a copy at the appropriate time. (Best when the item is called.)

The letter is placed in the minutes.

Doesn't effect quorum.

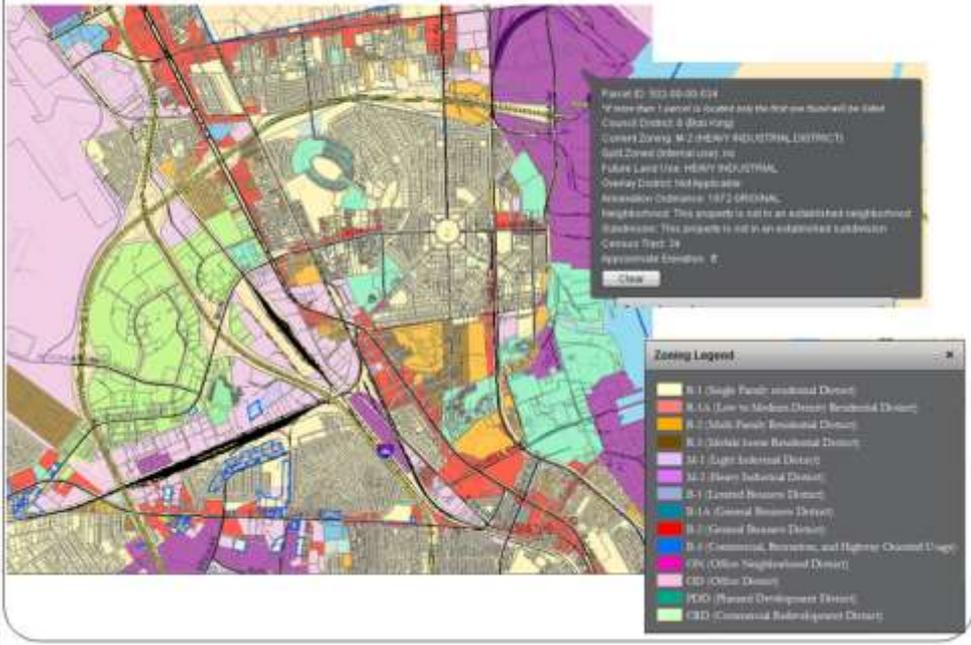
Can be present; can't participate.

District Classifications/Content

Re-zoning Process

Property owners may propose changes to the zoning on their property by filling out an application and paying a \$75 advertisement fee. This is essentially a proposed amendment to the Official Zoning Map, which requires adoption of an ordinance. The rezoning application must be reviewed by the North Charleston Planning Commission and then by City Council. If the proposed rezoning is not consistent with the Future land use map of the Comprehensive Development Plan, an amendment to the Comprehensive Development Plan must also be proposed.

Interactive Zoning Verification Map



What to Consider when rezoning

**THE DISTRICT USE
ONLY**

(What types of uses could possibly be lawfully utilized within the new zoning classification)



What NOT to consider

- Company/Person applying for the rezoning
- Site Plan (we cannot hold them to this anyways!)
- The specific use: Wendy's / Pediatric Care Center

What is proper in each district use classification?

- R-1, Single-family residential district
- R-1A, Low to medium density residential district
- R-2, Multi-family residential district
- R-3, Mobile home residential district
- OD, Office District
- ON, Neighborhood office district
- B-1, Limited Business district
- B-1A, Limited Business district
- B-2, General Business district
- B-3, Commercial, Recreational and highway oriented uses
- CRD, Commercial Redevelopment District
- M-1, Light industrial district
- M-2, Heavy Industrial district

Oak Terrace Preserve



R-1, Single-Family Residential District

Permitted uses: The following uses shall be permitted in the R-1 zoning district:

1. Single-family dwellings excluding mobile homes.

Conditional uses:

1. Customary home occupation (Mary Kay Sales Person)
2. Churches and private schools
3. Public recreation facilities
4. Golf courses and related facilities,
5. Model homes or real estate community sales centers
6. Detached garden and cluster development

Permitted uses: The following uses shall be permitted in the R-1 zoning district:

1.
Single-family dwellings excluding mobile homes.

(b)

Conditional uses: The following uses shall be permitted in the R-1 zoning district subject to the stated conditions:

1.
Customary home occupation provided that there is no external evidence of the occupation except an announcement sign not more than two (2) square feet in area; that only one (1) person in addition to permanent residents of the property is employed; and that not more than twenty-five (25) per cent of the total floor area of the dwelling is used.
2.
Churches and private schools, provided that the buildings are placed not less than twenty-five (25) feet from the side and rear property line and that planted buffer strips are created along side and rear property lines.

3.
Reserved.

- 4.

Public recreation facilities provided that the city council, after public notice and hearing, determines that the facility's location will substantially serve the public convenience and welfare, and will not substantially and permanently injure the appropriate use of neighboring property.

5.

Golf courses and related facilities, provided that the land area containing the golf course and related facilities is not less than twenty-five (25) acres. Golf course related facilities include but are not limited to clubhouses, community recreation facilities, golf driving ranges, lounges, pro shops, restaurants.

6.

Model homes or real estate community sales centers provided that:

(i)

Such uses are constructed as a traditional single-family R-1 residential structure or manufactured home;

(ii)

That no more than one (1) such structure be established per community or development;

(iii)

That no more than three (3) employees operate at the site;

(iv)

That commercial use of the structure shall not occur prior to 8:30 a.m. or after 6:00 p.m.; and

(v)

That such commercial retail use of the structure shall cease upon the later of: (1) expiration of twenty-four (24) months from the date of its construction; or (2) sale of ninety (90) per cent of the marked lots; and that the structure shall thereafter be utilized as a single-family residence or removed from the site.

7.

Detached garden and cluster development provided:

(i)

They occur in an area designated on the future land use map for traditional neighborhood development.

(ii)

The proposed development site is at least two (2) acres.



R-1A, Low to Medium Density Residential District

Single-family residential uses including mobile homes, not mobile home parks. City council intends only for identifiable neighborhoods or areas to be considered, not individual parcels.

Considerations include:

1. Compatibility with comprehensive development plan
2. Analysis of actual current land uses
3. Analysis of recent property value trends
4. Projections of economic impact of proposed zoning
5. Analysis of possible future uses of property
6. Review of recent building activity
7. Community support/opposition
8. Traffic analysis
9. Size and geographic considerations of neighborhood

Section 5-1.1. R-1A, Low to medium density residential district:

It is the intent of this section that the R-1A zoning district be established to provide for low to medium density single-family residential uses, including mobile homes, provided that the city council, after public notice and hearing, determines that a proposed area or neighborhood would be suitable for designation as an R-1A district and the permitted uses, therein, will not substantially injure the actual or permitted uses of the neighboring or nearby properties. City council intends only for identifiable neighborhoods or areas to be considered. It is not the intent of council for individual parcels or small portions of identifiable neighborhoods to become R-1A eligible.

Requests for neighborhoods or areas to become R-1A eligible must be submitted to the department of planning and Management for a suitable study. The department of Planning and Management shall evaluate the request and make a recommendation to the planning commission. The department of planning and management shall consider, but not be limited to, the following factors in making their recommendation:

1.
Compatibility with comprehensive development plan
2.
Analysis of actual current land uses

3.

Analysis of recent property value trends

4.

Projections of economic impact of proposed zoning

5.

Analysis of possible future uses of property

6.

Review of recent building activity

7.

Community support/opposition

8.

Traffic analysis

9.

Size and geographic considerations of neighborhood

The department of planning and management shall forward a report of the study and a recommendation to the Planning Commission within 60 days of receiving a request. The Planning Commission shall advertise the date and time of their meeting when the request shall be considered and shall allow public comment on the request in accordance with their policy. The Planning Commission shall make a recommendation to city council on the suitability of the proposed area for R-1A eligibility.

City council shall consider the recommendation of the planning commission and either approve or disapprove the proposed area as R-1A eligible. If city council approves the area for R-1A eligibility it shall pass a resolution designating such areas or neighborhoods as R-1A eligible and shall affix a map, prepared by the Department of Planning and Management, to the resolution detailing the area designated.

The adopted resolution and map shall be sent to the Planning Commission for their use in considering applications for rezoning. After an area has been designated as R-1A eligible, all rezoning requests for individual parcels within the area shall be processed in accordance with Article VII, section 7.3(b). Individual parcels located within an area or neighborhood that has been denied R-1A eligibility may not submit a request to become R1-A eligible. Areas or neighborhoods that have been denied R-1A eligibility may not apply for reconsideration for one year after the date of the initial request.

These regulations will encourage a diversity of affordable housing types and continuance of a stable, healthy environment for one-family dwellings, including mobile homes and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the character of the district.

(a)

Permitted uses: The following uses shall be permitted in the R-1A zoning district:

1.

All uses allowed in the R-1, Single-family district.

2.

Mobile homes, excluding mobile home parks.

Uses allowable in the R-1 zoning district shall be subject to the requirements of [Section 6-1](#); otherwise, uses permitted in the R-1A zoning district shall be required to conform to the following standards and shall be inspected by the Building Department and Department of Planning and Management for compliance:

(a)

The home is placed on a lot of record containing at least six thousand (6,000) square feet per dwelling unit.

(b)

The home must be placed on a permanent foundation and be equipped with an opaque solid curtain-wall which meets all applicable building, code, and wind load requirements. The curtain-wall must be constructed either of brick or of concrete block.

(c)

The required setbacks are as follows:

Front: Twenty (20) feet

Side: Ten (10) feet

Rear: Twenty (20) feet

Section 4-7 shall apply when proposed use is intended to be placed on a substandard lot of record.

(d)

A minimum of two (2) off-street parking space (whether paved or unpaved) shall be provided for the lot of record (on-street parking prohibited).

(e)

All mobile homes must conform to FEMA and HUD standards, including wind and seismic loads. It is the responsibility of the applicant to present proof of the loading requirements.

(f)

All improvements, including, but not limited to, room additions, decks, steps, handrails, etc., must conform to all relevant building codes.

(g)

All mobile homes must have a pitched roof, constructed out of suitable material.

WestYard Lofts



R-2 Multi-Family Residential District

Medium-to-high Density Residential Purposes

(a) *Permitted uses:*

1. Multi-family dwellings such as duplexes, triplexes, quadraplexes, stacked apartments and garden and cluster units.
2. All uses permitted in the R-1 zoning district.
3. Shared dwellings.

(b) *Conditional uses:*

1. Town, row or patio houses (not more than eight (8) constructed together in a row)

It is the intent of this section that the R-2 zoning district be established and reserved for medium-to-high density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for single and multi-family dwellings and to discourage any encroachment of commercial, industrial or other uses capable of adversely affecting the residential character of the district.

(a)

Permitted uses: The following uses shall be permitted in the R-2 zoning district:

1.

Multi-family dwellings such as duplexes, triplexes, quadraplexes, stacked apartments and garden and cluster units.

2.

All uses permitted in the R-1 zoning district.

3.

Shared dwellings.

(b)

Conditional uses: The following uses shall be permitted in any R-2 zoning district subject to the stated conditions:

1.

All conditional uses permitted in the R-1 zoning district as shown in [section 5-1\(b\)](#), providing the applicable conditions are met.

2.

Town, row or patio houses provided that all conditions of subsection (c) are met as determined by the zoning administrator.

(c)

Special additional regulations for town or row houses: In order to promote the general welfare of the city through the appropriate intermingling of town or row houses with other housing types, the following regulations shall be applied to town houses or row houses:

1.

Maximum number of contiguous units. Not more than eight (8) such dwellings shall be constructed or attached together in a continuous row. No row shall exceed two hundred (200) feet in length. The front shall not form long, unbroken lines or row housing, but shall be staggered at the front of the building line at least every fourth dwelling unit.

2.

Fencing. The rear yards of such dwellings, except that portion used for automobile parking and driveways shall be separated by a fence or wall for a minimum distance of eight (8) feet from the rear main building line. Such fence or wall shall be of brick, masonry, or other material having a life of not less than ten (10) years. The minimum height of such fence or wall shall be six (6) feet.

3.

Clothes drying. All yard areas used for the drying of clothes shall be screened from ground-level view of the adjoining yards and lots.

4.

Exemption from filing formal subdivision applications.

a.

An application for the subdivision of an existing lot into two (2) or more lots for town, row or patio houses shall be subject only to the approval of the zoning administrator under the applicable provisions of this ordinance; provided, that the construction of such houses shall be commenced within six (6) months of the date of the permit, and completed within a reasonable time thereafter.

b.

The original plat of the subdivision of an existing lot shall be stamped by the zoning administrator: "Approved for Town, Row or Patio Houses Only."

(Ord. No. 1985-17, 3-28-85; Ord. No. 1985-69, 10-24-85; Ord. No. 1987-20, 4-9-87; Ord.

No. 2006-48, 7-25-06; Ord. No. 2009-51, 9-24-09)

The old Trailwood



R-3, Mobile Home Residential District

Medium Density Residential which shall include trailers, mobile homes and manufactured homes.

(a) *Permitted uses:*

1. All uses permitted in the R-1 zoning district.
2. A single mobile home on a lot of record
3. Mobile home parks, provided such parks meet all current rules and regulations established by the SC DHEC

Section 5-2.1. R-3, Mobile home residential district:

It is the intent of this section that the R-3 zoning district be established and reserved for medium density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable and healthy environment for single-family dwellings and mobile homes and to discourage any encroachment of commercial, industrial, multi-family or other uses capable of adversely affecting the single-family residential character of the district. The term mobile home shall include trailers, mobile homes and manufactured homes.

(a)

Permitted uses: The following uses shall be permitted in the R-3 zoning district:

1.

All uses permitted in the R-1 zoning district.

2.

A single mobile home on a lot of record and, further provided that four thousand (4,000) square feet be allocated per mobile home in addition to the minimum lot area required for other dwelling units on the lot.

3.

Mobile home parks, provided such parks meet all current rules and regulations

established by the South Carolina Department of Health and Environmental Control and any other such city ordinances that may be applicable (see [section 6-5.2](#)). All plans must be submitted to the director of planning and management and the public works director for approval. Campers and RVs shall not be permitted in the R-3 district or mobile home parks as occupied dwelling units except as legal nonconforming uses. They may be stored on site as accessory uses in keeping with the provisions of article IV, section 4-8(a)2.

(b)

Conditional uses: The following uses shall be permitted in any R-3 zoning district subject to the stated conditions:

1.

All conditional uses permitted in the R-1 zoning district as shown in [section 5-1\(b\)](#) providing the applicable conditions are met.

(Ord. No. 1985-17, 3-28-85; Ord. No. 1989-19, 3-9-89; Ord. No. 1997-13A, 2-27-97; Ord. No. 2007-47, 6-28-07)

(c)

Special requirements for individual mobile homes: Mobile homes established after the effective date of this ordinance and mobile homes existing on the effective date of this ordinance, including the relocation and replacement thereof shall:

1.

Be installed in accord with the installation requirements of section 19-425.43 of the South Carolina Manufactured Housing Board Regulations;

2.

Be under-skirted around the entire home with brick, masonry, vinyl, treated wood, painted or stained, or similar material designed and manufactured for permanent outdoor installation;

3.

Have installed or constructed and attached firmly to the mobile home and anchored securely to the ground, stairs, porches, entrance platforms, ramps or other means of entrance and exit to the mobile home in accord with applicable building codes;

4.

Have all moving or towing apparatus removed or concealed with skirting, including hitch, wheels and axles;

5.

Not be joined, affixed or in any way combined with another mobile home unless such units are fully enclosed by common exterior siding completely encircling said units, together with a unified roof, approved by the city building official or his/her designee;

6.

Mobile homes in existence on the effective date of this ordinance shall within six (6) months of such date be brought into compliance with the requirements of this section, or be declared by the zoning administrator, chief building official, or other designee, to be in violation of the provisions herein, subject to penalties as provided in section 7-4.

[d.]

Site design requirements: The establishment and operation of manufactured home parks in North Charleston shall comply with the following design and development standards:

1.

The park site shall be not less than three (3) acres, and have not less than two hundred (200) feet frontage on a public dedicated and maintained street or road.

2.

The park shall be served by public water and sewer systems, a system of storm drainage, and refuse disposal facilities, plans of which shall be approved by local DHEC officials.

3.

Each dwelling space shall abut an all-weather and surface driveway which shall not be less than eighteen (18) feet in width, and which shall have unobstructed access to a public street.

4.

The bylaws or covenants of any homeowners association or other similar group maintenance agreement shall be placed on file with the city building department.

5.

All on-site roadway intersections shall be provided with a street light, and interior lights shall be provided at not less than four hundred-foot intervals. All exterior lighting shall be of the full cut-off type not exceeding eighteen (18) feet in height.

6.

Each individual home site shall be at least twenty-five (25) feet from any other homesite and at least twenty-five (25) feet from the right-of-way of any street or drive providing common circulation.

7.

Not less than twenty (20) per cent of the park site shall be set and developed for common open space and recreation usage. See [section 6-15](#)

8.

Space numbers: Permanent space numbers shall be provided on each mobile home space and shall be located so as to be visible from the street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection.

9.

No mobile or manufactured home space shall have direct access to a public street, but shall instead access an internal driveway system.

10.

The maximum number of mobile home or manufactured home spaces shall not exceed seven (7) per acre.

11.

Two (2) parking spaces shall be provided for each designated mobile or manufactured home space. Two (2) parking spaces shall be provided for each designated mobile or manufactured home space or in community parking areas.

12.

In the development of a park, existing trees and other natural site features shall be preserved to the extent feasible.

13.

A Type B buffer shall be provided on the perimeter of the park.

14.

License required, revocation: A business license shall be requisite to the opening or operation of a mobile or manufactured home park and shall be subject to annual renewal. License revocation proceedings may be initiated at the request of the zoning administrator in accord with the City of North Charleston's standard procedures.

15.

Site plan required: A site plan showing the above required data, and in all other respects meeting the minimum requirements for a building permit shall accompany all applications to establish a mobile or manufactured home park.

OD, Office District



It is the intent of the OD zoning district to provide areas for new and infill office and institutional uses serving neighborhood and citywide needs, including neighborhood services, professional and semi-professional offices.

Permitted uses: The following uses shall be permitted in the OD zoning district:

1. Business and professional offices
2. Administrative offices;
3. Public and private schools;
4. Assembly halls and small conference centers.

Accessory user: The following uses are permitted as accessory uses supportive of the employees

1. Coffee shops, cafés, cafeterias and restaurants supportive of local businesses;
2. Dry cleaner pick up services;
3. Child day care or nursery services;
4. Health and fitness facilities;
5. Barber shops and salons;
6. News-stands and gift or convenience stores;
7. Transit stops or stations;
8. Postal facilities;
9. Office supply stores;
10. Travel agencies.

Section 5-2.2. OD, Office district:

It is the intent of the OD zoning district to provide areas for new and infill office and institutional uses serving neighborhood and citywide needs, including neighborhood services, professional and semi-professional offices. The types of uses permitted and restrictions of the district are intended to provide an amenable environment for professional offices separate from the intensive development of commercial and industrial development.

(a)

Permitted uses: The following uses shall be permitted in the OD zoning district:

1.

Business and professional offices including:

a.

Legal services such as lawyer's offices, paralegal services and stenographers;

b.

Government offices;

c.

Medical services such as doctors offices, dentists, chiropractors, medical clinics, satellite emergency rooms, blood labs and imaging centers;

d.

Engineering, architecture, planning, and surveying services;

e.

Financial services such as banks, credit unions, savings and loan companies, mortgage companies, investment counseling, accountants, and appraisers;

f.

Marketing services such as advertising companies, opinion poll companies, telemarketing companies;

g.

Call centers;

h.

Insurance companies;

i.

Real estate offices such as realtors, property managers, and leasing offices;

j.

Business consulting offices;

k.

Scientific and technological research centers;

2.

Administrative offices;

3.

Public and private schools;

4.

Assembly halls and small conference centers.

(b)

Accessory uses: The following uses are permitted as accessory uses supportive of the employees of the primary office use. These uses are to be housed within an office building, and not developed as a standalone, principal use of a property. An individual accessory use should take up no more than twenty (20) per cent of the total square foot amount of the development, and the combination of accessory uses should comprise no more than thirty-five (35) per cent of total square foot amount.

1.

Coffee shops, cafés, cafeterias and restaurants supportive of local businesses;

2.

Dry cleaner pick up services;

3.

Child day care or nursery services;

4.

Health and fitness facilities;

5.

Barber shops and salons;

6.

News-stands and gift or convenience stores;

7.

Transit stops or stations;

8.

Postal facilities;

9.

Office supply stores;

10.

Travel agencies.

(c)

Conditional uses: The following uses shall be permitted in the OD district, on the condition that they are located in the following future land use districts: major business/retail, multi-family residential, highway oriented use, light industrial, institutional, office professional, mixed use centers, and redevelopment priority.

[1.]

Full service restaurants, provided that:

(a)

The establishment does not operate during hours when meals are not being served,

(b)

Does not feature dance floors or live entertainment;

(c)

Does not offer catered events;

(d)

The sale of food accounts for in excess of fifty (50) per cent of the restaurants gross revenues; and

(e)

That, if alcohol is served, the restaurant is located not closer than five hundred (500) feet from a residentially zoned property or property dedicated to residential use.

For purposes of this subsection, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where the restaurant is operated, to the nearest property line of the residentially zoned property or property dedicated to residential use. Furthermore, conditional uses established pursuant to the setback distances described herein shall not be rendered nonconforming by the location subsequent to the grant or renewal of the conditional use, of a residentially zoned parcel or parcel dedicated to residential use within the required setback distance.

(Ord. No. 2009-47, 9-24-09)

Editor's note—

Ord. No. 2009-47, adopted Sept. 24, 2009, did not specifically amend the Code. For purposes of classification, and at the editor's discretion, these provisions have been included as [§ 5-2.2](#)



ON, Office Neighborhood District

Permitted uses:

1. Business and professional offices such as lawyers, accountants, engineers, architects, advertising agencies, real estate agents, physicians, dentists and hair stylists.
2. All uses permitted in R-1 zoning districts.

Conditional uses: All conditional uses permitted in R-1 zoning districts

B-1, Limited Business District



It is the intent of the B-1 zoning district to encourage the formation and continuance of a quiet and uncongested environment for compatible professional business offices together with certain residential and neighborhood commercial uses which will not adversely affect adjacent residential areas.

Permitted uses:

- 1. All uses permitted in OD and R-1.
- 2. Establishments providing certain convenience items and services to the public such as:
 - a. Barber shops, nail shops and tanning salons;
 - b. Flower shops, card shops, gift shops,;
 - c. Laundromats and dry cleaning;
 - d. Telephone stores, internet cafes;
 - e. Fast food restaurants, ice cream shops, cafes;
 - f. Grocery stores, convenience stores;
 - g. Clothing/shoe stores.
- 3. Establishments of a business character, such as:
 - a. Copying/printing services;
 - b. Post offices, mailing/delivery services;
 - c. Film development establishments.
- 4. Social, cultural and health facilities, including:
 - a. Public and private schools;

- b. Adult and child daycare;
 - c. Yoga, and dance studios;
 - d. Libraries and museums;
 - e. Health clubs and fitness centers;
 - f. Cemeteries;
 - g. Places of worship;
 - h. Public recreational facilities;
 - i. Hospitals and medical clinics;
 - j. Professional, civic, and cultural organizations.
5. Video game retail stores and arcades.

Conditional uses:

- 1. Administrative offices of construction firms provided that no trucks, heavy commercial vehicles, or materials are stored on-site.
- 2. All conditional uses permitted in the R-1
- 3. Full service restaurants

E. Montague Ave



B-1A, Limited Business District

The regulations which apply within this district are designed to provide for and encourage the formation and continuance of a quiet and uncongested residential environment while providing for compatible limited business uses to the immediate neighborhood.

Permitted uses:

1. All uses permitted in the R-1 and ON zoning districts, and address/mailing facilities; barber shops; beauty shops; confectioneries; film processing; flower shops; gift shops; photographic studios; stenographic services.

Conditional uses :

1. All conditional uses permitted in the R-I zoning district as shown in [section 5-1\(b\)](#) subject to the conditions stated therein.

B-2, General Business



Permitted uses:

1. All uses permitted in the R-1, R-2, OD and B-1 zoning districts;
2. Temporary or transient lodging
3. Establishments selling commodities and small quantities to the consumer
4. Establishments selling primarily one-stop shopping items (ie Appliances)
5. Establishments providing maintenance, installation, or repair
6. Transit stops or terminals,
7. Eating establishments,
8. Studios for artists and craftsmen
9. Commercial recreation facilities
10. Service-oriented establishments such as laundry and dry cleaning
11. Funeral homes;
12. Veterinary clinics and pet grooming businesses;
15. Certain communications

Conditional uses:

1. Storage garages
2. Carnivals and circuses
3. Gas stations and related convenience
4. Highway oriented uses
5. Car rental and related support facilities
6. Paint and body shops

Section 5-4. B-2, General business district:

It is the intent of this section that the B-2 zoning district be established in the appropriate land reserved for general business purposes with particular consideration for general commercial development. The regulations that apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, and professional service uses which benefit from being in close proximity to each other:

(a)

Permitted uses: The following uses shall be permitted in the B-2 zoning district:

1.

All uses permitted in the R-1, OD and B-1 zoning districts;

2.

All uses permitted in the R-2 zoning district shall also be permitted in all B-2 zoned areas except for B-2 locations within the Dorchester Road Corridor I (Upper Dorchester), Dorchester Corridor II (Middle Corridor), the University Boulevard and the Ladson Road overlay districts;

3.

Corridor II (Middle Corridor), the University Boulevard and the Ladson Road

overlay districts;

4.

Temporary or transient lodging such as: hotels, motels, inns, hostels, missions, homeless shelters, or other shelters (provided, however, that missions, homeless shelters or other like facilities shall not be permitted in an area determined by city council, pursuant to ordinance and state law including the South Carolina Community Development Law and the South Carolina Tax Increment Finance Law, to be a blighted or conservation area);

5.

Establishments selling commodities and small quantities to the consumer, usually low bulk comparison items including department stores and stores selling general and variety merchandise;

6.

Establishments selling primarily one-stop shopping items, usually high bulk, such as appliances, radios, televisions, floor coverings, furniture, home furnishings, antiques, and auto accessories, hardware, paint, wallpaper, auction items, office machines, second hand items, bicycles, guns, light fixtures and general equipment;

7.

Establishments of a business character providing maintenance, installation, or repair of specialized equipment to individuals or other businesses, such as office equipment repair, auto repair, tire re-treading, bicycle repair, locksmiths, shoe repair, re-upholstering, and furniture repair, and watch, clock and jewelry repair services;

8.

Transit stops or terminals, including: bus stations, rail stations and taxi stands;

9.

Eating establishments, such as full service restaurants, fast food restaurants, cafés and drive-ins;

10.

Studios for artists and craftsmen, such as glass working shops, ornamental iron workshops, and handcrafted furniture shops;

11.

Commercial recreation facilities, such as: theaters, billiards, bowling alleys, skating rinks and miniature golf;

12.

Service-oriented establishments supplying business and individuals such as laundry, linen supplies, and dry cleaning plants provided that boiler equipment, when required, is limited to thirty (30) horsepower capacity;

13.

Funeral homes;

14.

Veterinary clinics and pet grooming businesses;

15.

Certain communications facilities limited to:

a.

Newspaper offices;

b.

Broadcasting studios; and

c.

Telephone or telegraph offices.

(b)

Conditional uses: The following uses shall be permitted in any B-2 zoning district subject to the stated conditions:

1.

Storage garages or lockers for lease to individuals or groups provided no open storage is involved in the operation and each storage unit does not exceed three hundred (300) square feet in area.

2.

Carnivals and circuses provided that no portion of a building, amusement device or ride, parking, or any other appurtenance affiliated with the carnival or circus may be located within one thousand (1,000) feet of a residential zoning district, excluding those hosted by the city on recreational facilities. Hours of operation must be limited to 9:00 a.m. to 10:00 p.m. Sunday through Thursday and 9:00 a.m. to 12:00 p.m. Friday and Saturday. In addition to meeting the current building code requirements for handicap bathroom facilities, the carnival or circus must also meet all other requirements of the zoning district that the use is operating in, i.e., setbacks, screening, etc.

3.

Gas stations and related convenience stores including a one-bay car wash, provided that:

a.

Side and rear buffers of the Type B variety are provided. Such buffers shall be required without regard to the character of adjacent or abutting uses; and

b.

A front buffer is installed. The front buffer shall contain the following minimum ornamental plantings per one hundred (100) linear feet of frontage:

(1)

Three (3) canopy trees, two and one-half (2½) inch caliper minimum.

(2)

Three (3) understory trees, six (6) to eight (8) inch height minimum.

(3)

Twenty-five (25) shrubs, three (3) gallon minimum.

c.

A front setback of twenty-five (25) feet is provided.

d.

Side and rear setbacks: twenty-five (25) feet.

e.

The location is not within the Upper or Middle Dorchester overlay districts.

f.

Vehicle repair is not allowed.

g.

The B-2 zoning district is designated for regional commercial or industrial use in the comprehensive development plan.

4.

Highway oriented uses such as: establishments selling used and new cars, motorcycles, boats, trailers, mobile homes, farm and industrial equipment, truck rentals, building material and automotive service stations. The proposed highway oriented uses may not be located within the Upper or Middle Dorchester overlay districts, or along US 78 within the University Boulevard overlay district except at sites along Rivers Avenue lawfully occupied by automobile dealerships at the time of the passage of this ordinance. In all instances in which such uses are permitted side and rear buffers of the Type B variety shall be required adjacent to any residential use or zoning.

5.

Car rental and related support facilities, such as facilities at which processing, cleaning, maintaining, and temporary storing of rental cars occurs, provided that the location is contiguous to the Charleston International Airport and is located within a one and one-half (1½) mile radius of the passenger terminal.

6.

Paint and body shops provided that there is no open storage of junk or salvage material, including cars awaiting repair for periods greater than seventy-two (72) hours and which are incapable of self propulsion. Any car being repaired which is not capable of self propulsion may not be stored on the premises for a period greater than seventy-two

(72) hours. The proposed paint and body shop may not be located in any approved zoning overlay district. Side and rear buffers of the Type B variety shall be required adjacent to any residential use or zoning.

(c)

Savings clause: After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

B-3, Commercial, Recreational and highway oriented uses



Permitted uses:

1. Uses permitted in the B-1 and B-2 zoning districts, except for residential uses.
2. Commercial recreation facilities- theaters, billiards, bowling alleys, skating rinks, dance halls, **taverns, clubs**, and miniature golf.
3. Beverage stores.
4. Commercial dog kennels.
5. Highway oriented uses such as: establishments selling used and new cars, motorcycles, boats, trailers, mobile homes, farm and industrial equipment, truck rentals, building material, body and paint shops, automotive service stations
6. Car wash.
7. **Carnivals**
8. Open yard use for sale or rental of materials or equipment, excluding junk or other salvage materials

No B-3 Future Land Use, Very few districts within City, Most always spot zoning

Section 5-4.1. B-3, Commercial, recreation and highway oriented uses:

It is the intent of this section that the B-3 zoning district be established and appropriate land reserved for a suitable environment for highway oriented uses and social and recreational facilities which may not be compatible within one thousand (1,000) feet of a residential development. The regulations which apply within this district are designed to encourage the formation and continuance of an economically healthy environment for commercial recreational facilities and highway oriented establishments which benefit from being in close proximity to each other.

(a)

Permitted uses: The following uses shall be permitted in the B-3 zoning district:

1.

Uses permitted in the B-1 and B-2 zoning districts, except for residential uses.

2.

Commercial recreation facilities such as theaters, billiards, bowling alleys, skating rinks, dance halls, taverns, clubs, and miniature golf.

3.

Beverage stores.

4.

Commercial dog kennels.

5.

Highway oriented uses such as: establishments selling used and new cars, motorcycles, boats, trailers, mobile homes, farm and industrial equipment, truck rentals, building material, body and paint shops, automotive service stations provided that all pumps are set back at least ten (10) feet from the right-of-way line of any public street and that such uses are separated from adjoining R-1, R-2 or R-3 zoning districts along the entire length or side of rear property lines except for portions being within ten (10) feet of a public right-of-way by a Type B buffer.

6.

Car wash.

7.

Carnivals, provided that no portion of a building, amusement device or ride, parking, or any other appurtenance affiliated with the carnival may be located within one thousand (1,000) feet of a residential zoning district. Hours of operation must be limited to 9:00 a.m. to 10:00 p.m. Sunday through Thursday and 9:00 a.m. to 12:00 p.m. Friday and Saturday. In addition to meeting the southern standard building code (SSBC) requirements for handicap bathroom facilities, the carnival must also meet all other requirements of the zoning district that the use is operating in, i.e., setbacks, screening, etc.

8.

Open yard use for sale or rental of materials or equipment, excluding junk or other salvage materials, provided that such uses are separated from adjoining R-1, R-2 or R-3 zoning districts along the entire length of side of rear property lines except for portions being within ten (10) feet of a public right-of-way by a Type B buffer.

CRD, Commercial Redevelopment District



Permitted uses:

1. Airports, helicopters, helipads;
2. Amusements, commercial;
3. Art galleries;
4. Arts and crafts production;
5. Athletic clubs, gymnasiums, fitness centers;
6. Auditoriums, stadiums, armories, coliseums;
7. Automated teller machines (ATM's);
8. Bakeries, retail;
9. Bakeries, wholesale;
10. Banks, savings and loans associations, and credit unions;
11. Barbershops;
12. Beauty shops;
13. Bed and breakfasts;
14. Beverage stores;
15. Broadcast studios;
16. Churches, temples, synagogues, or other places of worship;
17. Clubs, lodges;
18. Day care;
19. Dental laboratories;
20. Dwellings, multi-family;
21. Dwellings, single-family attached;
22. Eating establishments;
23. Exhibition buildings, convention centers;
24. Financial services;
25. Fire stations;
26. Golf courses, private or public;
27. Golf course, driving ranges;
28. Golf courses; miniature;
29. Health, welfare facilities;
30. Hotels;

CRD, continued



31. Laboratory, analysis or experimental;
32. Laundries, dry cleaners, Laundromats;
33. Libraries;
34. Medical laboratories;
35. Museums;
36. Offices, business and professional;
37. Optometric laboratories;
38. Performing arts center;
39. Pharmaceutical, manufacturing;
40. Pharmaceutical, retail sales;
41. Police stations;
42. Postal facilities, general;
43. Printing and binding;
44. Schools, college;
45. Schools, primary and secondary;
46. Schools, professional;
47. Sidewalk vendors of a permanent and temporary nature as regulated by the city;
48. Skating rinks;
49. Stores, shops—Retail;
50. Studios for artists and craftsman;
51. Taverns, clubs;
52. Terminals—Bus, taxi, train;
53. Theaters;
54. Transmission facilities;
55. Veterinarian hospital;
56. Wholesale sales;
57. Visitor's center.

CRD, continued



31. Laboratory, analysis or experimental;
32. Laundries, dry cleaners, Laundromats;
33. Libraries;
34. Medical laboratories;
35. Museums;
36. Offices, business and professional;
37. Optometric laboratories;
38. Performing arts center;
39. Pharmaceutical, manufacturing;
40. Pharmaceutical, retail sales;
41. Police stations;
42. Postal facilities, general;
43. Printing and binding;
44. Schools, college;
45. Schools, primary and secondary;
46. Schools, professional;
47. Sidewalk vendors of a permanent and temporary nature as regulated by the city;
48. Skating rinks;
49. Stores, shops—Retail;
50. Studios for artists and craftsman;
51. Taverns, clubs;
52. Terminals—Bus, taxi, train;
53. Theaters;
54. Transmission facilities;
55. Veterinarian hospital;
56. Wholesale sales;
57. Visitor's center.

Worshall Center along
Palmetto Commerce
Plex



M-1 Light Industrial

Permitted uses:

1. Establishments engaged in the construction, repair or demolition of buildings, streets, water and sewer systems
2. Service-oriented establishments supplying other businesses, industries or individuals, such as laundry and dry cleaning plants, linen supply plants, carpentry shops, bakeries, machine shops, cabinet and metal shops, welding shops, and paint and body shops.
3. Establishments for the interchange of freight such as truck terminals, railroad freight depots, and air freight terminals. This does not include use of shipping containers as storage units, shipping container drop yards or container depots, all of which are prohibited in the M-1 light industrial district.
4. Car wash.
5. Highway oriented uses such as: establishments selling used and new cars, motorcycles, boats, trailers, mobile homes, farm and industrial equipment, truck rentals, building material and automotive service stations.

Conditional uses:

1. B-2 zoning district excluding single-family dwellings, multi-dwellings, townhomes or row houses, mobile homes and mobile home parks
2. Warehouse or other storage facility, provided that there is no open storage of junk or salvage materials
3. Any industrial use, which involves manufacturing, processing, and/or assembly, **provided that any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions related to the operation are not sufficient to be likely to create a nuisance beyond the premises.**

Permitted uses: The following uses shall be permitted in the M-1 zoning district:

1.
Establishments engaged in the construction, repair or demolition of buildings, streets, water and sewer systems, bridges and similar construction; such as building, electrical, heating, air conditioning, heavy construction, paving and earth moving operations.
2.
Service-oriented establishments supplying other businesses, industries or individuals, such as laundry and dry cleaning plants, linen supply plants, carpentry shops, bakeries, machine shops, cabinet and metal shops, welding shops, and paint and body shops.
3.
Establishments for the interchange of freight such as truck terminals, railroad freight depots, and air freight terminals. This does not include use of shipping containers as storage units, shipping container drop yards or container depots, all of which are prohibited in the M-1 light industrial district.
4.
Car wash.
- 5.

Highway oriented uses such as: establishments selling used and new cars, motorcycles, boats, trailers, mobile homes, farm and industrial equipment, truck rentals, building material and automotive service stations.

(b)

Conditional uses: The following uses shall be permitted on a conditional basis in any M-1 zoning district, subject to the stated conditions:

1.

Uses permitted in the B-2 zoning district excluding single-family dwellings, multi-dwellings, townhomes or row houses, mobile homes and mobile home parks except in any designated Accident Potential Zone of Charleston Air force Base. The proposed use and location shall be submitted to the zoning administrator, who shall determine the compatibility based on the proposed use and location of the property.

2.

Warehouse or other storage facility, provided that there is no open storage of junk or salvage materials nor bulk storage of Class I or Class II combustible liquids as classified by the National Fire Protection Association for wholesale distribution.

3.

Any industrial use, plus operations incidental to such use, which involves manufacturing, processing, and/or assembly, provided that any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions related to the operation are not sufficient to be likely to create a nuisance beyond the premises. Further provided that uses involving the processing of solid bulk materials shall not be allowed in the M-1, light industrial zoning district.

M-2, Heavy Industrial



Permitted uses:

1. Industrial uses and processing plants;
2. Bulk storage of petroleum or any products thereof;
3. Transportation facilities incidental to and required for railroad yards and docks.
4. Dance halls, taverns or clubs.

Conditional uses:

1. Uses permitted in the B-2 zoning district excluding single-family dwellings, multi-family dwellings, town or row houses, mobile homes and mobile home parks.
2. Open storage of junk or salvage materials or processing or recycling of such materials
3. Container storage facilities, whether temporary or permanent,
4. Uses involving the processing of solid bulk materials stored in the open.
5. Gambling cruise vessels and gambling cruise vessel support activities

Section 5-6. M-2, Heavy industrial district:

It is the intent of the M-2 zoning district to provide areas for commercial, manufacturing, storage, and transportation-related activities within the city.

(a)

Permitted uses: The following uses shall be permitted in the M-2 zoning district:

1.

Industrial uses and processing plants;

2.

Bulk storage of petroleum or any products thereof;

3.

Transportation facilities incidental to and required for such uses including railroad yards and docks.

4.

Dance halls, taverns or clubs.

(b)

Conditional uses: The following uses shall be permitted on a conditional basis in any M-2 zoning district subject to the stated conditions:

1.

Uses permitted in the B-2 zoning district excluding single-family dwellings, multi-family dwellings, town or row houses, mobile homes and mobile home parks. These uses are permitted on the condition that the property is not located in the Noise or Accident Potential Zones associated with Charleston Air Force Base. The proposed use and location shall be submitted to the zoning administrator, who shall determine the compatibility based on the proposed use and location of the property.

2.

Open storage of junk or salvage materials or processing or recycling of such materials, provided that such uses are enclosed and separated from any adjoining uses or public or private rights-of-way, excluding points of ingress or egress, by a fence or wall at least eight (8) feet in height and screened with vegetative material sufficient to conceal all such uses from public view.

3.

Container storage facilities, whether temporary or permanent, provided that the city council, after public notice and hearing, determines that the facility's location and the container storage use, considering the proposed height allowed for stacking of containers, or the parking plan, and the character, permitted uses, and actual uses of neighboring or nearby properties, will not substantially injure the actual or permitted uses of the neighboring or nearby properties; and provided that such uses are separated from any adjoining uses or public or private rights-of-way, excluding points of ingress or egress, by suitable opaque planting screen, or wall sufficient to screen neighboring or nearby property from the container storage facility, and in no event less than eight (8) feet in height above finished grade. Any such conditional use shall be required to adhere to the height limits for stacking of containers proposed in its application for conditional use.

4.

Uses involving the processing of solid bulk materials stored in the open.

5.

Gambling cruise vessels and gambling cruise vessel support activities, provided that the following conditions are met:

a.

The dock/pier/wharf for such use is on a privately owned parcel that fronts the Cooper River and is located to the South of the City's Riverfront Park and Base Memorial.

b.

The dock, terminal and parking facilities for such uses are located at least one thousand (1,000) feet from any:

(1)

Church, synagogue, mosque or other place of organized group worship; and

(2)

Any property on which a public or private elementary or secondary school is located.

For the purposes of these gambling cruise regulations, the one thousand (1,000) foot measurement shall be made in a straight line without regard to intervening structures, between the closest part of the dock and/or terminal wall associated with the gambling cruise vessel and the property line of any use listed above.

c.

Submittal of a site lighting plan in keeping with the provisions of Article IV, [Section 4-17](#)

d.

Submittal of a site signage plan meeting the requirements of the Article VIII, [Section 8-11](#)

e.

Submittal of a parking and interior circulation plan in keeping with the following:

(1)

Off-street parking is provided at a ratio of one (1) space for every fifty (50) square feet of boat floor/deck space.

(2)

Adequate parking must be provided separately for each departure. (For example, a boat with one thousand (1,000) square feet of floor/deck space that makes two (2) departures a day would be required to provide forty (40) parking spaces.)

(3)

If more than one (1) boat is served from the same facility, parking must be calculated separately for each boat.

(4)

Parking may be provided off-site, provided that (a) such off-site location is within two thousand (2,000) feet of the embarkation/debarkation terminal; (b) the applicant has a lease for use of the off-site parking site that features a term equal to the lesser of five (5) years or the length of the lease term (if any) associated with the gambling cruise vessel's dock/wharf/pier facility; (c) termination of the use must cease immediately at any time at which the approved parking facility becomes unavailable or inadequate and operations may not recommence until an alternate parking and interior circulation plan has been approved.

f.

Submittal of a buffering and landscaping plan in accordance with city ordinance requirements.

Parliamentary Procedure

Purpose of Procedure

- Produce productive, effective meetings.
- Ensure meetings are conducted in a fair and democratic manner.
- Help decision makers accomplish goals.

Parliamentary Lingo

Quorum

- The number of members required in the by-laws to hold a legal meeting.
- Majority plus ONE member
- Planning Commission Quorum – Five (5) Members
- BOZA Quorum – Four (4) Members

Planning Commission has 8 members. BOZA has 7 members.

BOZA's quorum is set by ordinance.

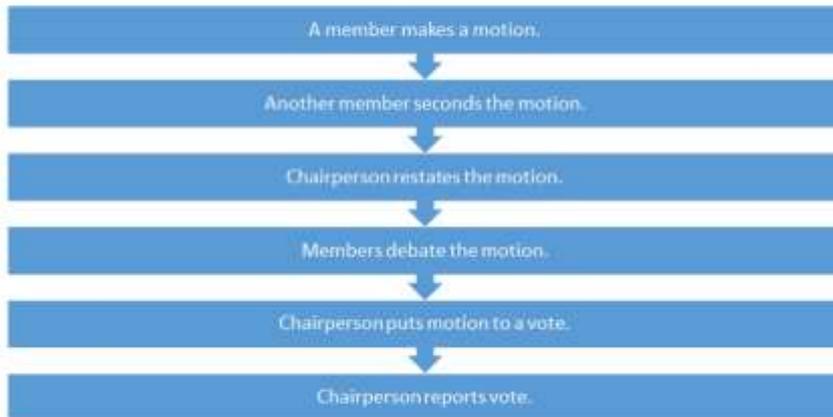
What if there isn't a quorum?

- If there isn't a quorum present, the chair can do the following:
 - Adjourn
 - Recess
 - Attempt to get a quorum present

Motions

- Proposal or resolution by a member to take a certain action or express a certain view.
- Different types:
 - Main Motion – Introduces a principal issue.
 - Motion to Table – Lays aside a pending question for an indefinite period of time.
 - Motion to Amend – Friendly amendment/slight change to the main motion.
 - Previous Question – Ends debate; forces vote
 - Point of Order – Used to show actions violate procedure.

Six Steps of Motion Practice



Who Wins?

- Normal Rule: Simple MAJORITY Wins.
- Special Circumstances: 2/3 Vote Wins.
 1. Previous question
 2. Suspend rules temporarily
 3. Prevent consideration of a matter

Super majority isn't really used in our groups.

What about a draw?

- If there is a tie – meaning equal “ayes” and “nays”:
 - The motion fails.
 - If members are required to make a decision on an issue, they must continue discussion and or make another motion.
 - A failed motion does not mean the converse applies.

How does it usually work?

- MEMBER: "Mr. Chairman, I move that we adopt the recommendation of the department."
- CHAIR: "I second that motion."
- CHAIR: "Is there any discussion?"
 - The members discuss the motion, only.
 - The maker of the motion is not allowed to speak against the motion but may vote against it.
- CHAIR: "Is there any further discussion? If not, those in favor, say 'aye.' Those opposed, 'no.'"
- CHAIR: "The ayes have it; and the motion to adopt the recommendation of the department passes."

Question one:

What is a quorum?

Question two:

What is the correct way to introduce a motion?

Question three:

When is it proper to discuss an issue on the agenda?

After the motion has been made and seconded.

Question four:

What happens if a motion doesn't pass (fails to receive a majority vote)?

Question five:

When is it proper to ask staff or an applicant a question?

Question six:

Can you end discussion at
anytime?

Yes, Call for the question. Usually, we give each person on the board at least one chance to speak before calling for the question.

Guidelines – Can't present your argument and then end discussion; usually done when the discussion is getting no where.

Requires an immediate vote.

Supermajority

Question seven:

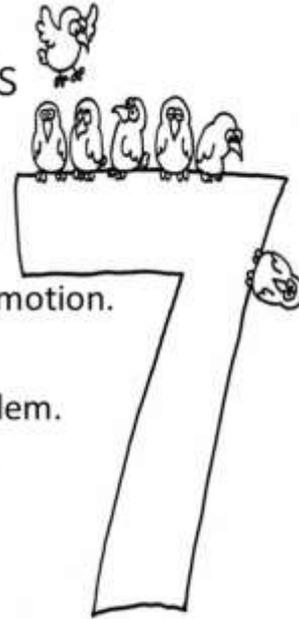
When is it appropriate to have a conversation with the applicant regarding an agenda item?

After he/she has presented its side.

Members of the public make comments. Shouldn't be question and answer to the board.

Meeting Procedure Hints

1. Don't provide legal advice.
2. Don't indicate the vote.
3. Don't explain your reason for the motion.
4. Don't conduct sidebars.
5. Don't try to solve everyone's problem.
6. Don't wait to review the package.
7. Don't take it personally.



Legal Advice (telling applicant to withdraw and return; explaining legal rights; explaining decision; answering questions from the audience, etc.)

Discussing / indicating vote (looks staged)

Personal (Others disagree or personal stake in outcome)

Buffers





North Charleston's Buffers



Today's agenda

- 1. Review City's buffer types**
 - a) Discuss what each buffer type requires**
 - b) Show pictures of new buffer installations**
 - c) Show pictures of mature plantings**
- 2. Identify issues/shortfalls of current buffering requirements**
- 3. Discuss solutions identified by staff**
- 4. Discuss Councilmembers' concerns**

Not part of presentation but related to buffers

1. Setbacks
2. Landscaping
 - a) Interior lot
 - b) Around buildings
 - c) Parking lots
3. Common open space required in multifamily, mobile home, and non-residential developments
4. Riparian buffers
5. Tree protection and mitigation ordinance
6. Street tree requirement (Dorchester Road Corridor I overlay district)







What is a buffer?

- **Definition:** A buffer area is a unit of yard, together with plantings, fences, walls, and other screening devices required thereon.
- **Purpose:** The purpose of a buffer area is to ameliorate any potential negative impact between adjacent land uses and streets, and promote land use compatibility.

Section 6-12(a) & (b)

Uses of buffers

1. Beautification/
streetscaping (front
buffers)
2. Screening dissimilar
land uses (Types B
and C)
3. Screening unsightly
items or uses
(loading zones, junk
yards, etc.)
4. Security (fencing)



North Charleston's buffer types

1. Type A
2. Type B
3. Type C
4. Dorchester Road Corridor I overlay
5. Dorchester Road Corridor II overlay
6. Ladson Road overlay
7. University Blvd overlay
8. Others:
 - a) Container and cargo
 - b) Riparian
 - c) Ashley River Scenic Districts
 - d) Loading zones
 - e) Gas stations



5031 Dorchester Road

Type A buffer

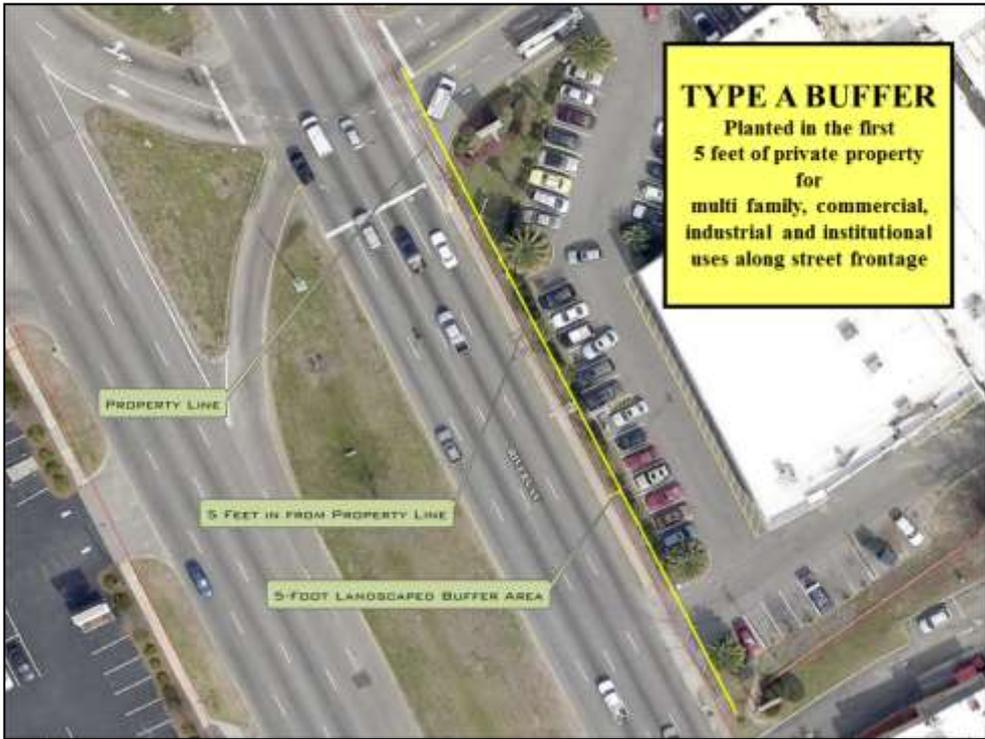
- **Buffer intended for aesthetic, rather than screening, purposes.**
- **Required along rights-of-way (outside overlay districts) for all properties other than single-family residential.**
- **Driveways and visibility angles are excluded.**

Section 6-12(e)(1)

Type A buffer

- **Consists of low density landscaping between a proposed use and the adjacent street, providing separation between the two.**
- **Minimum width of 5 feet.**
- **Not fewer than 35 ornamental shrubs, 2 canopy trees, and 4 understory trees per 100 feet of frontage.**

Section 6-12(d)(1)



TYPE A BUFFER
Planted in the first
5 feet of private property
for
multi family, commercial,
industrial and institutional
uses along street frontage

PROPERTY LINE

5 FEET IN FROM PROPERTY LINE

5-FOOT LANDSCAPED BUFFER AREA

STREET





2003



TYPE A BUFFER

Notice how the landscaping has matured through time.

2014



North Charleston Center at 5900 Rivers Avenue



2003

TYPE A BUFFER

Stokes Volkswagen at 5900 Rivers Avenue

Type A buffer



Stokes Volkswagen at 5900 Rivers Avenue



2014

TYPE A BUFFER

Realty Link building at 4921 Centre Pointe Drive

2014



TYPE A BUFFER

Blue Star Laundromat at 3914 Rivers Avenue



TYPE A BUFFER: PERFECT EXAMPLE

Type B buffer

- **Intended to provide screening between dissimilar uses.**
- **Required along property lines of adjoining properties wherever a mobile home park, multi family building, miniwarehouse, institutional or commercial use is proposed for a site or lot adjoining a single-family use or lot or parcel zoned for single-family use.**
- **Existing plant materials may be used to satisfy or partially satisfy this requirement.**
- **An 8-foot wooden privacy fence or a wall may be substituted for the required buffer materials.**

Section 6-12(e)(2) & (g)

Type B buffer

- **Medium density screen intended to block visual contact between uses and to create spatial separation.**
- **Minimum width of 10 feet.**
- **Not fewer than 2 deciduous trees planted 40 to 60 feet on center and 8 evergreen plants 10 feet on center per 100 feet of frontage.**

Section 6-12(d)(2)

2014

TYPE B BUFFER
A 10-foot wide buffer
planted along side and rear
property lines of multi-family
commercial and institutional uses
where they abut single-family uses

TYPE B BUFFER

Spinx at 5900 Rivers Avenue

2003

8-foot wood privacy fence substituted for landscaping materials



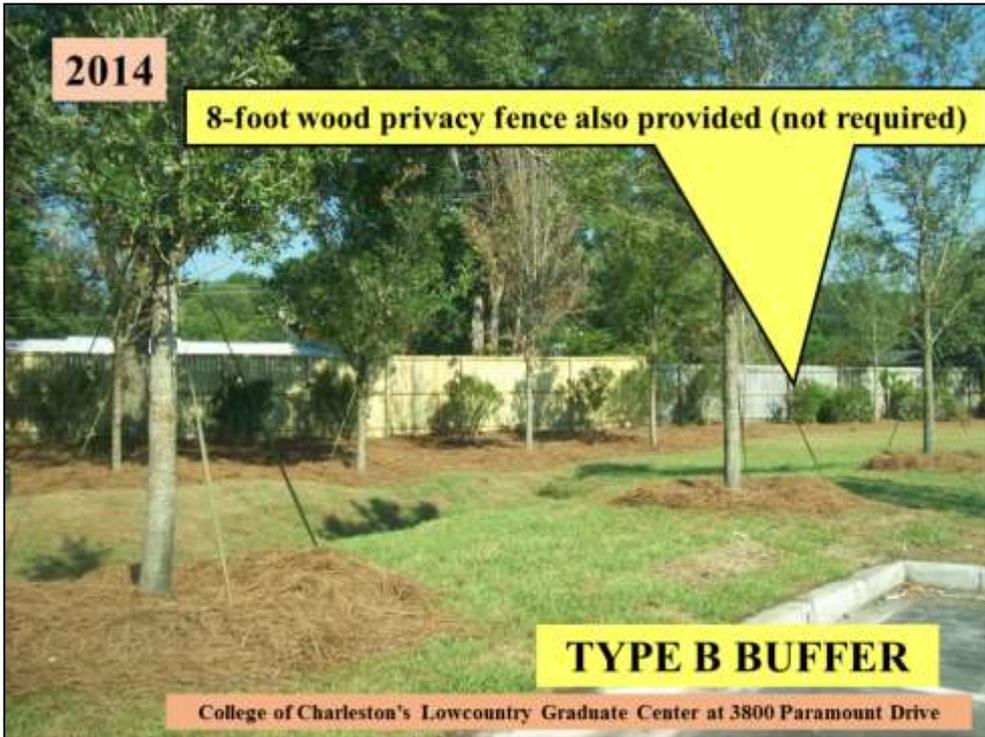
TYPE B BUFFER

5031 Dorchester Road



2014

8-foot wood privacy fence also provided (not required)



TYPE B BUFFER

College of Charleston's Lowcountry Graduate Center at 3800 Paramount Drive

Type C buffer

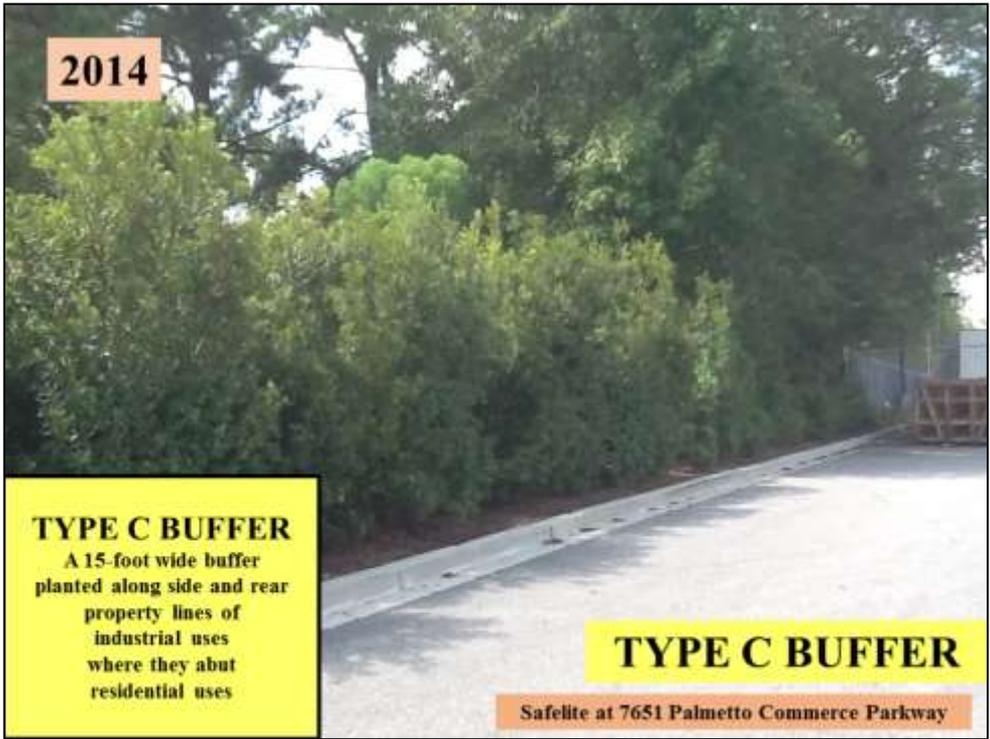
- **Intended to provide screening between dissimilar uses.**
- **Required along property lines of adjoining residential properties wherever an industrial, warehouse outdoor storage, or related use is proposed for a site or lot adjoining any residential use or residentially-zoned district.**
- **Existing plant materials may be used to satisfy or partially satisfy this requirement.**
- **An 8-foot wooden privacy fence or a wall may be substituted for the required buffer materials.**

Section 6-12(e)(3) & (g)

Type C buffer

- **High density screen intended to exclude all visual contact between uses and to create spatial separation.**
- **Minimum width of 15 feet.**
- **Not fewer than 2 deciduous trees planted 40 to 60 feet on center and 17 evergreen plants or understory trees planted in a double staggered row 10 feet on center per 100 feet of frontage.**

Section 6-12(d)(3)



2014

TYPE C BUFFER

A 15-foot wide buffer
planted along side and rear
property lines of
industrial uses
where they abut
residential uses

TYPE C BUFFER

Safelite at 7651 Palmetto Commerce Parkway

2014



TYPE C BUFFER

ATS Warehouse at 4033 West Montague Avenue



2014

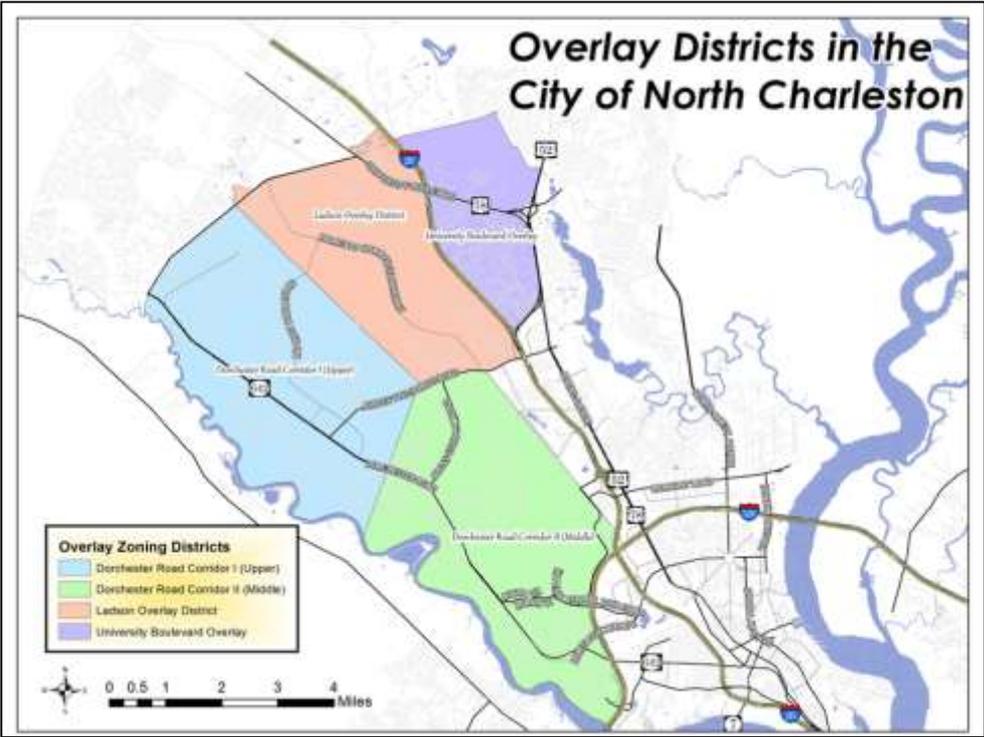
TYPE C BUFFER

Averitt Express at 7749 Palmetto Commerce Parkway (looking from Pepperhill)



TYPE C BUFFER ??

Harris Teeter at 9500 Dorchester Road



Ladson Road and Dorchester Road Corridor II overlay buffers

- **Front buffers for non-residential properties:**
 - **Minimum width of 15 feet along rights-of-way.**
 - **Buffer is intended for aesthetic, rather than screening, purposes.**
 - **No fewer than 3 canopy trees, 3 understory trees, and 25 shrubs per 100 feet of frontage.**
- **Side and rear buffers for non-residential properties: Per Section 6-12 [Types B and C].**

LR: Section 5-13(b)(1)(A) & (B) RC-II: Section 5-12(b)(1) & (2)

2014



LADSON ROAD BUFFER

Spinx at 3665 Ladson Road

2014



LADSON ROAD BUFFER

Kentucky Fried Chicken at 9500 Highway 78

2014



LADSON ROAD BUFFER

Safelite at 7651 Palmetto Commerce Parkway

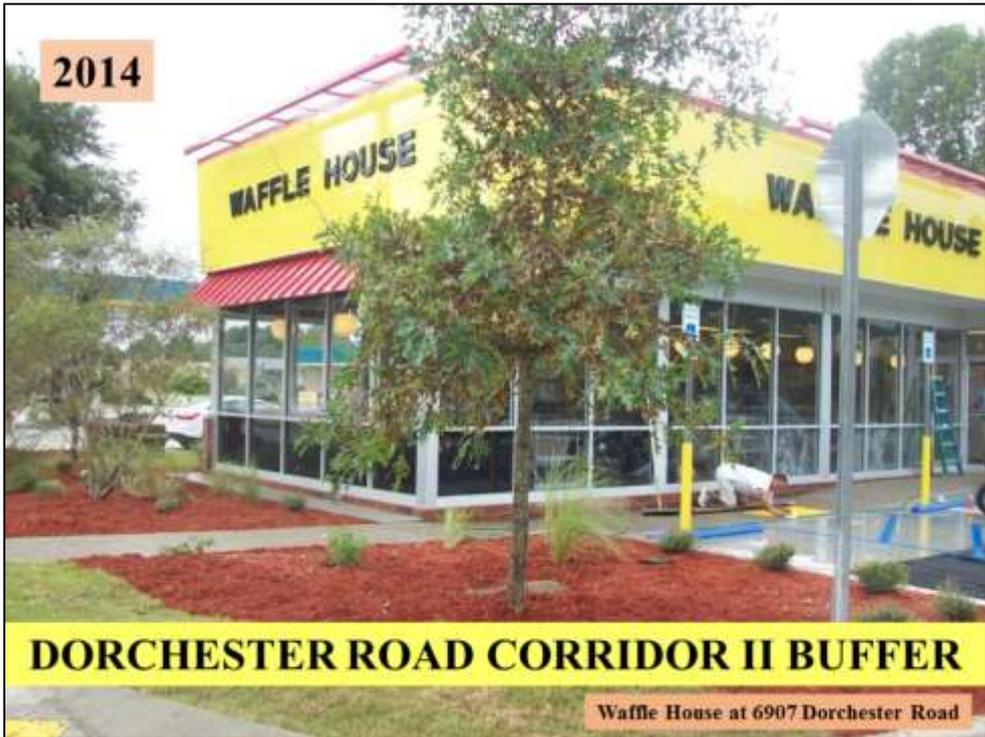
2014



DORCHESTER ROAD CORRIDOR II BUFFER

College of Charleston's Lowcountry Graduate Center at 3800 Paramount Drive

2014



DORCHESTER ROAD CORRIDOR II BUFFER

Waffle House at 6907 Dorchester Road

2014



DORCHESTER ROAD CORRIDOR II BUFFER

Family Dollar at 6660 Dorchester Road

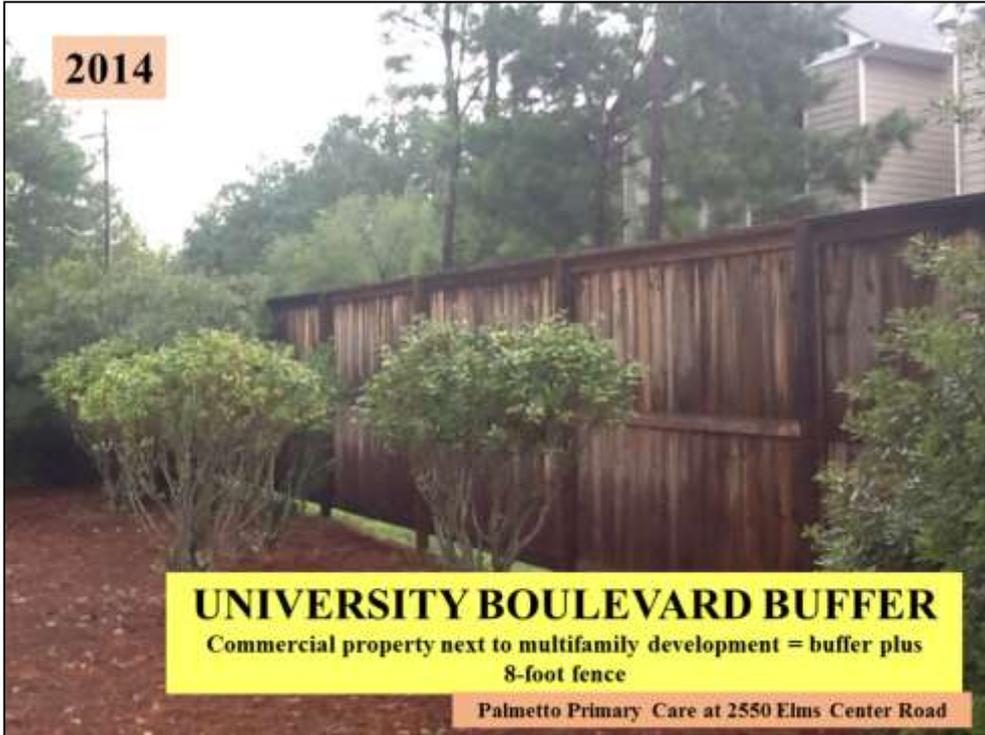
University Boulevard overlay buffers

Non-residential properties

- **Front buffers:**
 - **Minimum width of 15 feet along rights-of-way.**
 - **Buffer is intended for aesthetic, rather than screening, purposes.**
 - **No fewer than 3 canopy trees, 3 understory trees, and 25 shrubs per 100 feet of frontage.**
- **Side and rear buffers:**
 - **Per Section 6-12 [Types B and C].**
 - **Where a commercial, office, or multifamily development abuts a residentially-zoned or used parcel:**
 - **Side or rear buffer depth shall be 25 feet along that side of the commercially zoned or used parcel, and**
 - **An 8-foot privacy fence, with its finished side facing the abutting residential area, shall be installed parallel to the property line**

Section 5-14(b)(1)(A) & (B)

2014



UNIVERSITY BOULEVARD BUFFER

Commercial property next to multifamily development = buffer plus
8-foot fence

Palmetto Primary Care at 2550 Elms Center Road

2004



UNIVERSITY BOULEVARD BUFFER

2014



UNIVERSITY BOULEVARD BUFFER

Family Dollar at 8973 University Boulevard

2014



UNIVERSITY BOULEVARD BUFFER

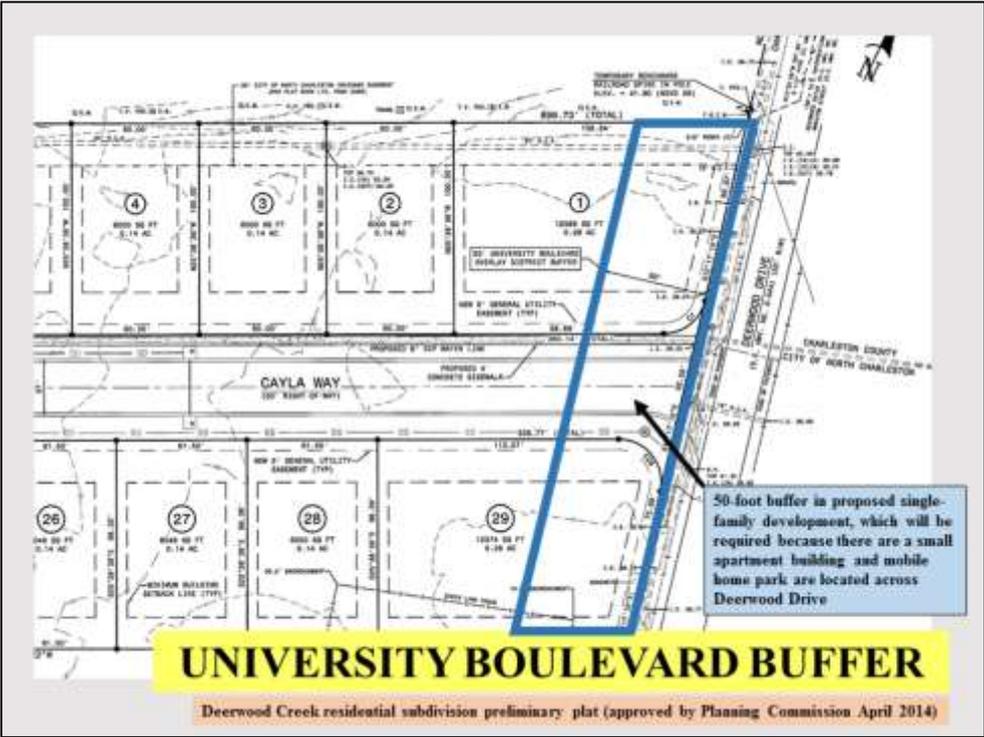
Cookout at 8970 University Boulevard

University Boulevard overlay buffers

Residential properties

- **Front buffers:**
 - **An opaque 50-foot buffer shall be provided along the frontage of any new single-family residential development across the street from any use or zoning other than single family residential.**
 - **No fewer than 8 canopy trees, 12 understory trees, and 50 shrubs per 100 feet of frontage.**
- **Side and rear buffers: 25-foot buffer to be provided on residentially-zoned or used parcels along the edge of any such parcel that abuts a parcel either zoned for or dedicated to a commercial, office or multifamily use.**

Section 5-14(b)(1)(C) & (D)



Dorchester Road Corridor I overlay buffers

- **Overlay district requires increased front buffers along commercial properties (as compared to the Type A buffer).**
- **Where suitably opaque and continuous, unimproved natural vegetation may satisfy this requirement provided the unimproved, natural vegetative buffer exceeds 15 feet in height.**

Section 5-11(b)(1)(A) & (B), (2)(A)

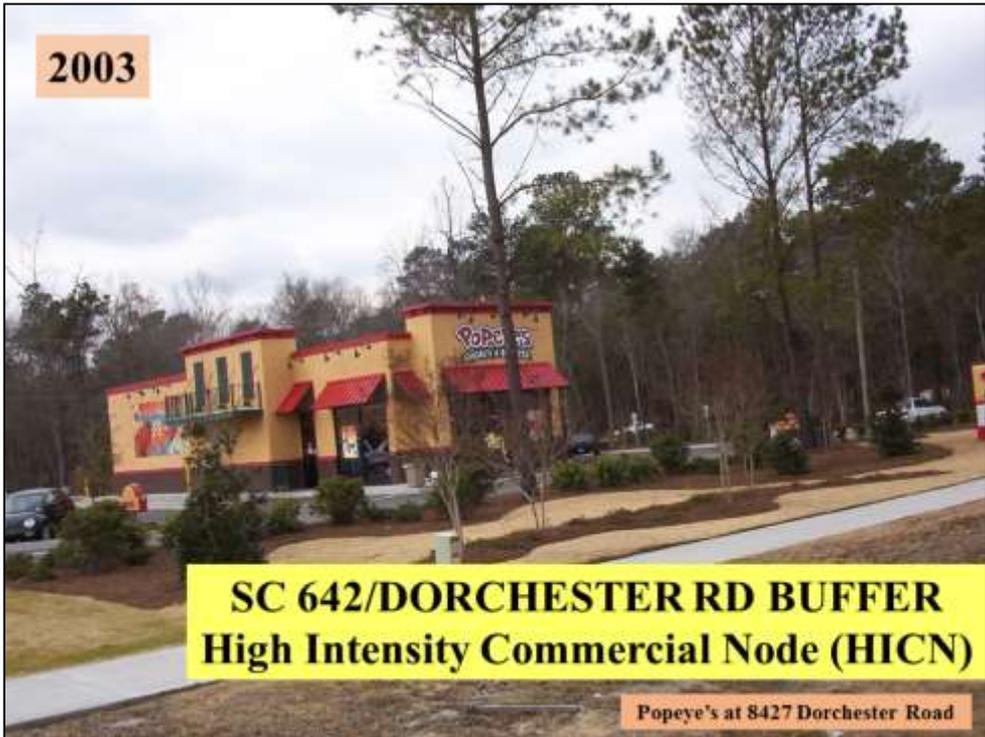
Dorchester Road Corridor I overlay buffers

Buffer along Dorchester Road

- **40-foot buffer along Dorchester Road**
- **High Intensity Commercial Nodes (HICNs) along Dorchester Road:**
 - **Retain all natural vegetation 6 inches DBH and greater (underbrushing allowed)**
 - **Not fewer than 6 canopy trees and 40 shrubs per 100 feet of frontage.**
- **Outside the HICNs:**
 - **Retain all natural vegetation 6 inches DBH and greater.**
 - **Not fewer than 6 canopy trees, 10 understory trees, and 40 shrubs per 100 feet of frontage.**

Section 5-11(b)(1)(A), (C), & (E)

2003



**SC 642/DORCHESTER RD BUFFER
High Intensity Commercial Node (HICN)**

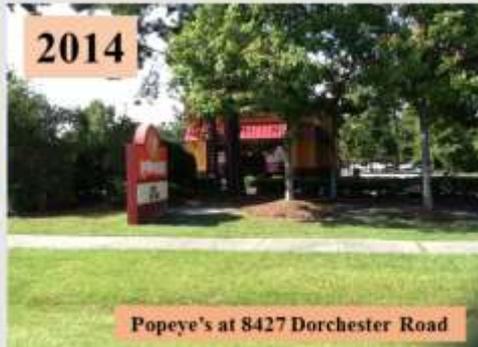
Popeye's at 8427 Dorchester Road

**SC
642/DORCHESTER
RD BUFFER
High Intensity
Commercial Node
(HICN)**

2003



2014



2014

SC 642/DORCHESTER RD BUFFER

- Outside HICN
- Looking out toward Dorchester Road
- Note extra plantings along interior edge of undisturbed buffer

Dorchester Road Self Storage at 9670 Dorchester Road

2014

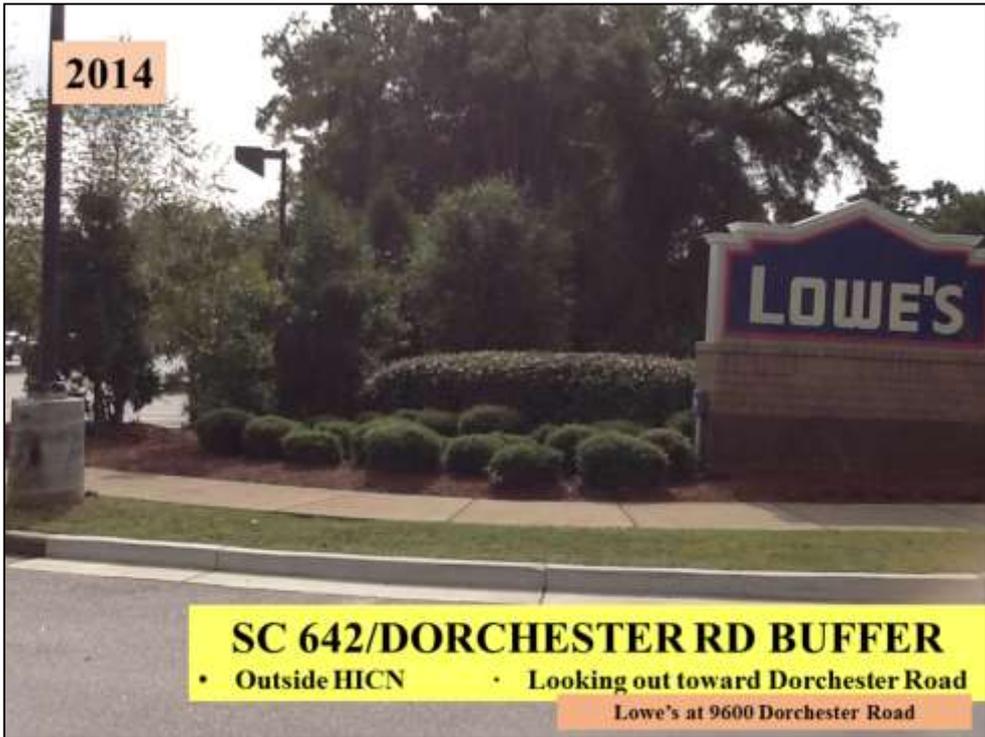


SC 642/DORCHESTER RD BUFFER

- Outside HICN
- Looking out toward Dorchester Road

Wescott Park at 9006 Dorchester Road

2014



SC 642/DORCHESTER RD BUFFER

- Outside HICN
- Looking out toward Dorchester Road

Lowe's at 9600 Dorchester Road

Dorchester Road Corridor I overlay buffers

Buffers along rights-of-way other than Dorchester Road

- **Buffer intended for aesthetic, rather than screening, purposes.**
- **Required for non-residential properties.**
- **Minimum width of 15 feet.**
- **Existing vegetation 6 inches DBH or great shall be retained.**
- **No fewer than 3 canopy trees, 3 understory trees, and 25 shrubs per 100 feet of frontage.**

Section 5-11(b)(2)

2014



**DORCHESTER ROAD CORRIDOR I
FRONT BUFFER/NON-RESIDENTIAL DEV'T**

Church of Christ at 8415 Dorchester Road

Dorchester Road Corridor I overlay buffers

Residential properties

- **Front buffers:**
 - **Opaque 50-foot buffer along the frontage of any new single-family residential development across the street from any use or zoning other than single-family residential.**
 - **No fewer than 8 canopy trees, 12 understory trees, and 50 shrubs per 100 feet of frontage.**
- **Side and rear buffers:**
 - **Opaque 50-foot buffer between parcels either dedicated to or zoned for commercial, office, or multifamily uses and abutting parcels either zoned for or dedicated to single-family residential use.**
 - **No fewer than 8 canopy trees, 12 understory trees, and 50 shrubs per 100 feet of frontage.**

Section 5-11(b)(2)(C) & (D)

2014



**DORCHESTER ROAD CORRIDOR I
FRONT BUFFER/RESIDENTIAL DEV'T**

Indigo Palms

Sound/Noise-Control Walls and Barriers



New technology and designs provide better ways to decrease the adverse impacts of highway traffic noise.

Highway traffic noise has been increasing in recent years, along with the increase in highway traffic.

What are Sound/noise-control walls and barriers?

Sound/noise-control walls and barriers are solid obstructions built between the highway and nearby homes. Effective walls and barriers can reduce noise levels by 10 to 15 decibels – nearly half.

What are these made of?

These walls/barriers can be built of earth, wood, stucco, concrete, masonry, metal, and other materials, such as a cementitious acoustic material.

How do they work?

The walls can absorb the sound, transmit it, reflect it back across the highway, or force it to take a longer path over and around the barrier.

Walls not only control highway noise, they are built to be aesthetically pleasing to the eye and to blend with their surroundings.

What are types walls and barriers are available?



The Concrete Noise Wall



Dry-stacked ledgerstone design
Fencestone



Concrete sound-absorptive
wall



Sound-absorbing noise
wall



Precast concrete sound walls



Noise barrier with eye appeal



**Cost-effective
low-maintenance
wall**



**Sound-absorbing
acoustic material**

Solutions identified by staff

1. Clean up and organize regulations for clarity and consistency
2. Specify and/or refine plant/tree types and installation sizes
3. Consider requiring irrigation systems
4. Enforcement/periodic review
5. Sound walls **do we want to identify these as a solution?**
6. Fences
7. Allow for limited substitution or relocation of buffer materials based on extenuating circumstances (overhead power lines, utility easements, public safety concerns)

Any questions?