

South Carolina



Planning Education Advisory Committee

Committee Members:

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

Phillip L. Lindler
Representing SCAC
Term expires: 2019

Cliff Ellis
Representing Clemson
University
Term expires: 2020

Christopher Witko
Representing USC
Term expires: 2020

Wayne Shuler
Representing SCAPA
Term expires: 2018

January 9, 2017

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

Re: 2017 Training for BOZA and Planning Commission

Dear Mr. Neely:

On December 22, 2016, 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 31, 2017 at 11:30 a.m.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen G. Riley".

Stephen G. Riley, ICMA~CM
Chairman

cc: Phil Lindler, Cliff Ellis, Christopher Witko, 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

CITY OF NORTH CHARLESTON
2017 Training for BOZA and Planning Commission

a) X ACCREDITED for 3.0 CE credits

i. Reason: _____

a) Approved Course No.: 2017-01

c) Comments: None

Stephen H. Riley

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

Applications are due no later than 30 days prior to the first scheduled presentation of a program or class. The Committee will consider extenuating circumstances where the 30 day deadline cannot be met.

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:

2017 Training for BOZA and Planning Commission

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

January 25, 2017, 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 their roles in planning and zoning process.

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

•

- a. Presenter(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: 151
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:

This program is designed for the City's current board members and commissioners. The zoning department contacts them and confirms their availability.

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: Zoning Administrator

iv. Phone: 843-740-2572

v. Email: gmoultrie@northcharleston.org

vi. Signature: Gwen Moultrie

vii. Date: 15 Dec 16

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: 2017 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

2017 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.

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 *D Forsberg*

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

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 necessary 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 lose the \$1000.00 paid for foundation plus pay for removal. As the homeowner I believe I would lose value by leasing the backyard area due to easement. Placement the shed would be in the middle of backyard.

[Signature]
Signature of Applicant

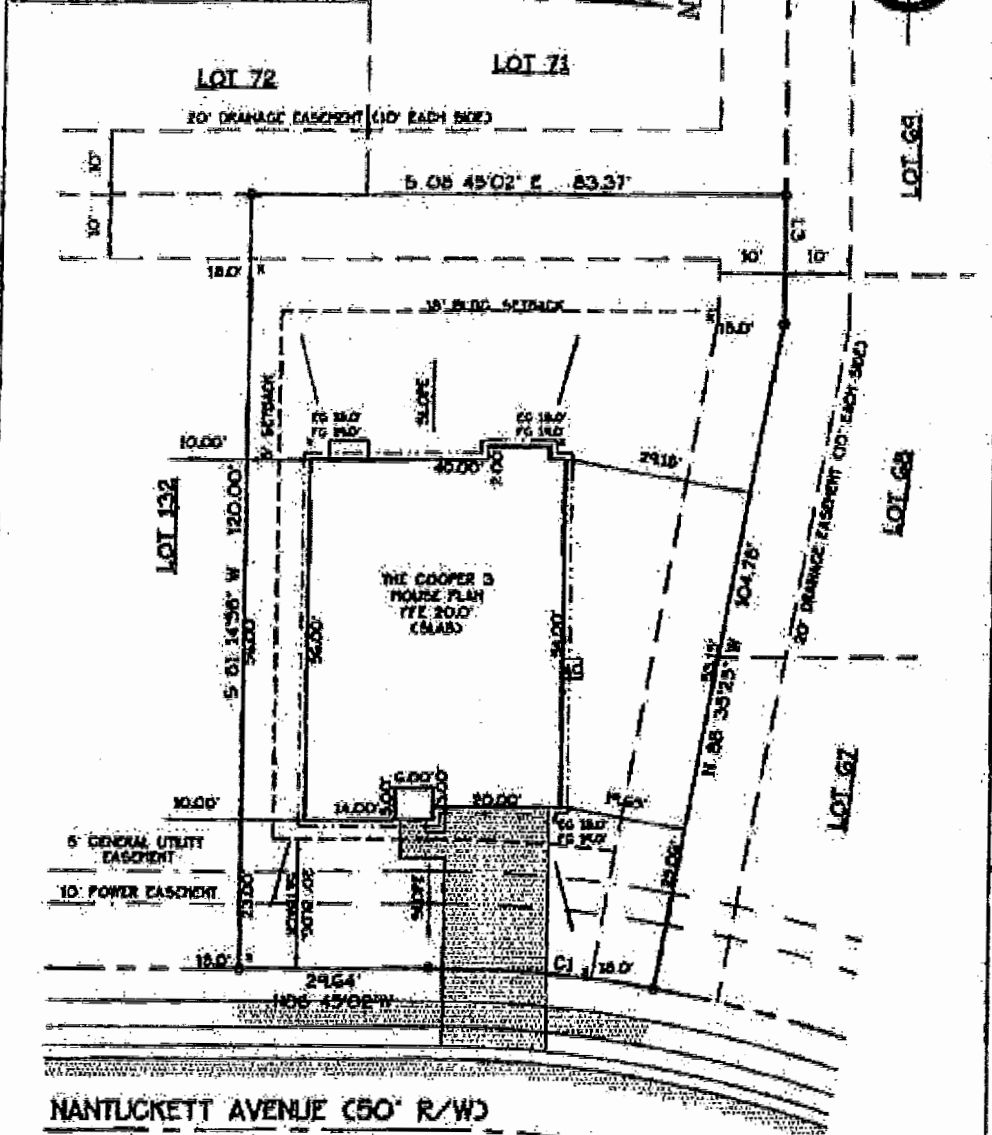
THIS APPLICATION MUST BE COMPLETED IN ITS ENTIRETY BEFORE SUBMITTAL.

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
Form corrected June 2008

CURVE TABLE					
CURVE	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	200.00	35.47	17.73	35.42	S03°40'14"E

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



NANTUCKET AVENUE (50' R/W)

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 132

THE RESERVE at COLONY NORTH PHASE II

LOCATED IN THE CITY OF NORTH CHARLESTON, CHARLESTON COUNTY, SC

SCALE: 1" = 20' DATE: JUL 20, 2004

REFERENCE: PLAT RECORDED IN PLAT BOOK 104, 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 1. ADVISE CDDO A REVISED NOVEMBER 17, 2004

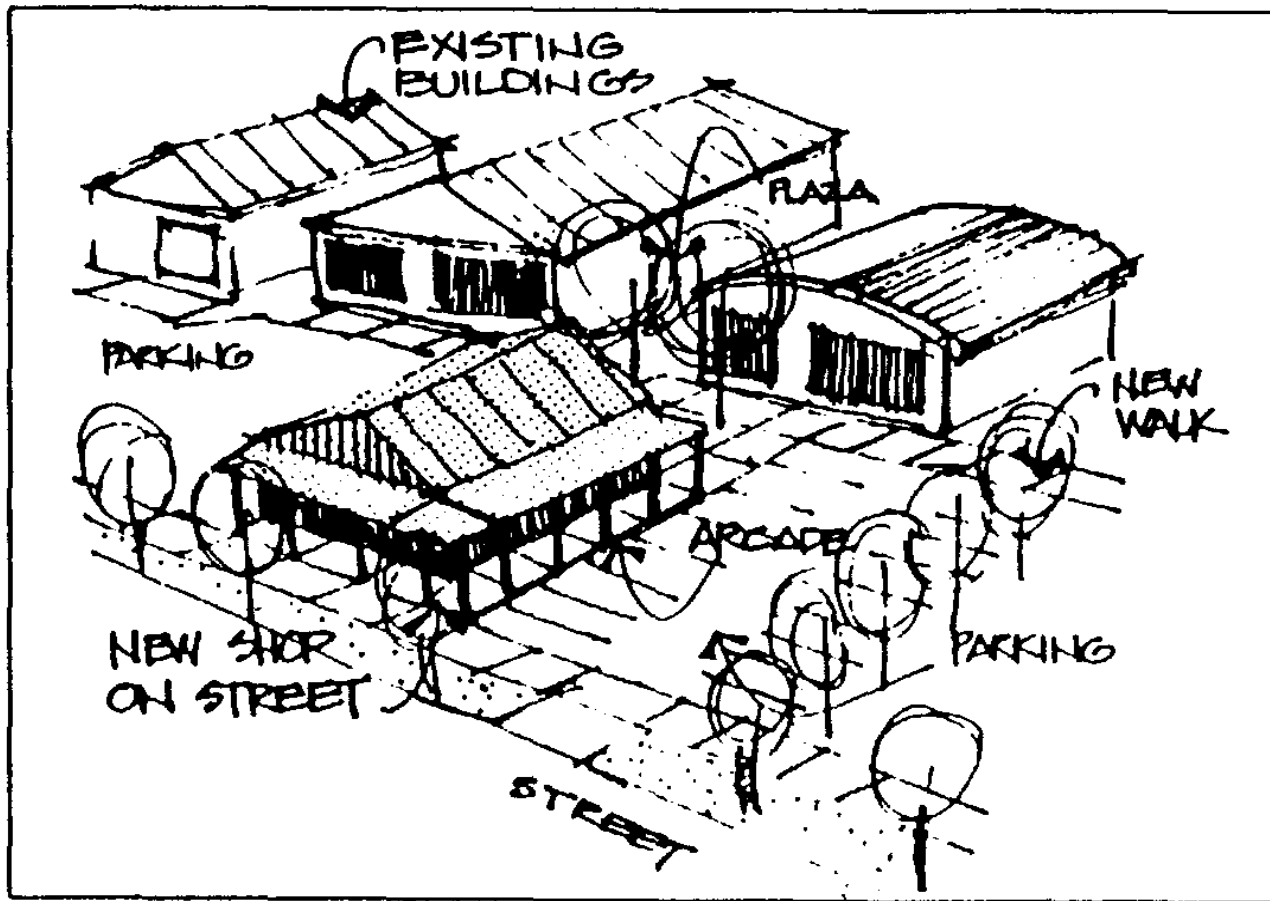
FLOOD ZONE SHOULD BE VERIFIED WITH GOVERNING JURISDICTION BEFORE CONSTRUCTION.

NOTE: ALL ELEVATIONS ARE ASSUMED

EN-13377 (14)

PARKER LAND SURVEYING, LLC
2220 TEAMMBS HALL ROAD, HANNAHAN, SC 29110
TEL: (843) 554-7777 FAX: (843) 554-7774

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.



2017 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.

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.

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.

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.

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

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.

BOZA

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

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.

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.

BOZA Appeals

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

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.

Options with Nonconforming Uses

- Immediate Change
- Grandfather the Change
- Amortization

Variances – The Big Picture

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

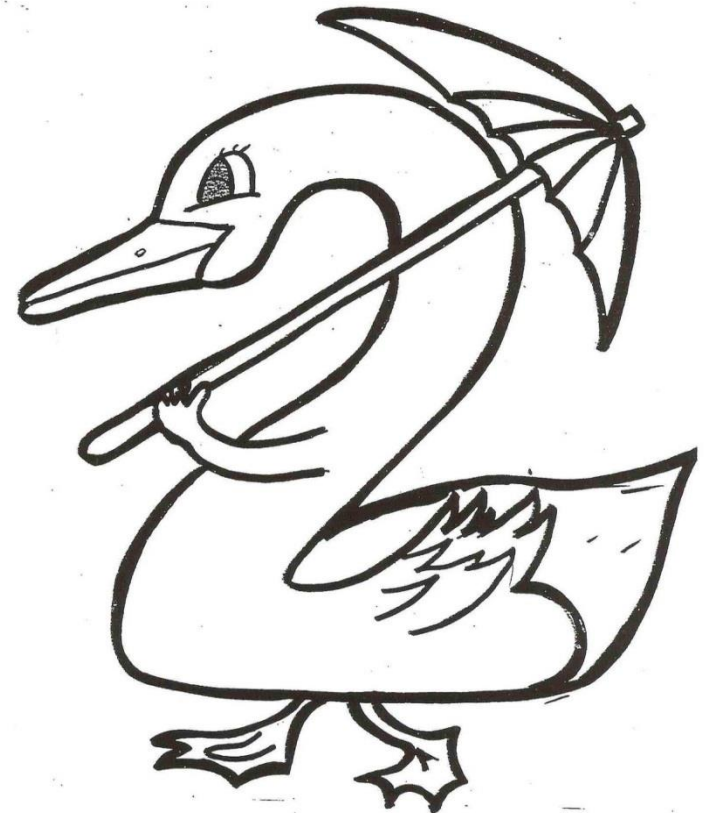
Variance Requirement

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



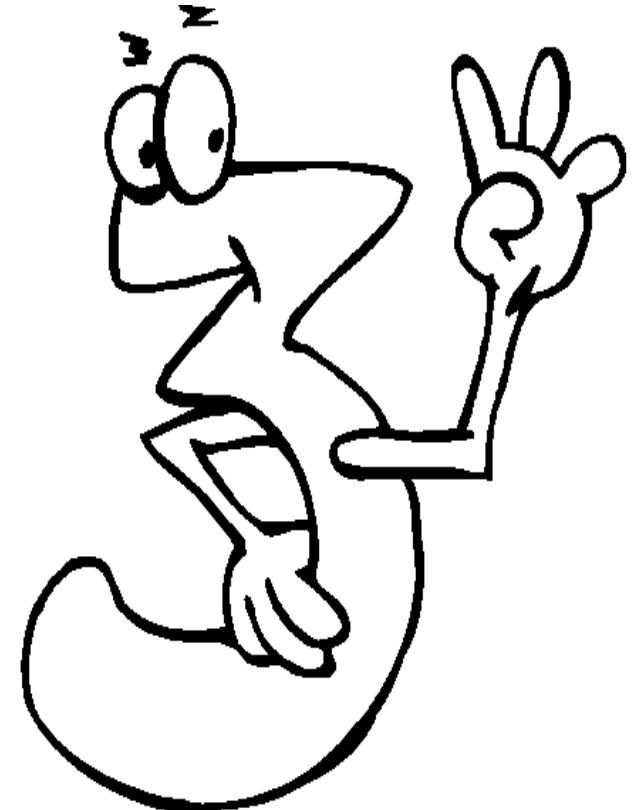
Variance Requirement

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



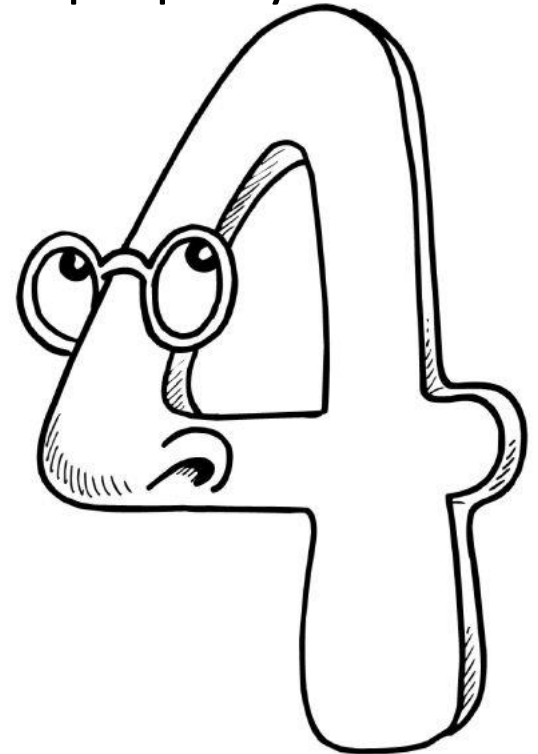
Variance Requirement

- 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.



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

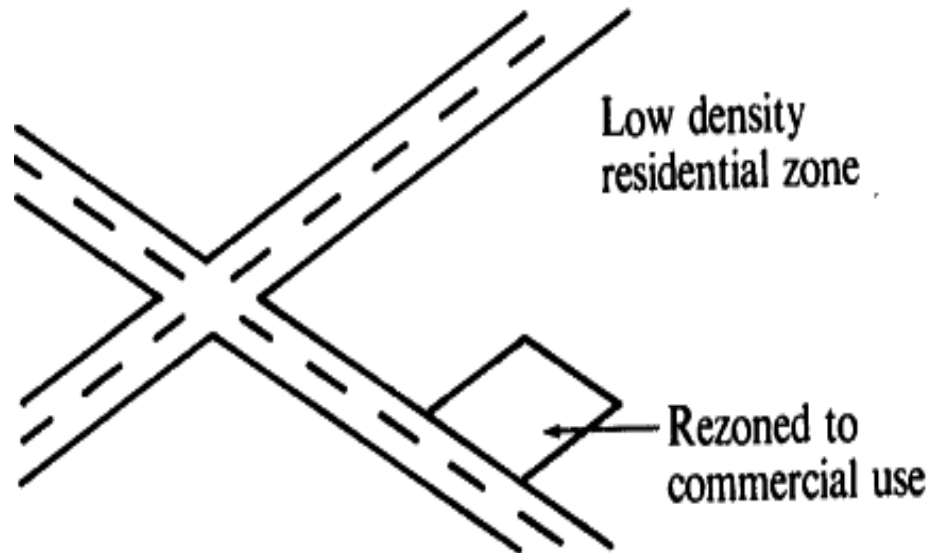


Application of Variance Elements

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).

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.

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.

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.

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)).

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)).

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.

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

Parcel ID: 502-00-00-034

**if more than 1 parcel is located only the first one found will be listed*

Council District: 8 (Bob King)

Current Zoning: M-2 (HEAVY INDUSTRIAL DISTRICT)

Split Zoned (internal use): no

Future Land Use: HEAVY INDUSTRIAL

Overlay District: Not Applicable

Annexation Ordinance: 1972-0 ORIGINAL

Neighborhood: This property is not in an established neighborhood

Subdivision: This property is not in an established subdivision

Census Tract: 34

Approximate Elevation: ft

Clear

Zoning Legend

-  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)
-  M-1 (Light Industrial District)
-  M-2 (Heavy Industrial District)
-  B-1 (Limited Business District)
-  B-1A (General Business District)
-  B-2 (General Business District)
-  B-3 (Commercial, Recreation, and Highway Oriented Usage)
-  ON (Office Neighborhood District)
-  OD (Office District)
-  PDD (Planned Development District)
-  CRD (Commercial Redevelopment District)

What to Consider when rezoning

THE DISTRICT USE ONLY

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

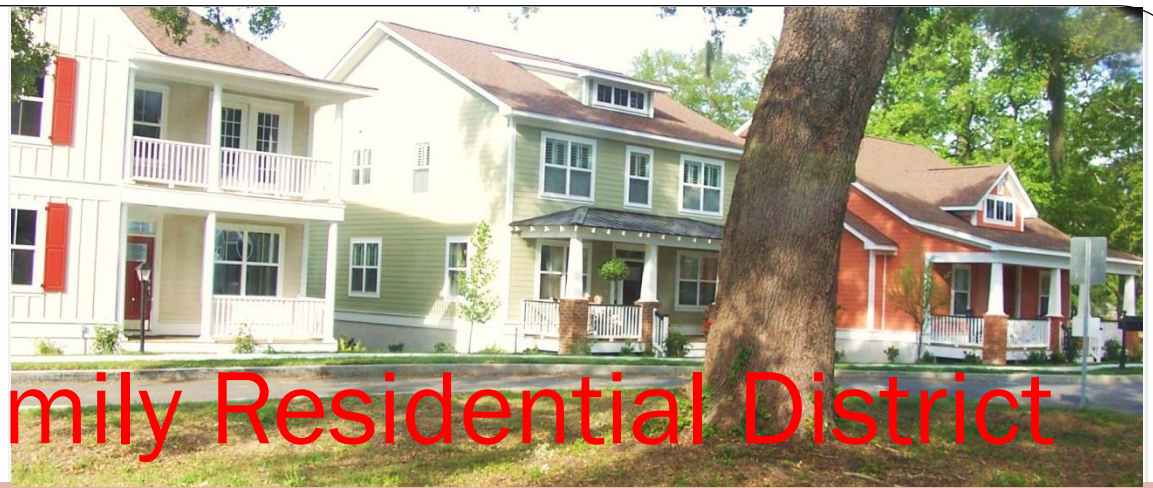
What NOT to consider



- 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



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



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

West Yard 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)

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.

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 uses: 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.



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 cafés;
 - e. Fast food restaurants, ice cream shops, cafés;
 - f. Grocery stores, convenience stores;
 - g. Clothing/shoe stores.
 - 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.
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;
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

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

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;
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- 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.

Woodall Const. along
Palmetto Commerce
Pkwy



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.**

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

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

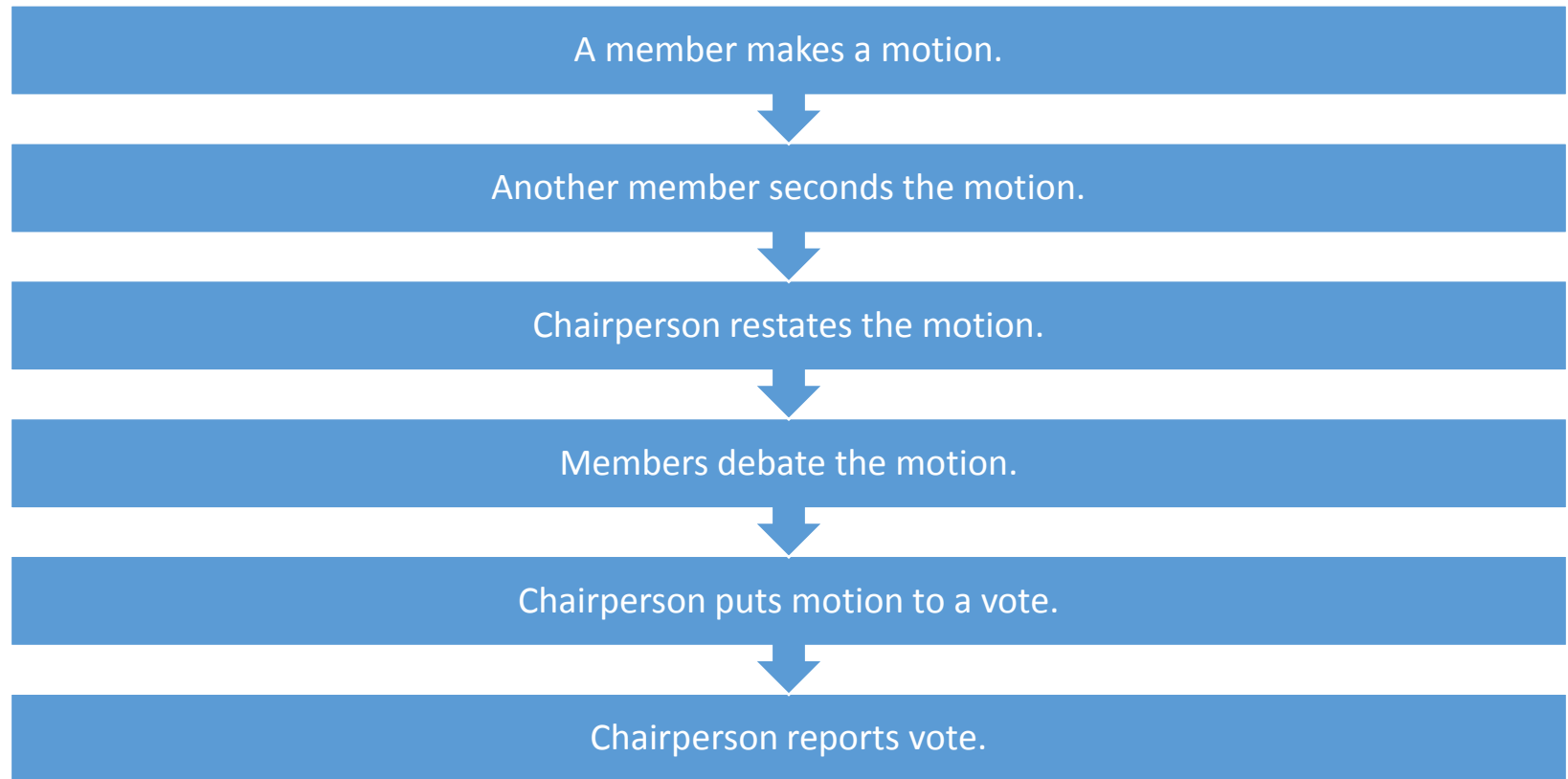
What if there isn't a quorum?

- 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

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?

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?

Question seven:

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

Conflicts of Interest



No Economic Benefit Allowed

Under the ethics rules, a public official is prohibited from using his office to obtain an economic benefit for himself, a member of his immediate family, an individual with whom he is associated or a business with which he is associated. S.C. Code § 8-13-700.

No Economic Interest Involved

An economic interest is an interest distinct from that of the general public in a transaction in which the public official may gain an economic benefit of \$50 or more.

S.C. Code § 8-13-100(11)(a).

If a decision affects an economic interest within the prohibition, the following steps must be taken. S.C. Code § 8-13-700(B).

1. The official prepares a **written** statement describing the matter requiring action or decision and the nature of the potential conflict.
2. The official furnishes a copy of the statement to the presiding officer who will have the statement included in the minutes.
3. The presiding officer excuses the official from any votes, deliberations and other actions on the matter.
4. The presiding officer causes the statement and reasons for disqualification to be noted in the minutes.

The Disqualified Member --

- Can stay in the meeting.
- Cannot participate in the deliberations.
- Cannot participate in the voting.



Quorum: If a bare quorum is present and a board member leaves the room, the meeting may terminate.

RECUSAL STATEMENT

Member Name: _____

Meeting Date: _____

Agenda Item: _____ Section _____ Number: _____

Topic: _____

(The Ethics Act, RC Code 36-12-700, provides that no public official may knowingly use his official position or economic interest for himself, a family member or his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Furthermore, use is prohibited from any time in which there is or may be conflict of interest is the sole responsibility of the Council member (1991-12p, Act 300, No. 91-17). A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

_____ Professionally employed by or under contract with principal

_____ Owns or has vested interest in principal or property

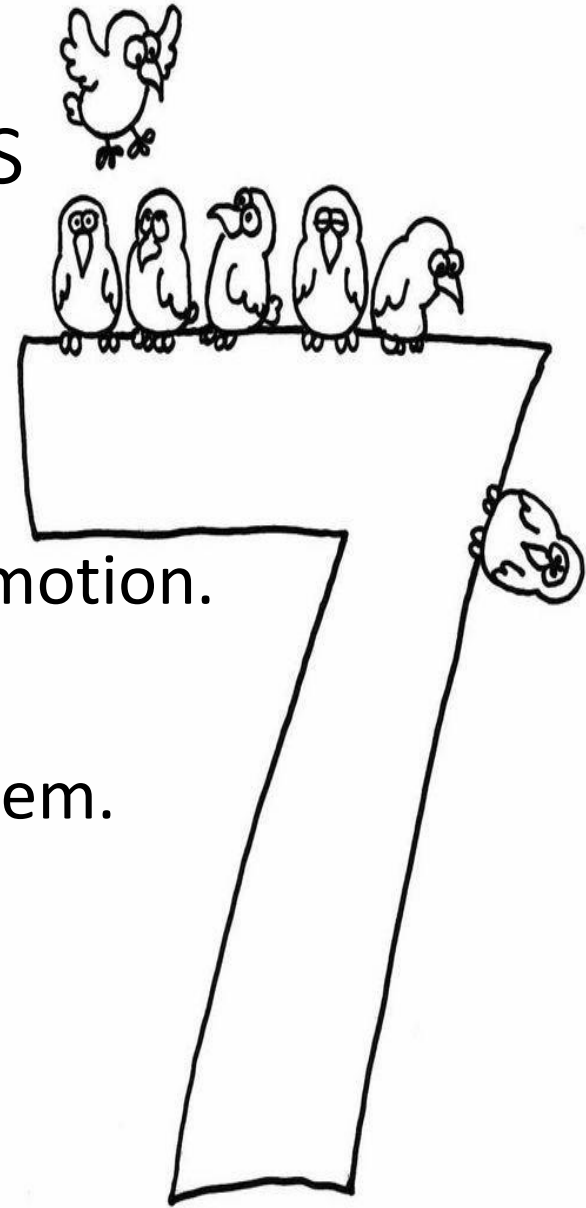
_____ Other: _____

Date: _____

Member

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.



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)**



LANDSCAPING ALONG BUILDING



LANDSCAPING ALONG BUILDING & PARKING LOT



PARKING LOT LANDSCAPING

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



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

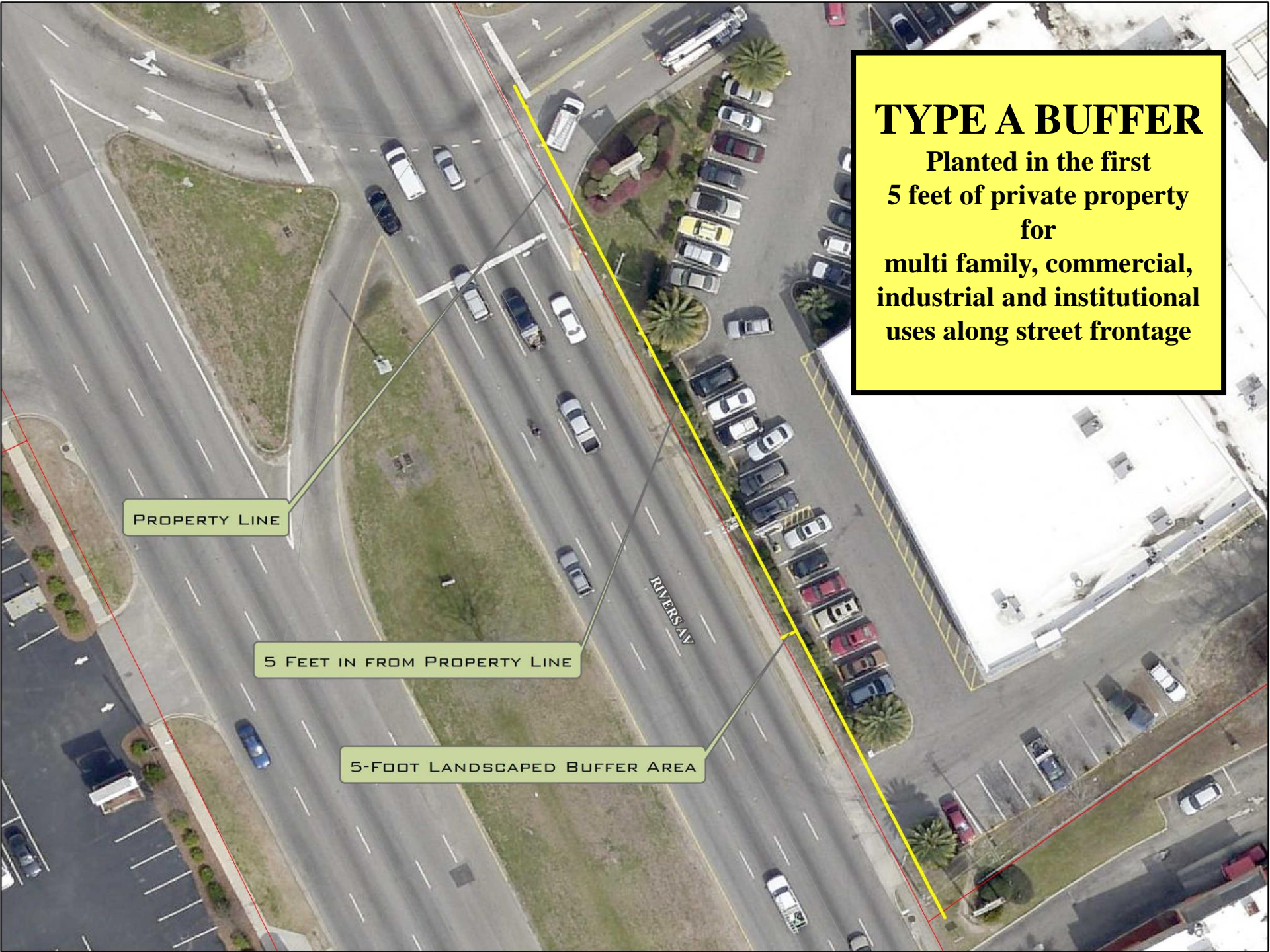
Planted in the first
5 feet of private property
for
multi family, commercial,
industrial and institutional
uses along street frontage

PROPERTY LINE

5 FEET IN FROM PROPERTY LINE

5-FOOT LANDSCAPED BUFFER AREA

RIVERS AV



2003

Understory Tree

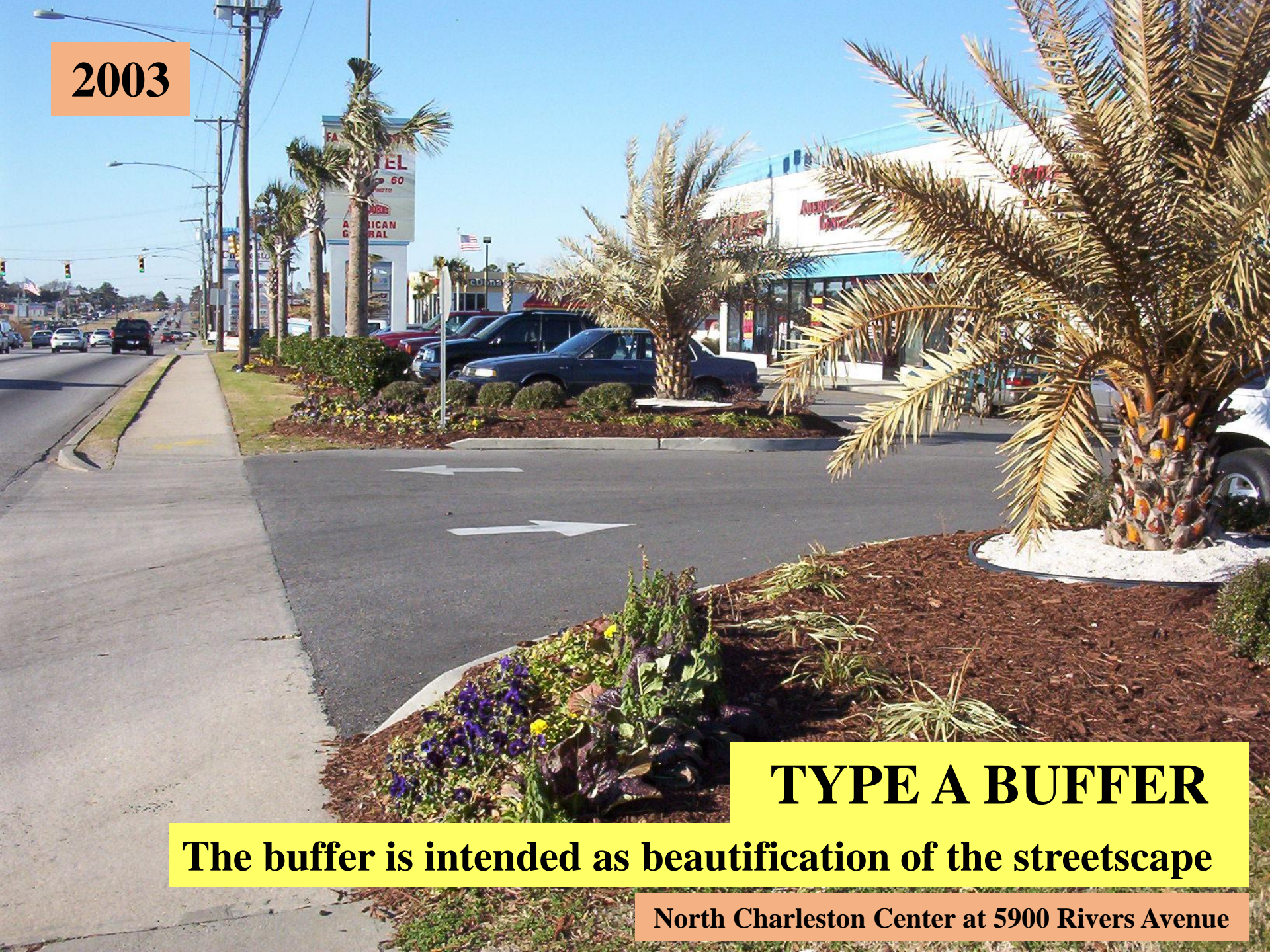
Ornamental Shrubs

TYPE A BUFFER

**Per 100 feet of frontage:
2 Canopy Trees,
4 Understory Trees and
35 Ornamental Shrubs**

North Charleston Center at 5900 Rivers Avenue

2003



TYPE A BUFFER

The buffer is intended as beautification of the streetscape

North Charleston Center at 5900 Rivers Avenue

2003



02/04/2003

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

2004



TYPE B BUFFER

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.**

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

A photograph of a wooded area with a dirt path and trees. The path is covered in brown pine needles and leads into the forest. There are several large trees with green leaves, and a dark structure is visible in the background.

2014

TYPE C BUFFER

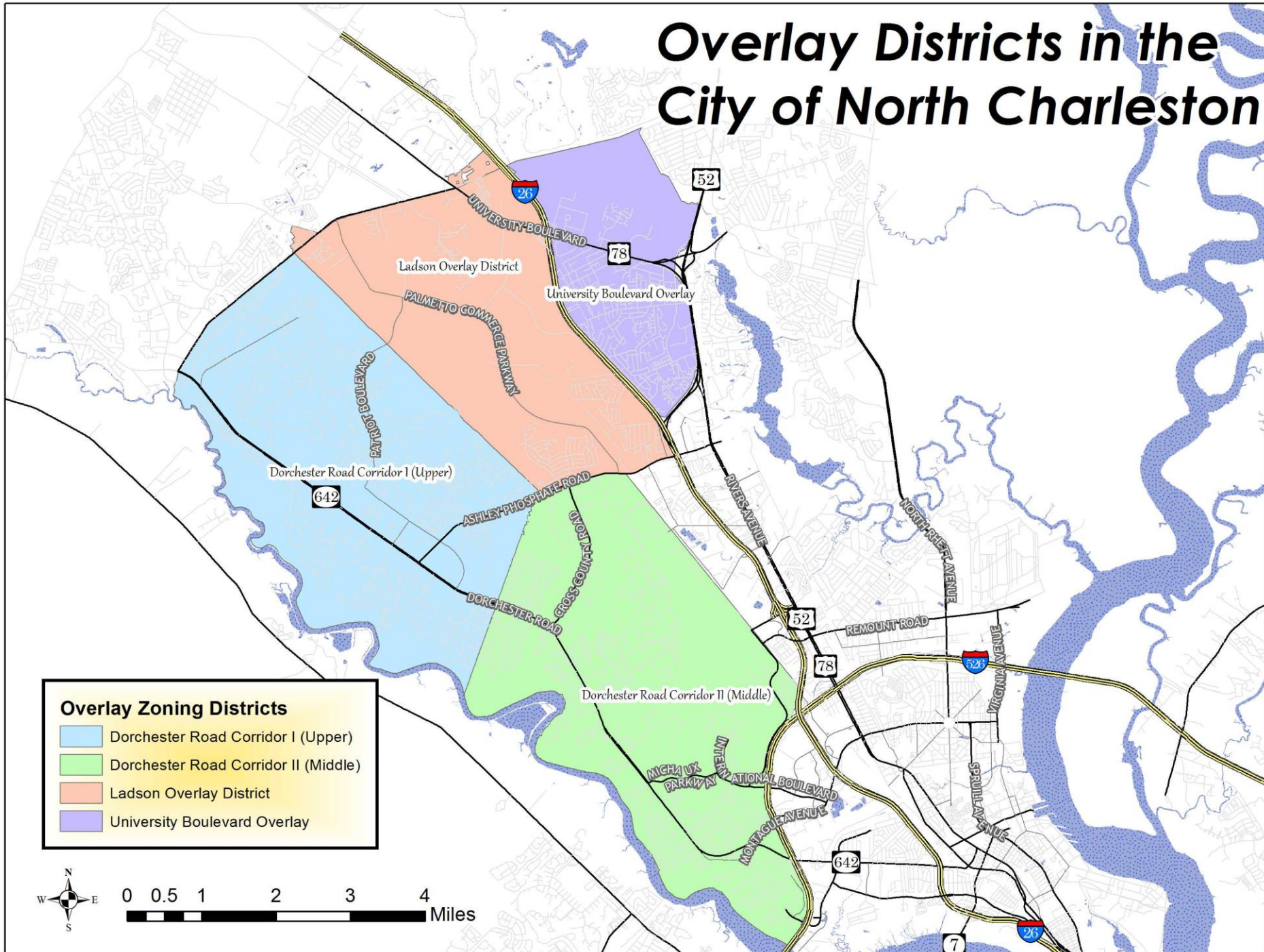
Averitt Express at 7749 Palmetto Commerce Parkway (looking from Pepperhill)



TYPE C BUFFER ??

Harris Teeter at 9500 Dorchester Road

Overlay Districts in the City of North Charleston



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 9580 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)



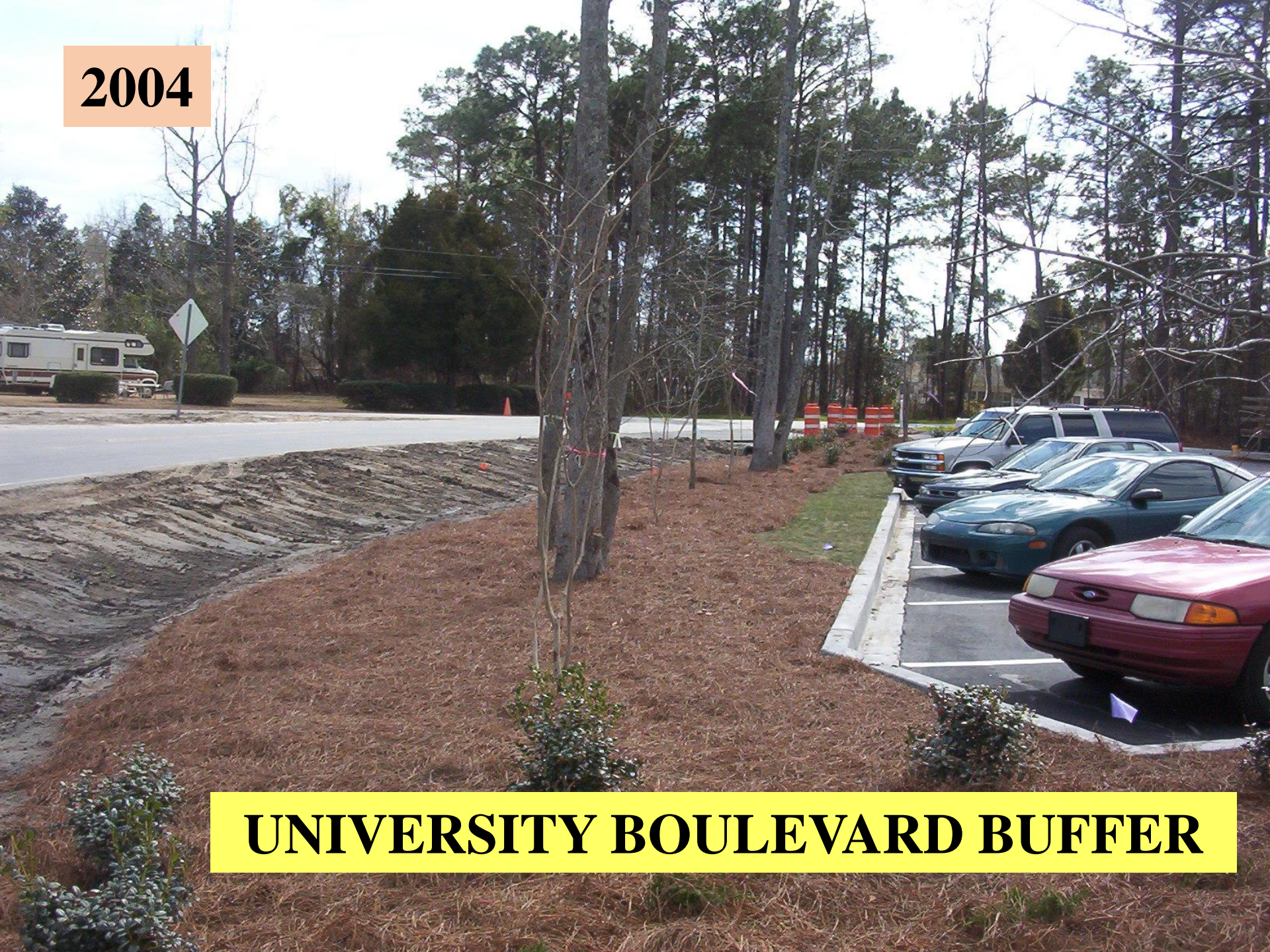
2014

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

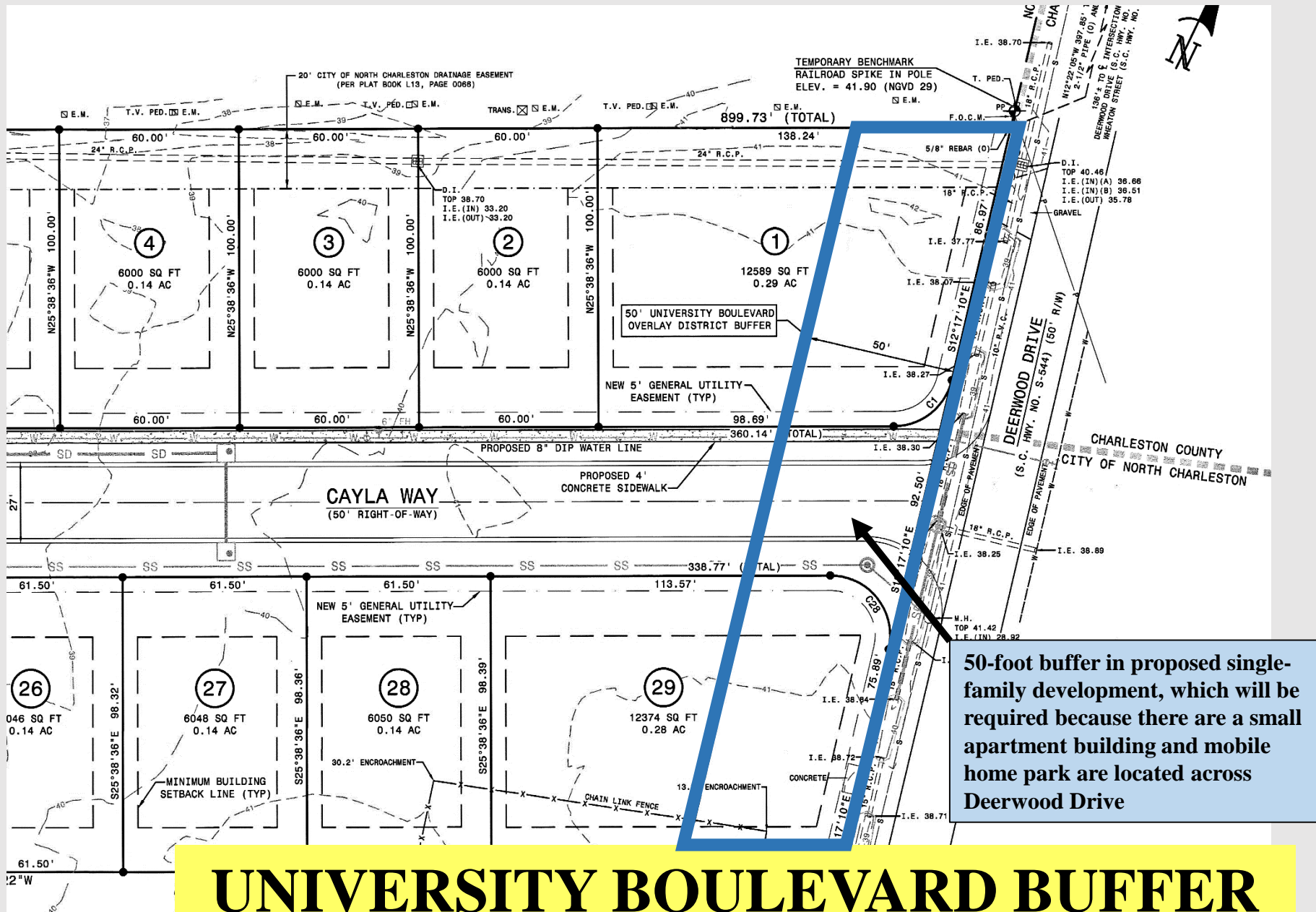
Cookout at 8970 University Boulevard

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)



50-foot buffer in proposed single-family development, which will be required because there are a small apartment building and mobile home park are located across Deerwood Drive

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)**

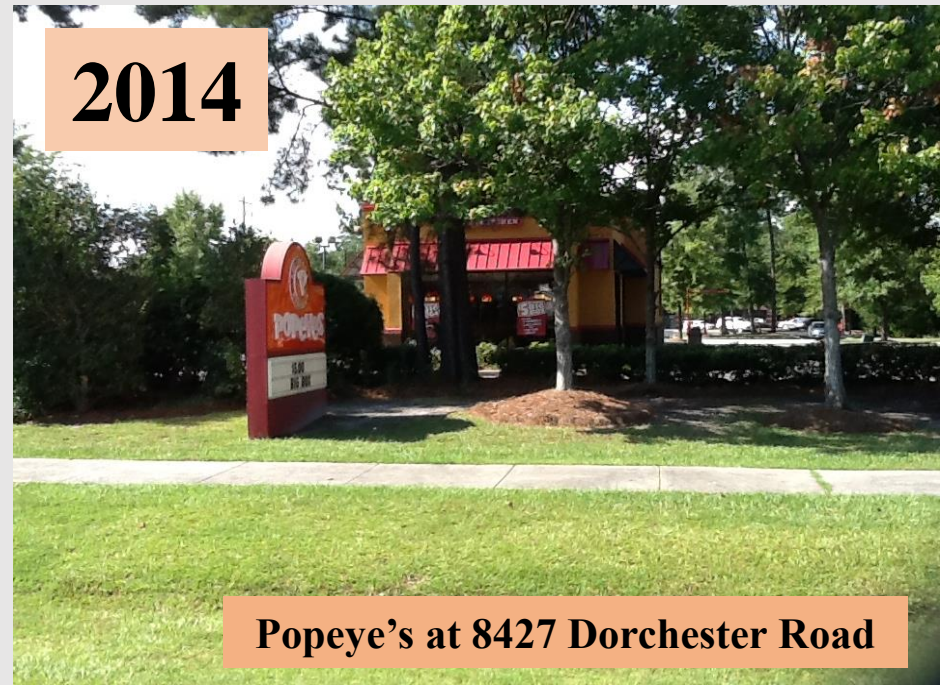
Popeye's at 8427 Dorchester Road

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

2003



2014



Popeye's at 8427 Dorchester Road

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)

A photograph of a residential property. In the background, a dense forest of tall, slender trees, likely pines, stands against a bright sky. Some trees have green foliage, while others are bare or have yellowing leaves. On the left side, a portion of a light green house with white trim and a dark roof is visible. The foreground shows a grassy area and the lower trunks of the trees.

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?