

# South Carolina



## Planning Education Advisory Committee

Committee Members:

August 27, 2018

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

City of North Charleston  
Kriston D. Neely

Phillip L. Lindler  
Representing SCAC  
Term expires: 2019

Deputy City Attorney  
P.O. Box 190016  
North Charleston, SC 29419

Cliff Ellis  
Representing Clemson University  
Term expires: 2020

Re: *Applications for Accreditation of CE credits for New Program*

Christopher Witko  
Representing USC  
Term expires: 2020

Dear Ms. Neely:

Wayne Shuler  
Representing SCAPA  
Term expires: 2018

On August 13, 2018, I received the program materials you submitted for the "2018 Training and Update for ZBA and PC." Upon receipt of the materials, an email was sent to confirm receipt by all Committee members as well as a deadline set for comments.

Under the "no objection policy" adopted July 8, 2009, the request for accreditation of this program has been approved, and the signed "Notice of Decision" is attached. A formal after-the-fact approval will be handled as part of a Consent Agenda at the regular quarterly meeting of the Committee, scheduled at 10:00 a.m. on Tuesday, November 6, 2018.

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: Phillip Lindler, Cliff Ellis, Christopher Witko and Wayne Shuler

*South Carolina Planning Education Advisory Committee (SCPEAC)*

**NOTICE OF DECISION**

**Title of Program:** 2018 Training and Update for ZBA and PC

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


ACCEPTED WITHOUT OBJECTION      Date: August 27, 2018

REVIEWED BY FULL COMMITTEE      Date: \_\_\_\_\_

- a)      X   ACCREDITED for: 180 min. CE credits: 3
- b)    \_\_\_\_\_ DENIED ACCREDITATION
- c)    \_\_\_\_\_ RETURNED for more information

**12. If accredited:**

- a)    Authorized Course No.: 2018-11
- b)    Date of accreditation: 08/27/2018

Signature of SCPEAC Representative: \_\_\_\_\_  


**For further information, contact Mr. Stephen G. Riley, Chairman,  
843-341-4701 or [steve@hiltonheadislandsc.gov](mailto:steve@hiltonheadislandsc.gov)**

**LOCAL OFFICIAL'S CERTIFICATION OF NEED  
FOR CONTINUING EDUCATION PROGRAM**

**NOTE:** The Planning Director of a jurisdiction, or the COG Director serving a jurisdiction, may certify to the SCPEAC that a particular continuing education program is appropriate to meet the needs of that jurisdiction.

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. Certifying Official's Information:**

- a. Name: Gwen Moultrie
- b. Title: Zoning Administrator
- c. Jurisdiction for which certification is being made: City of North Charleston
- d. Address of Jurisdiction: P.O. Box 190016
- e. City: North Charleston  
Zip Code 29419
- f. Telephone: 843-740-2572
- g. Email: gmoultrie@northcharleston.org
- h. For COG Directors:
  - i. Name of COG: \_\_\_\_\_
  - ii. Address of COG: \_\_\_\_\_
  - iii. City: \_\_\_\_\_  
Zip Code: \_\_\_\_\_
  - iv. Telephone: \_\_\_\_\_
  - v. Email: \_\_\_\_\_

**2. Information on Educational Program:**

- a. Title of Program: 2018 Training and Update for ZBA and PC
- b. Name of Organization that is providing or sponsoring the Program:
  - i. Organization: City of North Charleston Legal Department

- ii. Street Address: P.O. Box 190016
- iii. City: North Charleston  
State: South Carolina  
Zip Code: 29419
- iv. Contact Person: Kriston D. Neely
- v. Title: Deputy City Attorney
- vi. Telephone: 843-740-2553
- vii. Email: kneely@northcharleston.org

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

September 17<sup>th</sup>, 2018, North Charleston City Hall

d. Briefly describe the program and why it is relevant to your jurisdiction:

An overview of the duties for BOZA and PC members; a review of parliamentary procedure; and an indepth discussion of key issues and ordinance sections relevant to the City and their roles.

**3. 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) \_\_\_\_\_

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

a. Powerpoint handout: <input type="checkbox"/>	number of slides: 111
b. Other handouts: <input type="checkbox"/>	total pages:
c. CD/DVD: <input type="checkbox"/>	
d. Other (describe) _____	
e. None: <input type="checkbox"/>	

**5. When are materials distributed?**

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

**6. 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)

**7. 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.

**8. Local contact person (if other than Certifying Official):**

- a. Name: \_\_\_\_\_
- b. Title: \_\_\_\_\_
- c. Jurisdiction: \_\_\_\_\_
- d. Telephone: \_\_\_\_\_
- e. Email: \_\_\_\_\_

**9. 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 Certifying Official 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.
- c. I do hereby certify that this program satisfies the current continuing education needs of this community.

- i. Name: Gwen Moultrie
- ii. Title: Zoning Administrator
- iii. Signature: *Gwen Moultrie*
- iv. Date: 8/13/18

**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, Krista Wiedmeyer at [kristaw@hiltonheadislandsc.gov](mailto:kristaw@hiltonheadislandsc.gov)

To access committee members email and postal addresses visit the link below:  
<http://www.scstatehouse.gov/scpeac/members.htm>

South Carolina Planning Education Advisory Committee (SCPEAC)

**NOTICE OF DECISION**

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

<input type="checkbox"/> ACCEPTED WITHOUT OBJECTION	Date: _____
<input type="checkbox"/> REVIEWED BY FULL COMMITTEE	Date: _____

**11. Committee Action:**

<input type="checkbox"/> ACCREDITED for	_____ CE credits
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DENIED ACCREDITATION

i. Reason: \_\_\_\_\_

RETURNED for more information

**12. If accredited:**

Authorized Course No: \_\_\_\_\_

a. Date of accreditation: \_\_\_\_\_

b. Certification is valid until: \_\_\_\_\_

Signature of SCPEAC Representative: \_\_\_\_\_

For further information, contact Mr. Stephen Riley, Chairman,  
843-341-4701 or [stever@hiltonheadislandsc.gov](mailto:stever@hiltonheadislandsc.gov)

Course: 2018 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	
ZBA & Planning Commission 101	45
Variance Criteria / Exercise	45
District Classifications and Allowable	30
Uses within the City of North Charleston	
North Charleston's Current Buffer	30
Ordinance and other Miscellaneous	
Topics	
Parliamentary Procedure Rundown	20
Comp Plan Process Overview	10

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



2018 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.

**MEMORANDUM**

**To:** The Zoning Board of Appeals (ITEM VIII)  
**From:** Gwen Moultrie, Zoning Administrator  
**Date:** January 3, 2018  
**Re:** Request for Variance from Article V, Section 5-5, Paragraphs b(4)b and b(4)d.

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The applicant, Roses and Ruins Tattoo, LLC, represented by Chris Zealy, on behalf of the property owner, the City of North Charleston, is seeking a variance from Article V, Section 5-5, Paragraphs b(4)b and b(4)d, relating to the requirement that a tattoo parlor not be established within 1,000 feet of a boundary line of any residential district or residential use, for the property addressed as 1019 Aragon Street (TMS# 470-16-00-065) in the M-1, Light Industrial, Zoning District/Council District 7.

Mr. Zealy argues that the restriction of 1,000 feet from a residential property essentially prohibits tattoo parlors in the southern portion of the City of North Charleston, stating that the Zoning Regulations require that such parlors be “out of sight, out of mind, and not co-located amongst a residential area.” Mr. Zealy further argues that the subject location is an ideal location for a tattoo parlor, as it sits at the end of a dead-end street, surrounded by warehouses and marsh, and not visible from a major roadway. He asserts that the 1,000-foot rule, measured in a straight line, is arbitrary in its effect and does not take into account the unique attributes of a property and its context to the larger community. Finally, Mr. Zealy states that his business, while well-managed and reputable, is effectively banned from locations which would allow it to prosper.

Section 5-5 b(4) of the Zoning Regulations, approved by City Council in 2016, allows the establishment of tattoo parlors in the M-1 zoning district, conditioned on the parcels meeting certain setback requirements from places of worship, residential uses and zonings, public parks, and schools and related uses. The applicant is prohibited from establishing a tattoo parlor on the subject parcel by the separation requirement from residential zonings, as the three adjacent parcels to the east (TMS# 470-16-00-046, -109, and -110) are all zoned R-1, Single-Family Residential. Accordingly, he is requesting a variance to the requirements for separation from residential uses and zonings.

Staff does not believe that there are extraordinary and exceptional conditions pertaining to the particular piece of property, in that many M-1-zoned parcels throughout the City are adjacent to (or within 1,000 feet of) residentially-zoned or -used properties; thus, this condition is not unique to the subject parcel. Further, staff does not believe that the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the subject property merely that the desired use is prohibited at this location, while the majority of the uses allowed in M-1 are still permitted. While staff agrees that the granting of the variance would not be likely to be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance, staff nevertheless does not believe that extraordinary and exceptional conditions exist that merit the granting of the variance, and, accordingly, staff recommends denial.

# City of North Charleston, SC

## APPLICATION FOR ZONING VARIANCE

Date: 12/13/17  
\$75.00 Application Fee

TMS#: 470-16-00-065 Current Zoning: Light Industrial  
Location Address: 1019 Aragon Street  
Request for Variance from the Provisions of Article: V Section: 5.5  
Paragraph: (b)4 of the Zoning Ordinance relating to the area: \_\_\_\_\_  
Yard: \_\_\_\_\_ Height: \_\_\_\_\_ Parking: \_\_\_\_\_ or Other: \_\_\_\_\_  
(atqo parlors not less than 1000' from a residential property) Provisions of the Regulations.  
Present use of property: vacant light industrial  
Proposed use of property: (atqo parlor)

**Applicant:** Roses and Ruins Tattoo LLC  
Print: Chris Zealy Signature: [Signature]  
Address: 1311 Rome Road  
Hanahan, SC 29410 Email: chrizealy@gmail.com  
Phone # (cell): 843-442-4033 Phone # (work): \_\_\_\_\_

**Owner(s):** The City of North Charleston, Under Contract to Paragon Park LLC  
Print: Adam Mac Connell Signature: [Signature]  
Address: 2500 City Hall Ln  
Email: amacconnell@northcharleston.org  
Phone # (cell): 740-5821 Phone # (work): \_\_\_\_\_

**Representative:** Paragon Park, LLC (under contract to purchase property)  
Print: Chris Brown Signature: [Signature]  
Address: PO Box 498, Charleston, SC 29402  
Email: Chris@holycitybrewing.com  
Phone # (cell): 843 276 5796 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'x19' 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:

1. Identify the particular requirements of this ordinance which prevent the proposed use or construction.

The requirement for a tattoo parlor to be in light industrial zoning and at least 1000' (straight line) from a residential property

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

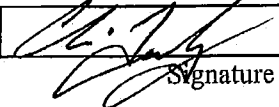
The restriction of 1000' from a residential property essentially prohibits tattoo parlors in the lower portion of North Charleston. The code desires for tattoo parlors to be out of sight, out of mind, and not co-located amongst a residential area. The location at 1019 Aragon St is an ideal location since it sits at the end of a dead-end street, surrounded by warehouses and marsh. The location is not visible from a major roadway. The 1000' (straight line) rule is arbitrary in its effect and does not take into account the unique attributes of a property and its context to the larger community.

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

Reduce the 1000' (straight line) distance from tattoo parlor to residential property requirement to 0'.

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

The applicant's business is a legal and reputable operation that is well-managed. While meeting the intent of the City's code, their business is effectively banned from locating at properties that would allow it to prosper.

  
Signature of Applicant

**THIS APPLICATION MUST BE COMPLETED IN ITS ENTIRETY BEFORE SUBMITTAL**

Scheduled for To Be Filled Out By Zoning Official Zoning Board of Appeals Meeting





Bexley St

Bexley St

Bexley St

Bexley St

Aragon St

O'Hear Ave

Aragon Ave

Ott Distributors

Reddy Ice

VFW Post 5091

Charleston Glass Company

Velocity Cycling Studio - Charleston

1019 ARAGON

State Rd S-10-32

Sprull Ave

St Johns Ave

Hunley Waters Cr

O'Hear Ave

O'Hear Ave

O'Hear Ave

O'Hear Ave

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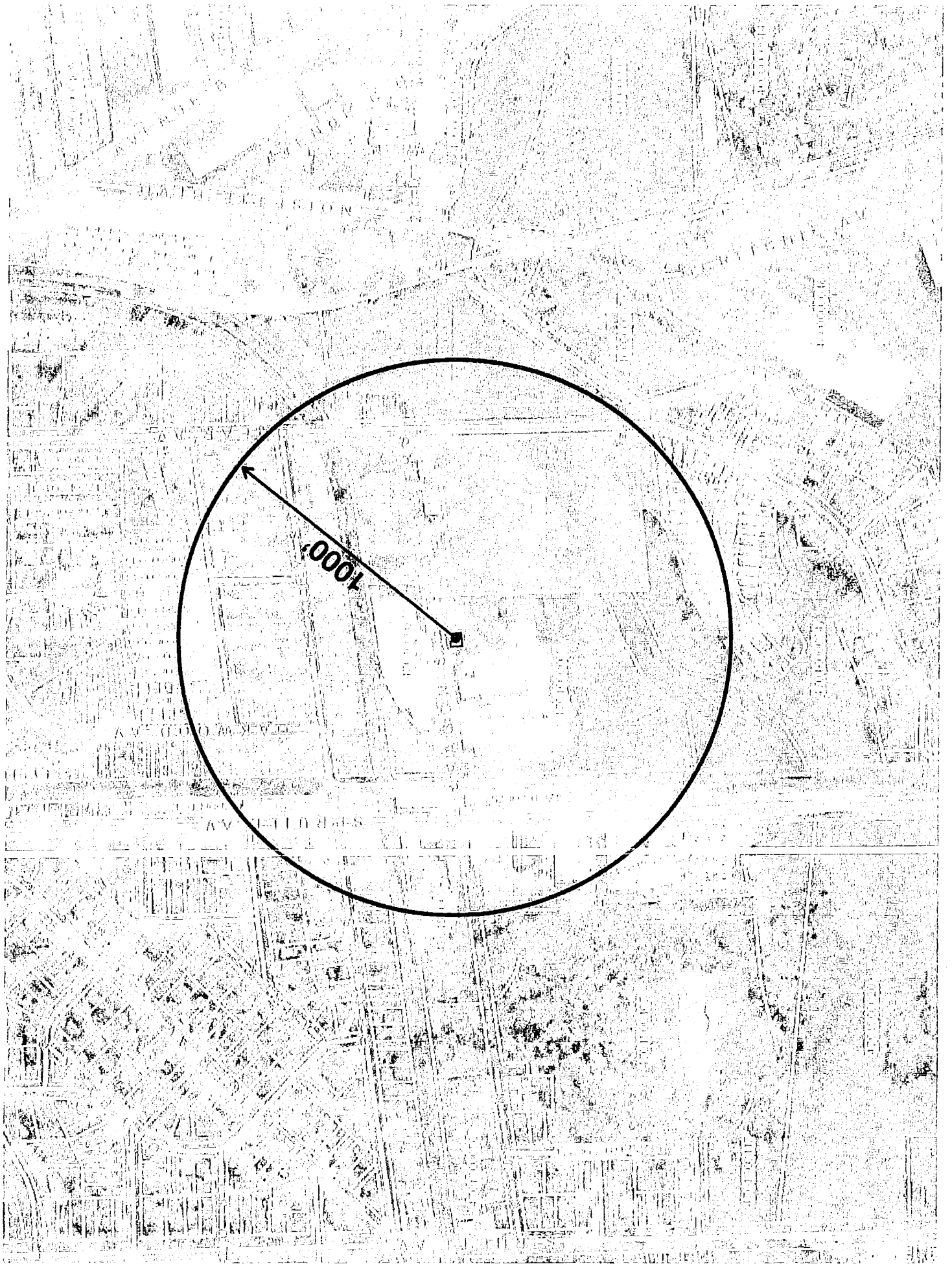
O'Hear Ave

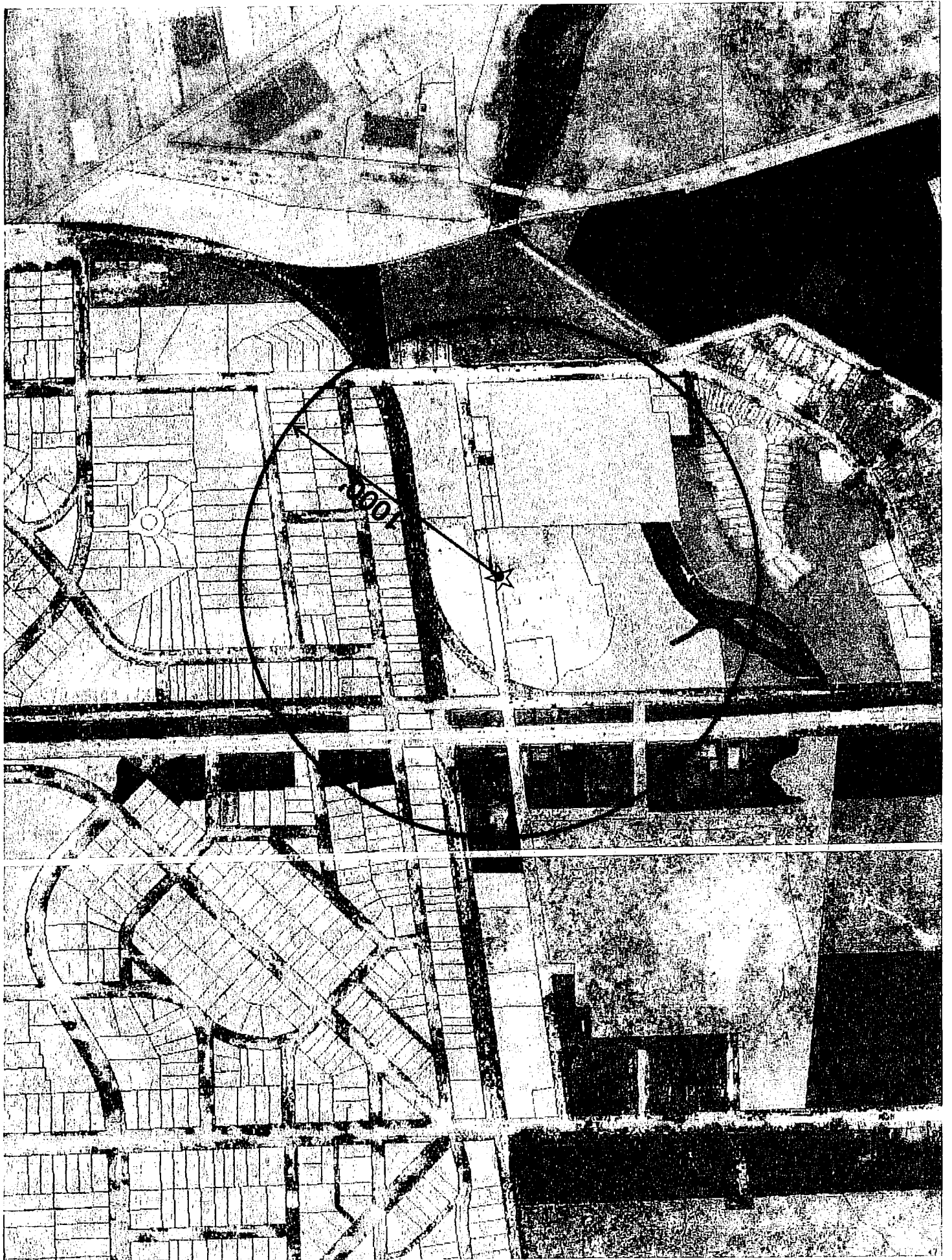
O'Hear Ave

O'Hear Ave

O'Hear Ave

O'Hear Ave





City of North Charleston  
Finance Department  
PO Box 190016, North Charleston, SC 29419-9016  
No: 17-05410

Date: 12/13/17

Received From: ROSES & RUINES TATOO LLC

For: VARIANCE

321.1	321.2	321.3	369.6 X	
Check #1: 1252		Amount:	75.00	
Check #2:		Amount:	0.00	
Check #3:		Amount:	0.00	Total: 75.00
Check #4:		Amount:	0.00	
		CC Amount:	0.00	
		Cash Amount:	0.00	

Received By: Tiffany Smalls

Please Note: If payment is made by check, this receipt  
is valid only if your check clears the bank.





**MEMORANDUM**

**To:** The Zoning Board of Appeals (ITEM VI)  
**From:** Gwen Moultrie, Zoning Administrator  
**Date:** May 7, 2018  
**Re:** Request for Variances from Article V, Section 5-13, Paragraph (d)(2)

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The applicant, Lowcountry Grocers, LLC dba Piggly Wiggly, on behalf of Charles Lynn Willard, is seeking a variance from Article V, Section 5-13, Paragraph (d)(2) relating to the maximum area of a wall sign for the property located at 9616 US Highway 78 (TMS# 242-00-03-014) in the B-2, General Business Zoning District/Ladson Road Overlay District/Council District 2.

The applicant would like to install a wall sign for the new Piggly Wiggly grocery business located within an existing commercial shopping center in a space previously occupied by BiLo. However, he is seeking variance to the maximum allowable wall sign area for properties located within the Ladson Road Overlay District.

Mr. Willard argues that the size restrictions for wall signs, under the ordinance, make the letters on the building appear very small once the sign is positioned on the store front and makes the view of the wall sign more difficult from the right-of-way. The applicant further argues that the exceptional or extraordinary conditions hindering compliance with the ordinance is the positioning of the building at the rear of the parcel behind a parking lot area that is deep in depth further impacts visibility of a wall sign from the road. As a result, he is seeking permission to use 5 ft. in size sign letters, which will result in a sign area greater than the maximum allowable 65 sq. ft. Mr. Willard argues that the larger sign will not only increase the visibility of his business but will also contribute to the success of his business at this location.

Staff has reviewed the applicant's request and does not believe he has substantiated a hardship for a variance to be granted. Per Section 5-13, Paragraph (d)2, one square foot of wall sign area is allowed per linear foot of building frontage. Based upon the previously approved BiLo wall sign, the maximum sign area allowed is 65 sq. ft. As noted, Mr. Willard argues that due to the location of the existing commercial structure and lack of visibility from the road, a larger wall sign is needed at this location. However, Staff believes that the conditions being presented by the applicant applies equally to all of the existing businesses presently operating from this location. Additionally, the applicant is seeking a variance to use 5 ft. sign letters; however, this information alone does not demonstrate the wall signage area being proposed for use. On the other hand, a freestanding ground sign is typically used to advertise a business from the right-of-way. In this case, two "face change" sign permits for the two existing freestanding ground signs have already been approved for this location. The permits will allow the sign company to move forward with replacing the existing BiLo sign cabinet with a new sign cabinet displaying the "Piggly Wiggly" business name (see attachment). Once the change has occurred, the new signage will provide the sign visibility needed to appropriately advertise the business from the

roadway. Given the aforementioned reasons, Staff recommends denial of the requested variance for the following reasons:

1. There is nothing exceptional or unique about the property that would not apply to other properties within the Ladson Road overlay district;
2. This provision of the ordinance for which relief is being sought not only applies to this property but applies equally to existing businesses within the shopping center and with the Ladson Road overlay district; and
3. Meeting the requirement will not restrict the continued use of the property as a grocery store.

# City of North Charleston, SC

## APPLICATION FOR ZONING VARIANCE

Date: 4/10/18  
\$75.00 Application Fee

TMS#: 242-00-03-014 Current Zoning: B-2  
Location Address: 9616 US HWY. 78, LADSON, SC  
Request for Variance from the Provisions of Article:                     , Section:                       
Paragraph:                     , of the Zoning Ordinance relating to the area:                       
Yard:                     , Height:                     , Parking:                     , or Other: SIGN SIZE  
LADSON ROAD CORRIDOR OVERLAY ZONING DISTRICT Provisions of the Regulations.  
Present use of property: GROCERY STORE  
Proposed use of property: GROCERY STORE

Applicant: Lowcountry Grocers, LLC d/b/a Piggly Wiggly  
Print:                      Signature:                       
Address: 724 Attwood Circle Mt. Pleasant, SC 29464  
Email: lynnwillard@thepig.net  
Phone # (cell): 843-737-2331 Phone # (work): 843-737-2331  
Owner(s): Charles Lynn Willard  
Print: Charles Lynn Willard Signature:                       
Address: 724 Attwood Circle Mt. Pleasant, SC 29464  
Email: lynnwillard@thepig.net  
Phone # (cell): 843-737-2331 Phone # (work): 843-737-2331  
Representative: Same  
Print:                      Signature:                       
Address:                       
Email:                       
Phone # (cell):                      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'x19' 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:

1. Identify the particular requirements of this ordinance which prevent the proposed use or construction.

The size restrictions make the letters on the building look very small on the store front and harder to see from the road.

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

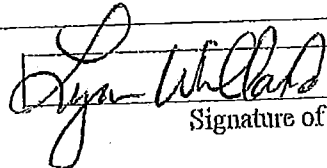
The parking lot of this location is pretty deep. The store sits off the road a bit making the letters seem very small and harder to see/read.

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

5 Pt. letters (digitally created photo attached)

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

I think studies will support that building visibility and sign visibility are both keys to successful operations. If that by allowing to increase the sign size, chances of success for this location increase.

  
Signature of Applicant

**THIS APPLICATION MUST BE COMPLETED IN ITS ENTIRETY BEFORE SUBMITTAL**

Scheduled for:  To Be Filled Out By Zoning Official  Zoning Board of Appeals Meeting

Print

SUBMIT

Reset

City of North Charleston  
Finance Department  
PO Box 190016, North Charleston, SC 29419-9016  
No: 18-18280

Date: 04/16/18

Received From: NELSON SIGNS

For: VARIANCE

321.1 X	321.2	321.3	369.6		
Check #1: 24905		Amount:	75.00		
Check #2:		Amount:	0.00		
Check #3:		Amount:	0.00	<b>Total:</b>	<b>75.00</b>
Check #4:		Amount:	0.00		
		CC Amount:	0.00		
		Cash Amount:	0.00		

*DP*

Received By: Denise Porter

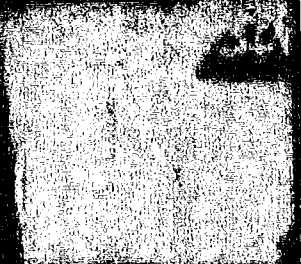
Please Note: If payment is made by check, this receipt  
is valid only if your check clears the bank.

FRANCESCO CARLINI

# BILO

FRANCESCO CARLINI	FRANCESCO CARLINI	FRANCESCO CARLINI
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FRANCESCO CARLINI	FRANCESCO CARLINI	FRANCESCO CARLINI

FRANCESCO CARLINI



LADSON CROSSING

piggly  
wiggly

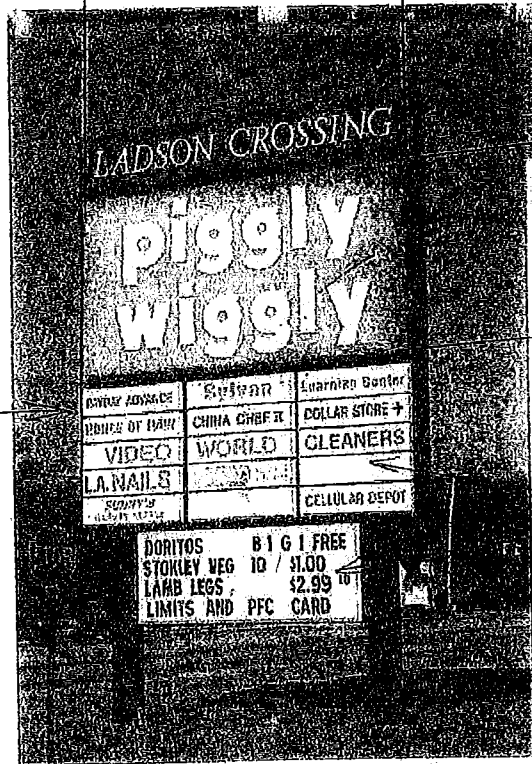
PODDY ADVANCE	Sylvan	Learning Center
HOUSE OF HAIR	CHINA CHEF II	DOLLAR STORE
VIDEO	WORLD	CLEANERS
LA NAILS	WORLD	
SUNNY'S		CELLULAR DEPOT

DORITOS B/G FREE  
STURLEY VEG 10 / \$1.00  
LAMB LEGS \$2.99 LB  
LIMITS AND PFC CARD

415 HWY 78

NELSON SIGNS  
843-571-2228

15



EXISTING  
SIGN  
STRUCTURE  
(25' TALL)

NO CHANGE

113 HWY 78  
" PROPOSED " "  
FACE CHANGE

120 #



# City of North Charleston, SC

## APPLICATION FOR ZONING VARIANCE

Date: April 4, 2018

\$75.00 Application Fee

TMS#: 162-00-00-018 Current Zoning: B-3  
Location Address: 9700 Dorchester Road  
Request for Variance from the Provisions of Article: [redacted], Section: 5-11 (f)  
Paragraph: [redacted], of the Zoning Ordinance relating to the area: [redacted]  
Yard: [redacted], Height: [redacted], Parking: [redacted], or Other: Ribbed Metal Siding  
[redacted] Provisions of the Regulations.  
Present use of property: Auto Dealership  
Proposed use of property: Auto Dealership

**Applicant:** Choate Construction Company  
Print: Joey Petrides Signature: Joey Petrides  
Address: 1671 Belle Isle Ave, Suite 100, Mt. Pleasant, SC 29464  
[redacted] Email: JPetrides@Choateco.com  
Phone # (cell): (843) 696-6236 Phone # (work): (843) 284-9052

**Owner(s):** Summerville Auto dba Summerville Ford  
Print: Tony Rodriguez & JR Reihl Signature: Tony Rodriguez & JR Reihl  
Address: 9700 Dorchester Road, Summerville, SC 29485  
[redacted] Email: tonyr@summervilleford.com  
Phone # (cell): (843) 991-2731 Phone # (work): (843) 888-660-7251

**Representative:** [redacted]  
Print: [redacted] Signature: [redacted]  
Address: [redacted]  
[redacted] Email: [redacted]  
Phone # (cell): [redacted] Phone # (work): [redacted]

# 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'x19' 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:

1. Identify the particular requirements of this ordinance which prevent the proposed use or construction.

The Dorchester Road Corridor I (Upper) prohibits "...unadorned concrete masonry units or corrugated and/or sheet metal [to] front upon any existing public or private rights-of-way" (Section 5-11 (f)).

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

The car dealership is being upgraded to meet the new Ford Automotive Standards. The proposed architectural ribbed metal panels at Summerville Ford are a required facilities image element for all Ford dealerships nationwide. Please note that these same ribbed metal panels are installed on Jones Ford in North Charleston.

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

The proposed panel must be allowed. Ford Automotive will not allow variance from their dealership "Trustmark Image Program".

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

In order for Summerville Ford to qualify for the Ford Motor Company's Trustmark Image Program, all architectural features must be utilized, including the ribbed metal panels. Non-compliance would have a financial impact of up to \$750,000.00 to Summerville Ford.

Joey Petrides

Signature of Applicant

**THIS APPLICATION MUST BE COMPLETED IN ITS ENTIRETY BEFORE SUBMITTAL**

Scheduled for  Zoning Board of Appeals Meeting

Print

SUBMIT

Reset

City of North Charleston  
Finance Department  
PO Box 190016, North Charleston, SC 29419-9016  
No: 18-18115

Date: 04/05/18

Received From: CHOATE CONSTRUCTION

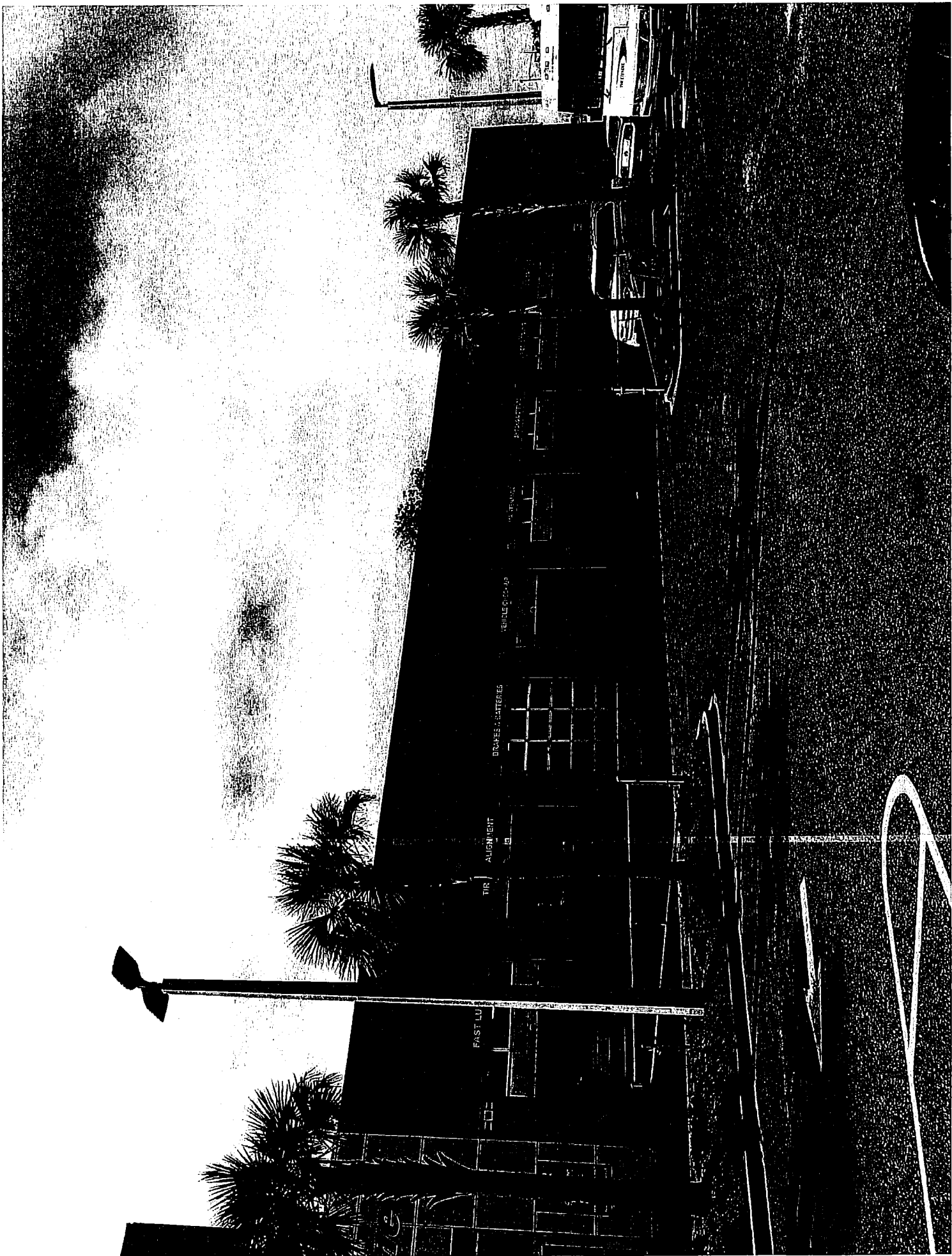
For: VARIANCE

321.1	321.2	321.3	369.6 X		
Check #1:		Amount:	0.00		
Check #2:		Amount:	0.00		
Check #3:		Amount:	0.00	<b>Total:</b>	<b>75.00</b>
Check #4:		Amount:	0.00		
		CC Amount:	75.00		
		Cash Amount:	0.00		



Received By: Denise Porter

Please Note: If payment is made by check, this receipt  
is valid only if your check clears the bank.



TIR

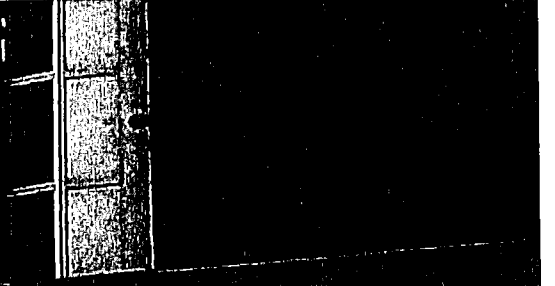
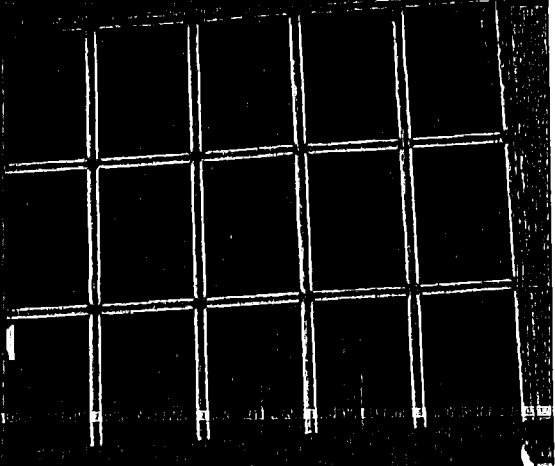
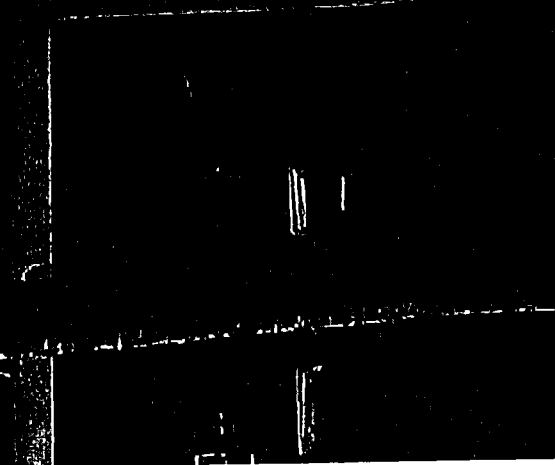
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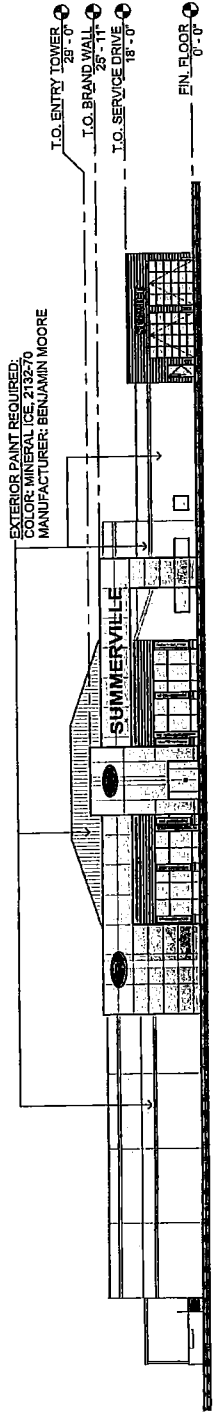
BRAKES & BATTERIES

VEHICLE CHECK-UP

73

MAINTENANCE





I.O. ENTRY TOWER  
29'-0"

I.O. BRAND WALL  
28'-11"

I.O. SERVICE DRIVE  
18'-0"

FIN. FLOOR  
0'-0"

EXTERIOR PAINT REQUIRED:  
COLOR: MINERAL ICE, 213270  
MANUFACTURER: BENJAMIN MOORE

SIGNAGE REQUIRED:  
27 SF. FORD SIGN REFER TO FORD MOTOR COMPANY RETAIL IDENTIFICATION PROGRAM AT WWW.FORDTRUSTMARKDESIGN.COM FOR ADDITIONAL INFORMATION. ALL SIGNAGE PROVIDED & INSTALLED BY \*AGI\* PH. 888.856.7880

TOWER REQUIRED:  
ACM - PRESSURE EQUALIZED RAIN SCREEN (DRY JOINT) METAL PANEL SYSTEM. ALPOLIC HAIRLINE ALUMINUM (4MMHLZ) OR FORD APPROVED EQUAL. PRE-FABRICATED TOWER PROVIDED & INSTALLED BY \*AGI\* PH. 888.856.7880

SIGNAGE REQUIRED:  
39" HIGH DEALER NAME LETTERS. REFER TO FORD MOTOR COMPANY RETAIL IDENTIFICATION PROGRAM AT WWW.FORDTRUSTMARKDESIGN.COM FOR ADDITIONAL INFORMATION. ALL SIGNAGE PROVIDED & INSTALLED BY \*AGI\* PH. 888.856.7880

SIGNAGE REQUIRED:  
31 SF. FORD SIGN REFER TO FORD MOTOR COMPANY RETAIL IDENTIFICATION PROGRAM AT WWW.FORDTRUSTMARKDESIGN.COM FOR ADDITIONAL INFORMATION. ALL SIGNAGE PROVIDED & INSTALLED BY \*AGI\* PH. 888.856.7880

BRAND WALL REQUIRED:  
ACM - PRESSURE EQUALIZED RAIN SCREEN (DRY JOINT) METAL PANEL SYSTEM. ALPOLIC HAIRLINE ALUMINUM (4MMHLZ) OR FORD APPROVED EQUAL. PROVIDE BACKING SPECIFICATIONS.

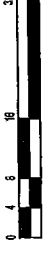
EXTERIOR PAINT REQUIRED:  
COLOR: STEEL WOOL 217120  
MANUFACTURER: BENJAMIN MOORE

METAL CLADDING REQUIRED:  
EXPOSED METAL PANELS (EXPOSED. PAINTED FASTENER). ALCOCK SLATE GREY OR FORD APPROVED EQUAL. REFER TO WWW.FORDTRUSTMARKDESIGN.COM FOR SPECIFICATIONS

1 OVERALL SOUTHWEST ELEVATION  
1/32" = 1'-0"



2 ENLARGED SOUTHWEST ELEVATION  
1/16" = 1'-0"



GENERAL NOTES:  
ANY EXISTING SIGNS TO BE RELOCATED, INCLUDING THE EXISTING SIGN (ON OR MONUMENT) MUST BE PROCESSED THROUGH THE FORD RETAIL I.D. PROGRAM.  
LOCAL ARCHITECT TO VERIFY IN FIELD ALL EXISTING BUILDING CONDITIONS.

For communication of design intent only. Local architect must review for code compliance. These drawings are not suited or intended for construction or fabrication. All contents on this sheet are confidential. Information and all rights therein are and will remain the property of Ford Motor Company.



ADDITIONAL PROTOTYPICAL DRAWINGS AND DESIGN CAN BE FOUND AT  
WWW.FORDTRUSTMARKDESIGN.COM

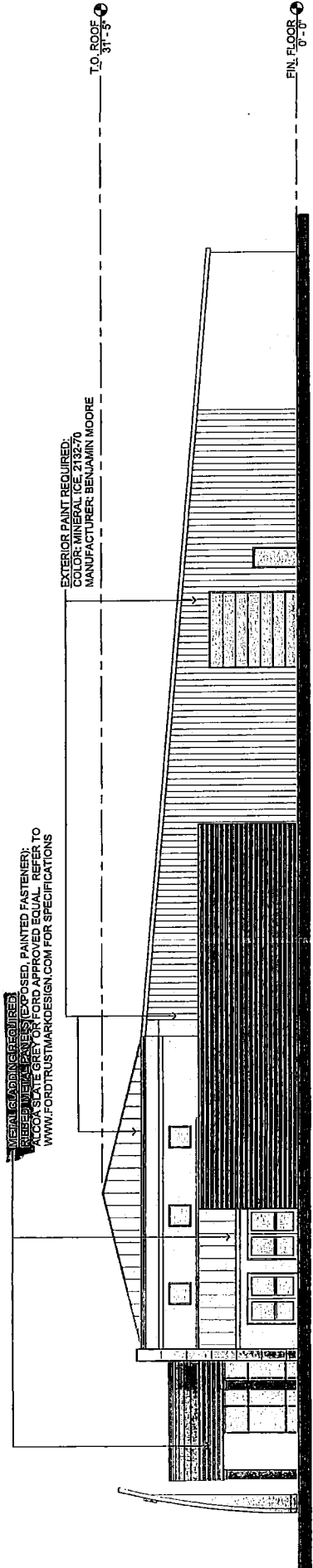
City / State / Zip:  
Summerville, SC  
29485

Date:  
05.12.2017

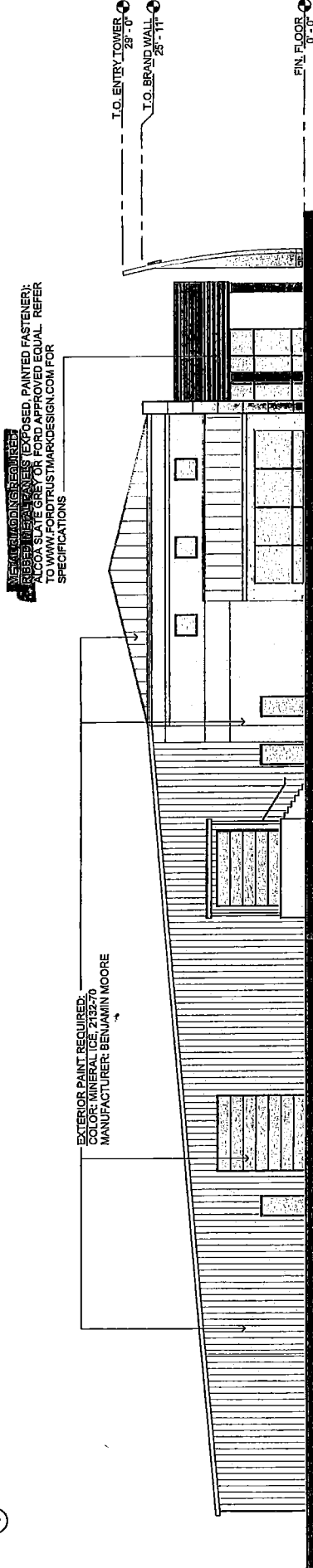
A 601

Scale:  
AT DRAWING

# Summerville Ford Proposed Front Exterior Elevation



① SOUTHEAST ELEVATION



② NORTHWEST ELEVATION



**GENERAL NOTES:**  
 ANY EXISTING SIGN(S) TO BE RELOCATED, INCLUDING THE BRAND SIGN(S) (PYLON OR MONUMENT) MUST BE PROCESSED THROUGH THE FORD RETAIL I.D. PROGRAM.  
 LOCAL ARCHITECT TO VERIFY IN FIELD ALL EXISTING BUILDING CONDITIONS.

For communication of design intent only. Local architect must review for code compliance. These drawings are not suited or intended for construction or fabrication. All contents on this sheet are confidential. Information and all rights therein are and will remain the property of Ford Motor Company.

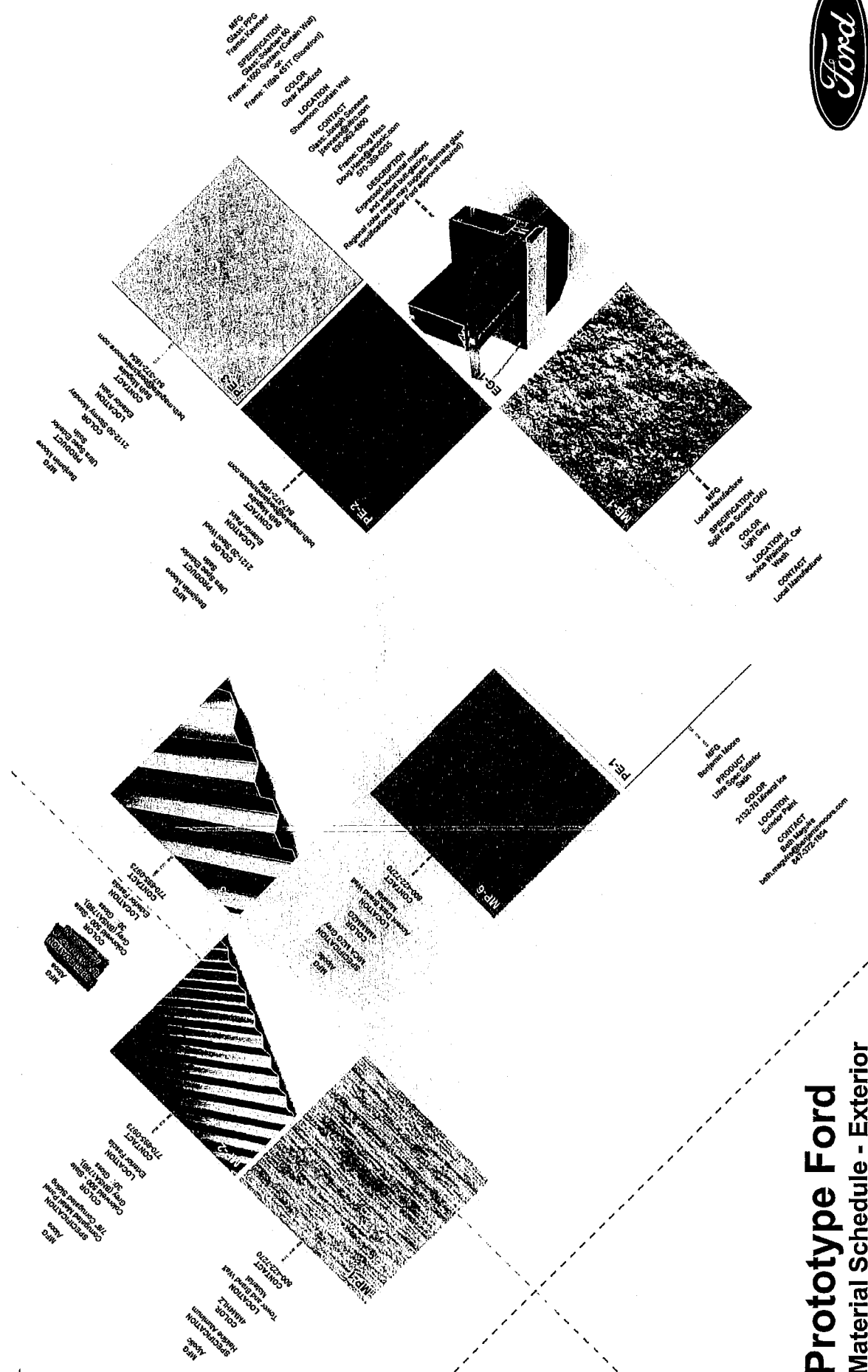


# Summerville Ford

## Proposed Exterior Elevations

**A 602**  
 Date: 05.12.2017  
 City / State / Zip: Summerville, SC 29485  
 ADDITIONAL PROTOTYPICAL DRAWINGS AND DETAILS FOR THE FORD TRUSTMARK FACILITY DESIGN CAN BE FOUND AT WWW.FORDTRUSTMARKDESIGN.COM





DESIGN INTENT: The drawings on this sheet may not reflect the specific facility design of this package.

For communication of design intent only. Local architect must review for code compliance. These drawings are not suited or intended for construction or fabrication. All contents on this sheet are confidential. Information and all rights therein are and will remain the property of Ford Motor Company.



ADDITIONAL PROTOTYPICAL DRAWINGS AND DESIGN FOR THE FORD TRUSTMARK FACILITY DESIGN CAN BE VIEWED AT WWW.FORDTRUSTMARKDESIGN.COM

# Prototype Ford Material Schedule - Exterior

M 200



# City of North Charleston Zoning Districts

(as of August 11, 2017)

Abbr.	District	Uses*	Reference
AG	Agricultural	Crop production; horse care, stabling, and boarding; forestry; single-family detached houses.	Section 5-15
R-1	Single-Family Residential	Single-family detached houses, churches, schools.	Section 5-1
R-1A	Low to Medium Density Residential	Mobile home on single lot (no mobile home parks), R-1 uses.	Section 5-1.1
R-2	Multi-Family Residential	Apartments, duplexes, townhouses, R-1 uses.	Section 5-2
R-3	Mobile Home Residential	Mobles homes on lots or in mobile home parks, R-1 uses.	Section 5-2.1
OD	Office	Business and professional offices, schools, conference centers, restaurants.	Section 5-2.2
ON	Neighborhood Office	Business and professional offices, R-1 uses. (Maximum height is 25 feet measured at the highest point of the building.)	Sections 5-3 and 6-2
B-1	Limited Business	OD and R-1 uses, small-scale commercial uses, hospitals.	Section 5-3.1
B-1A	Limited Business	R-1 and ON uses, barber and beauty shops.	Section 5-3.2
B-2	General Business	R-1, OD, and B-1 uses; R-2 uses outside of the overlay districts; hotels; retail uses, including liquor stores; funeral homes; commercial recreation facilities; gas stations outside of Dorchester overlay districts; storage facilities; car sales outside of the Dorchester Road overlay districts and portions of Highway 78/Rivers Avenue; auto repair shops.	Section 5-4
B-3	Commercial, Recreational and Highway Oriented Uses	B-1 and B-2 uses, excluding residential uses; commercial recreation facilities, including night clubs and bars; car washes; dog kennels; car sales and gas stations in the Dorchester overlay districts.	Section 5-4.1
CRD	Commercial Redevelopment	Single-family attached and multi-family residential; churches; night clubs and bars; micro-breweries and small-scale distilleries; liquor stores; hotels; wholesale sales; range of commercial and retail uses.	Section 5-4.2
M-1	Light Industrial	Construction companies; paint and body shops; warehouses; B-2 uses, excluding residential uses; any industrial use provided that its impacts are not sufficient to be likely to create a nuisance beyond the premises; truck terminals, including container storage under specified conditions; tattoo parlors and sexually-oriented businesses (with other locational requirements).	Sections 5-5 and 4-14
M-2	Heavy Industrial	Industrial uses and processing plants; bulk petroleum storage; railroad yards and container storage facilities; night clubs and bars; junk and salvage operations; gambling cruise operations; and sexually-oriented businesses (with other locational requirements).	Sections 5-6 and 4-14
PD	Planned Development	Varies by PD; any uses proposed by applicant and approved by Council.	Section 5-7

\* The uses listed are representative of the district; please refer to the referenced section(s) of the Zoning Regulations (at [www.municode.com](http://www.municode.com)) for more uses and any conditions which may apply. Also, please note that City facilities are permitted in all zoning districts per Section 4-2.

# City of North Charleston Overlay Zoning Districts

(as of August 11, 2017)

District	Location	Requirements Established	Reference
Old Village Business Overlay District	Properties to either side of East Montague from Jenkins to Virginia Avenues, the Sesame property, and the Garco PD.	Allows for sidewalk cafés for the sale of food and drinks, including alcoholic beverages.	Section 5-16
Olde North Charleston Neighborhood Local Historic District	Residential properties south of East Montague Avenue, east of Virginia Avenue, north of Buist Avenue, and west of Jenkins Avenue.	Establishes requirements for building and fencing sizes, materials, orientation, and style. Also provides alternate requirements for setbacks and lot size. Prohibits multi-family dwellings but allows an accessory dwelling unit in the form of a single apartment over a detached garage.	Article X (Section 10-15)
Olde North Charleston Neighborhood Conservation District	Residential properties south of Crawford Street, east of O'Hear Avenue, north of the railroad line parallel to Bexley Street, and west of the railroad line parallel to Spruill Avenue.	Establishes requirements for building and fencing sizes, and orientation. Also provides alternate requirements for setbacks and lot size. Allows an accessory dwelling unit in the form of a single apartment over a detached garage.	Article X (Section 10-20)

\* The requirements listed are representative of the overlay district; please refer to the referenced section of the Zoning Regulations for more information.

A large, thick black L-shaped graphic is positioned on the left and bottom edges of the slide, framing the central text.

# ZBA AND PLANNING COMMISSION

Presented by the City of North Charleston Legal Department

# Overview

- Variances, Appeals, and Special Exceptions
- Spot Zoning
- Conflicts of Interest
- Miscellaneous Topics
- District Use
- Parliamentary Procedure

# ZBA AND PLANNING COMMISSION 101

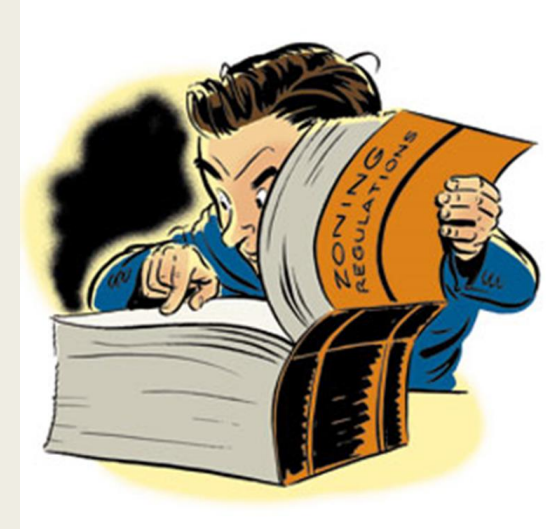


# VARIANCES, APPEALS, AND SPECIAL EXCEPTIONS



# Zoning Process Prior to ZBA

- Applicant seeks permission of the Zoning Administrator or *commits* a violation
- Zoning Administrator determines whether the action is lawful or that a violation occurred
- Applicant applies for a variance or an appeal
- ZBA makes a decision
- Decision is appealed in circuit court



# Role of the Zoning Administrator

- ZA is designated and duly charged with the authority to administer and enforce the provisions of the City's zoning ordinance.
- If a violation is found, she notifies the violator and orders him to correct it.
- ZA identifies when a variance request is necessary.



# What's the punishment for a ticket from the zoning department?

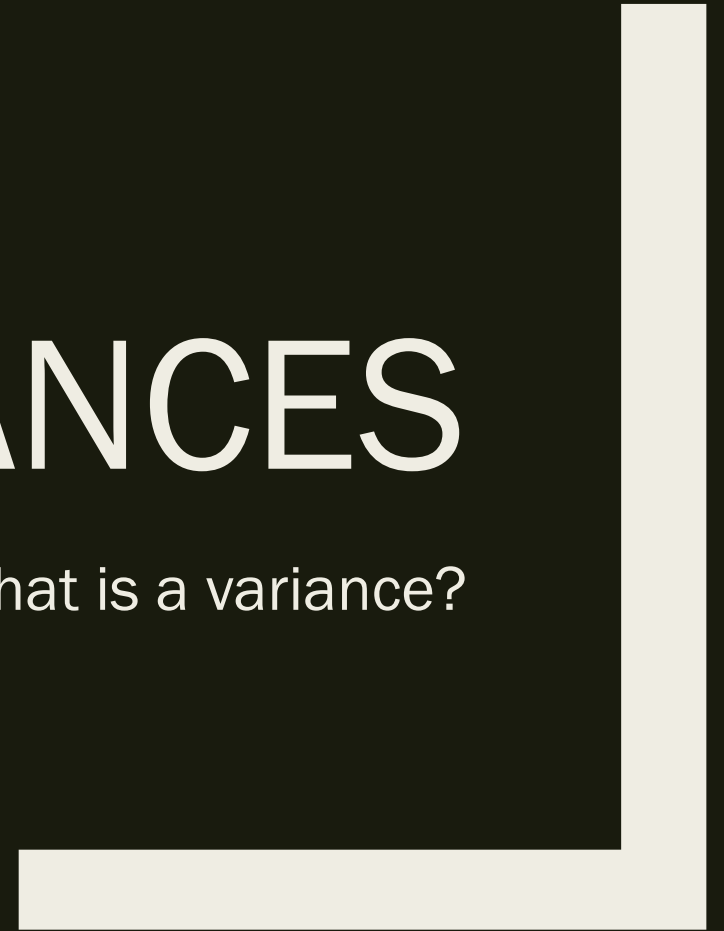
- Fine not to exceed \$500.00
- Imprisonment for no more than 30 days
- Each day is a violation.

# What is the Role of ZBA?

- Hear variance requests
- Hear appeals
- Hear special exceptions

# VARIANCES

What is a variance?



# Variance

- Definition: Permission to deviate from the zoning ordinance when there is an unnecessary hardship.
- BRIGHT-LINE TEST

# Variance PRE TEST?

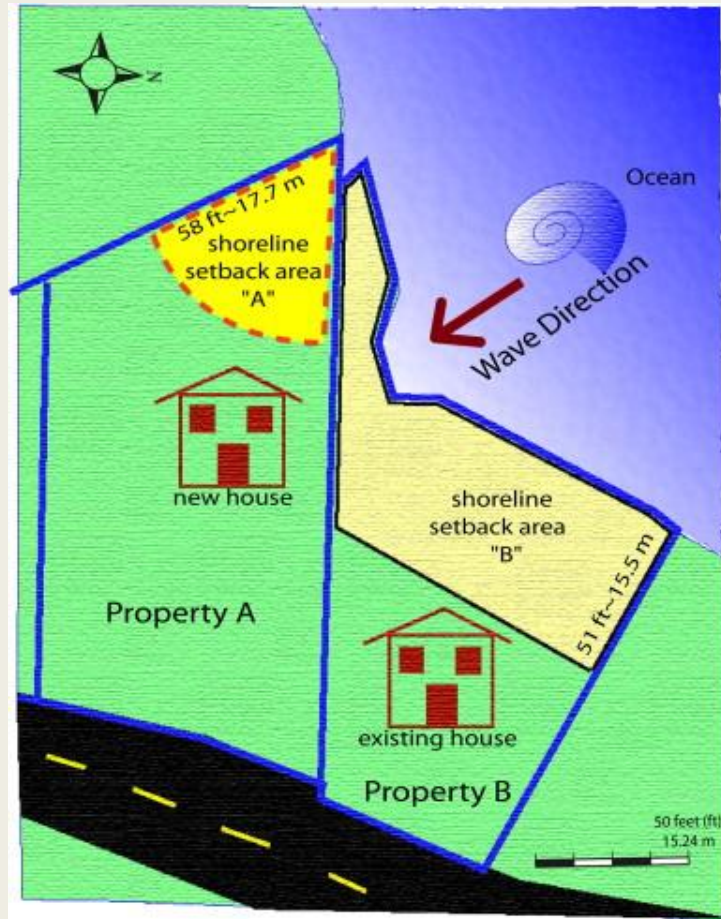
- Is there a hardship?

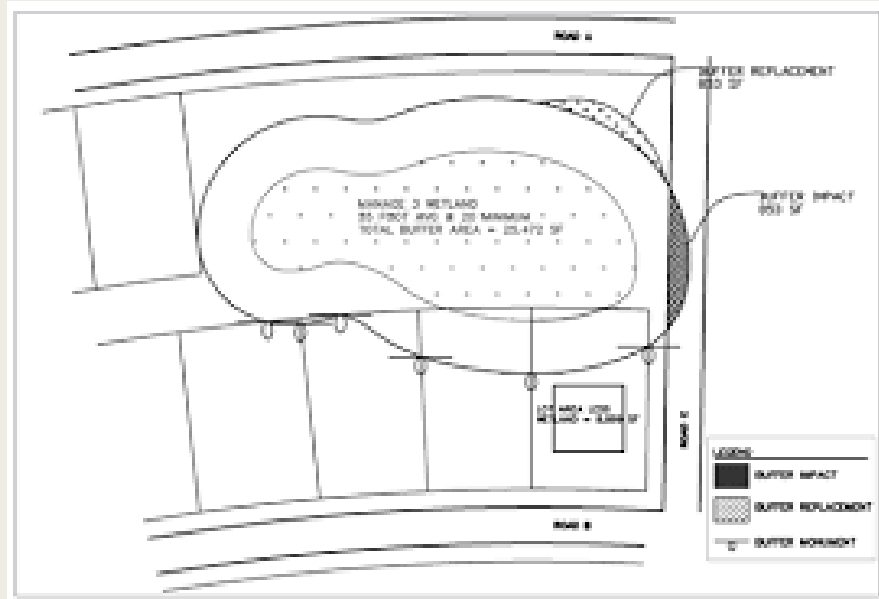
# Variance Requirement

Test ONE: “There are extraordinary and exceptional conditions pertaining to the particular piece of property.”

KEYWORD: PROPERTY

# EXAMPLE OF UNUSUAL TOPOGRAPHY OR SHAPE





# EXAMPLE OF SENSITIVE ENVIRONMENTAL RESOURCES





# EXAMPLE OF SENSITIVE ENVIRONMENTAL RESOURCES

# Variance Requirement

“These conditions *do not* generally apply to other property in the vicinity.”

Keywords: Conditions and Property

# Variance Requirement

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

Keywords: Prohibit or Unreasonably Restrict

# Variance Requirement

The variance will not:

- *be of substantial detriment to adjacent property OR public good AND*
- *Harm the character of the district*

# Justifying the Decision

- The first questions a judge will likely ask on review: “On what basis did the board make its decision? How much consideration did they give to the four tests? If you say ‘none’ or ‘very little,’ your decision will be in danger of being overturned.

# Ideal Review/Discussion

- The board should openly discuss each of the four criteria and decide, one-by-one, if the criteria are satisfied. Why? Because the minutes of the meeting are the key part of the written record a judge will rely upon to decide if your action was warranted.

# Can't (*Shouldn'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.

Can we consider profitability?

# Hardships

# General Rules Regarding Hardships

- “Uphold the integrity of the zoning ordinance.”
  - *Be cautious about granting variances, doing so only when there is sufficient basis of fact.*
  - *Difficult because it is natural to empathize with folks struggling to adhere to the ordinance. Ideally, you should put your feelings aside and remember your mission.*

# General Rules Regarding Hardships

- “Grant relief when it is clearly warranted, but only according to the criteria set forth in state law.”
  - *Two obligations:*
    - Honor due process rights.
    - Allow some reasonable use of the property to avoid a potential takings claims

What constitutes “reasonable use?”

# General Rules Regarding Hardships

The Board should not automatically grant relief for the following:

- Emotional Appeals
- Self-imposed hardships
- Provisions of the ordinance it thinks is poorly worded or disagrees with.
- No Harm / No Foul

# Reminder:

- The ONLY basis for granting a variance should be whether there is sufficient evidence that ALL FOUR criteria are satisfied.



# Subdivision Variances for PC

- The variance will not be detrimental to the public health, safety and general welfare of the community.
- The variance will not adversely affect the reasonable development of adjacent property.
- The variance is justified because of topographic or other special conditions unique to the property involved, in contrast to mere inconvenience or financial disadvantage.
- The variance is consistent with the objectives of this chapter and will not have the effect of nullifying the intent or purpose of this chapter or the comprehensive plan.
- Such variance will not conflict with the requirements of the zoning ordinance of the city.

# APPEALS

What is an appeal?



# Appeals of a ZBA Decision

“On appeal, the findings of fact by the Board shall be treated in the same manner as findings of fact by a jury, and the court may not take additional evidence.”

S.C. Code Ann. § 6-29-840(A)

# Appeal of ZBA Decision

“In reviewing the questions presented by the appeal, the court shall determine only whether the decision of the Board is correct as a matter of law.”

# What is the basis of the appeal of a ZBA decision?

A BOZA decision can be overturned if it is:

- Arbitrary and capricious OR
- Has no reasonable relation to a lawful purpose OR
- An abuse of discretion
- An error of law

# Meeting Notice Requirements

- FOIA applies
- Meetings are public
- Public notice is required
  - *Notice by publication*
  - *Posting notice near property*

# Voting / Quorum

- General rule: Majority Rules
- Voting Rule: Four votes are required to grant a variance, appeal, or special exception.
- Quorum is the minimum number of
  - *ZBA 7 members = 4*
  - *Planning Commission = 5*

# Appeals of ZA's Findings/Decisions

- What can be appealed?
  - *Error in a requirement*
  - *Error in a decision*
  - *Error in enforcing the zoning ordinance*
- Who can appeal the ZA's decision?
  - *The "Aggrieved" party*



# Appeals of ZA's Findings / Decisions

- Common examples –
  - *Nonconforming uses / grandfathered uses*
    - Mobile homes
    - Duplexes in R-1
  - *Sexually Oriented Businesses*
  - *Nightclubish restaurants*

# Appeal Formula

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

# What are nonconforming uses?

- Defined: Uses that were once allowed at the location but are not allowed under the current zoning ordinance.
- Nonconforming uses must be LEGAL activity or uses.
- NORMALLY, nonconforming uses that lose their status must comply with the statute.

# What can an owner do when his nonconforming use expires?

- Appeal the determination.
- Request a variance.
- Stop the nonconforming use.

Can you grant a variance that would physically extend a nonconforming use of land?

Can you grant a variance that would establish a use not otherwise permitted in a zoning district?

# SPECIAL EXCEPTIONS

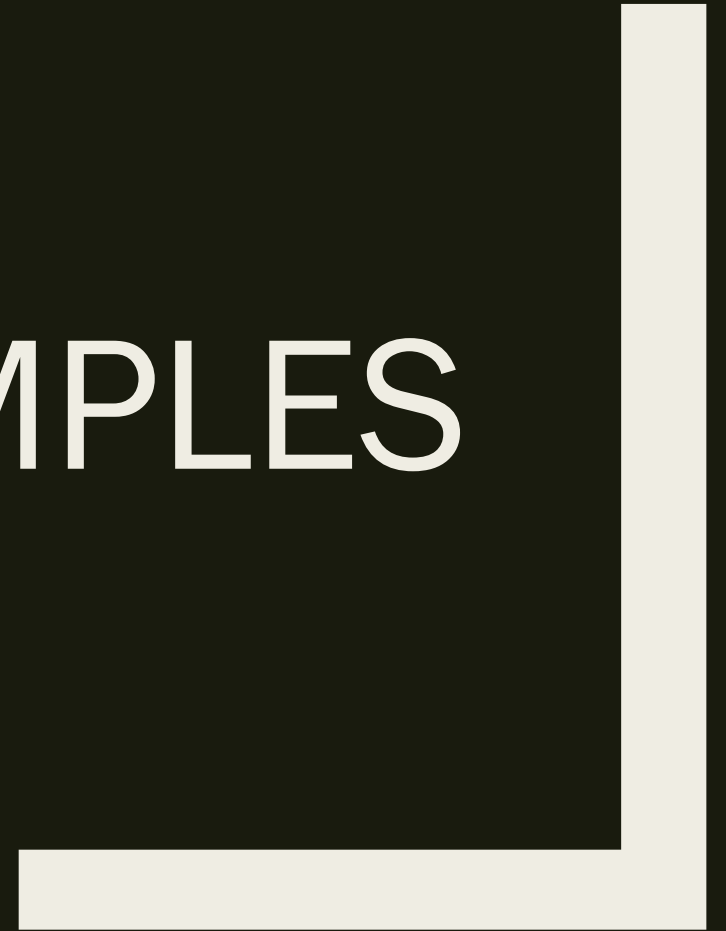


# Special Exception Rules

- ZBA has power to permit special exceptions subject to the terms and conditions for the uses set forth in the zoning ordinance.
- Different from Variances
- ZBA determines if the terms and conditions listed in the ordinance are met, and if they are, it should be granted.
- Appealed if the decision was arbitrary, an abuse of discretion, illegal, or exceeded the boards authority.



ROLE PLAY / EXAMPLES



# Role Play Exercise

- Analyze your package and be prepared to answer the following:
  - *Is there a valid hardship represented by the case? Why or why not?*
  - *Would you grant the relief requested?*
  - *What questions would you have for the applicant or staff?*
  - *What conditions, if any, would you place on approval?*

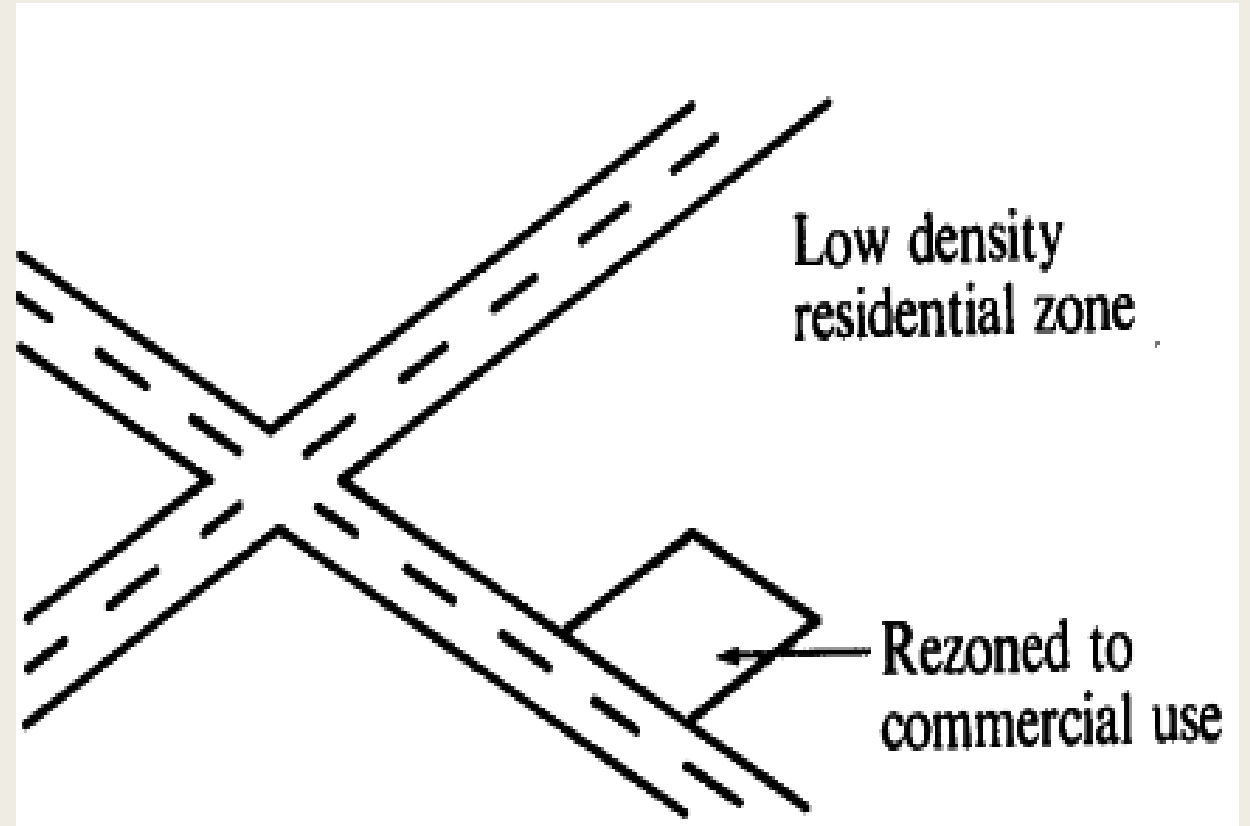
# Sample Facts for Appeal

# SPOT ZONING



# 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*.





SPOT ZONING, B3,  
AND CRD



# 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.

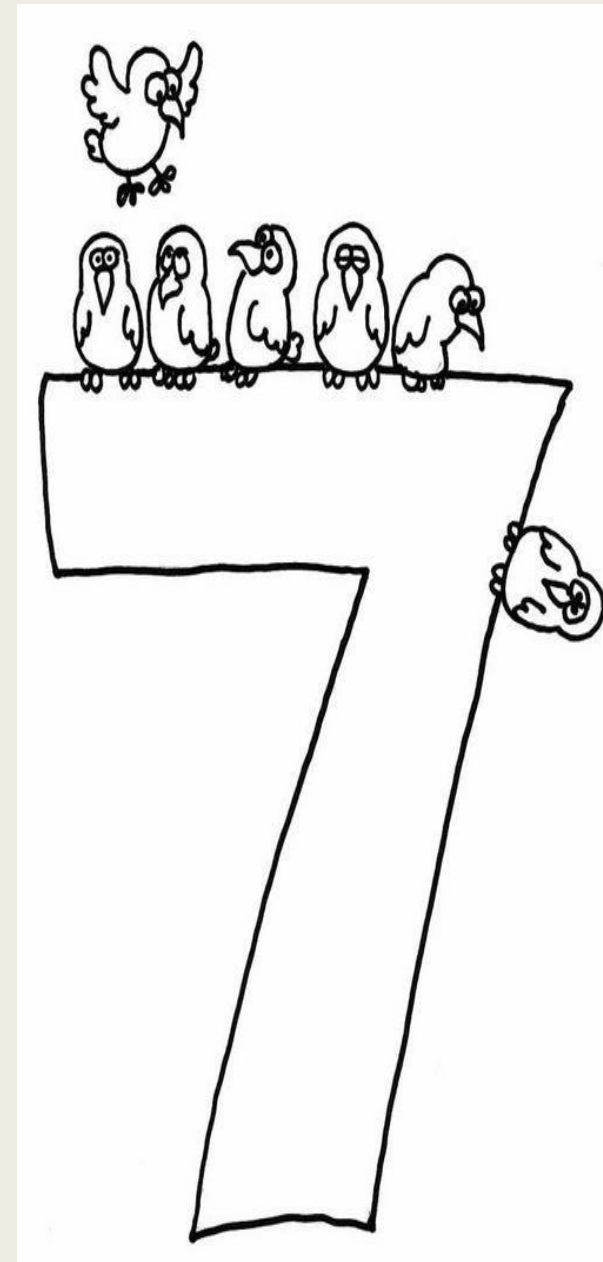


Quorum: If a bare quorum is present and a board member leaves the room, the meeting may terminate.

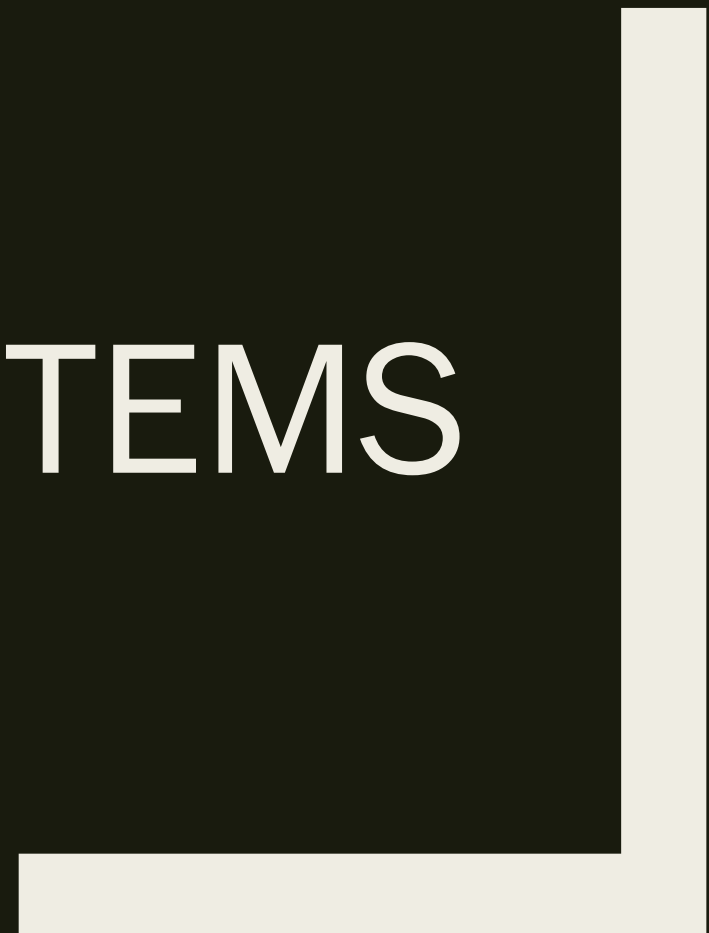


# Meeting Procedure Hints

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.



# MISCELLANEOUS ITEMS



# Requirements of a board member

- Complete six-hour orientation
- Complete three hours of continuing education per year of appointment (this training counts!)
- File Education Requirements Certification form annually
- ZBA: Do not discuss matters to be heard by the ZBA outside of the meetings (ex parte communication).
- PC: In general, the PC has adopted a policy of not discussing matters to be considered by the PC outside of its meetings. If contacted by an applicant or other interested party, encourage attendance and discussion at meeting instead.
- Let P & Z staff know **as soon as aware** a meeting will be missed or a recusal will or may be needed (may impact quorum) – don't wait until a few days in advance of meeting.

# RECUSAL STATEMENT

**Member Name:** \_\_\_\_\_

**Meeting Date:** \_\_\_\_\_

**Agenda Item:**                      **Section** \_\_\_\_\_                      **Number:** \_\_\_\_\_

**Topic:** \_\_\_\_\_

\_\_\_\_\_

*The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of 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. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) 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**

\_\_\_\_\_                      **Owens or has vested interest in principal or property**

\_\_\_\_\_                      **Other:** \_\_\_\_\_

\_\_\_\_\_

**Date:** \_\_\_\_\_

\_\_\_\_\_ **Member**

# Economic interest - examples

- Ownership of subject property, adjacent property, and/or property that may benefit from a proposed ordinance change
- Ownership by family members in the same household of such property
- Employment with an applicant
- Board membership of an applicant organization
- Others?

# What if I have an economic interest in an item?

- Contact the Planning and Zoning Department to alert staff to the conflict **as soon as aware of conflict or potential conflict** (P & Z staff will refer to the Legal Department if necessary)
- Timing is important because recusals can impact the number of members able to hear an item, potentially resulting in the loss of quorum as to that issue (???)
- Fill out the required Recusal Statement, which must be filed with the minutes of the meeting
- Member should acknowledge recusal when item is introduced and refrain from engaging in discussion or expressions of approval or disapproval – not necessary to leave the room (???)
- The **only reason not to vote** on an item is a properly-documented conflict (not because a friend is involved, “I feel torn,” etc.)


# Conduct of meetings

- In general, the vice chair should assist the chairperson in keeping track of persons who have signed in to speak or who have elected to speak during the public hearing.
- Announce any withdrawals or postponements at the beginning of the meeting.
- Don't poll the members for comment.
- **Announce when the floor is closed to public comment.**

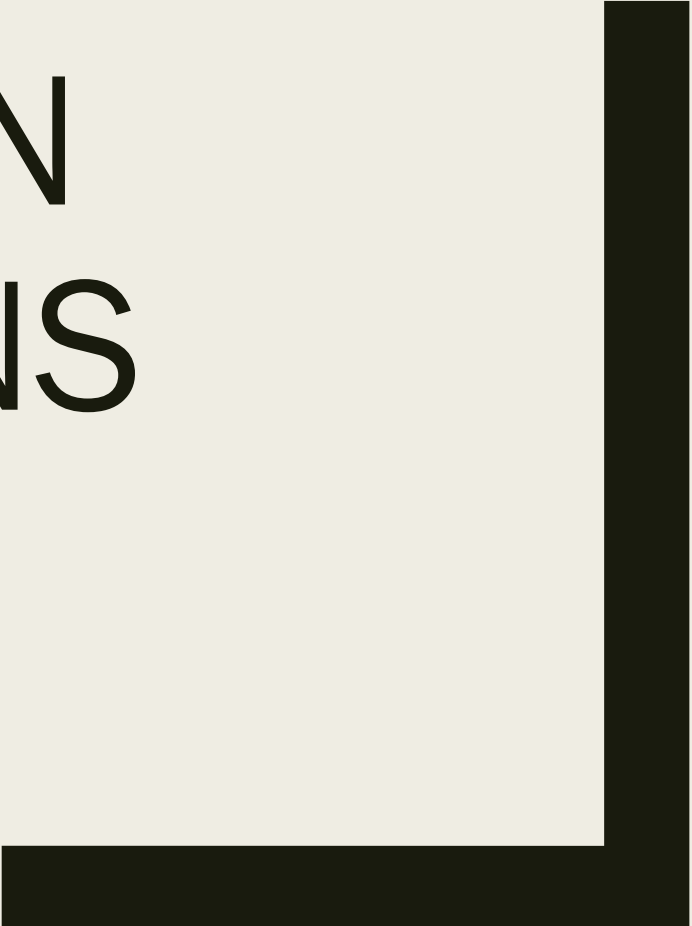
# Powers and duties of Planning Commission (eight members)

- Elect a **chair** and **vice chair** annually, appoint a **secretary** annually
- Approve, amend, or disapprove **minutes** of meetings
- Review, update, and make recommendations regarding the **Comprehensive Plan**
- Hold public hearings and make recommendations to Council on:
  - *Rezoning*s, including adoption and amendment of PDDs
  - *Future Land Use Map* amendments
  - *Zoning regulation* amendments
- Make recommendations to Council on **subdivision regulation** amendments
- Approve or deny preliminary and final **plats**
- Approve or deny **subdivision variance** requests
- Approve or deny **street names or renaming** requests
- Create an **annual listing of priority projects** prior to Council's preparation of the City's capital budget to make a recommendation to Council regarding priority projects





SUBDIVISION  
REGULATIONS





PRELIMINARY PLAT

VS.

FINAL PLAT





# PUBLIC HEARING PROCEDURE / EXPECTATIONS

# Online resources

- [Comprehensive Plan](#)
- [Municode.com](#)
  - [Zoning Regulations \(Appendix A\)](#)
  - [Subdivision Regulations \(Chapter 18\)](#)
- [Interactive Zoning Map](#)
- [Berkeley County GIS](#)
- [Charleston County GIS](#)
- [Dorchester County GIS](#)

# WHAT TO CONSIDER WHEN REZONING

## THE DISTRICT USE ONLY

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



# ZONING DISTRICTS OVERVIEW

Review Chart from Planning & Zoning Department



# 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

# 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)

# R-3, Mobile Home Residential District



The old Trailwood

- 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

- *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.

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.



*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.



Dorchester Road

## *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

# B-1A, Limited Business District



E. Montague Ave

- 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-1 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

# Commercial Redevelopment District (CRD)

- *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;



Tanger Outlet

# 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.

# M-1 Light Industrial



Woodall Const.  
along Palmetto  
Commerce Pkwy

- *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



# PARLIAMETARY PROCEDURE

Mr Speaker I yield my time for a nap



# PARLIAMETARY PROCEDURES

Robert's  
Rules of  
Order

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Parliamentary Terms

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Motions

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Handling a Motion

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Conduct of Business

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Meetings and Sessions

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Minutes



# Common Terms

- Adjourn – close the meeting
- Adopt – Accept/ Agree (Majority needed)
- Amend – modify working or meaning
- Appeal – Member's questioning the chair's ruling
- Board – Administrative Body
- ByLaws – Basic Rules of a society
- Commit or Refer – Send to a committee
- Convention- Assembly of delegates
- Debate – discussion of the merits of a pending questions
- Executive Session – Proceedings are secret
- Incidental Motions – Deal with Questions of Procedure
- Lay on the table – Set Main Motion aside temporarily
- Main Motion – Introduces business to the assembly
- Majority Vote- More than  $\frac{1}{2}$  the votes cast
- Mass Meeting- Unorganized group
- Meeting – Single official gathering
- Minutes – Written record of proceedings
- Motion – Formal proposal for action

# Common Terms

- Point of information – Inquiry as to facts
- Point of Order – Call for enforcement of Rules
- Postpone Definitely – Postpone to a certain time
- Postpone Indefinitely – Dispose of the question without a direct vote – kills a motion
- Precedence – Rank
- Previous Question – Closes Debate
- Pro Tem – Temporary
- Quorum – Members required to transact business
- Ratify – Make valid action already taken
- Recess – Short intermission
- Regular Meeting – Periodic business meeting
- Rescind – Repeal
- Second – Agreement that Motion be considered
- Secretary – Recording officer of the assembly
- State the Question – Place the Motion before the Assembly
- Standing Committee – Constituted to perform a continuing Function
- Take from the table – Resume consideration of a main motion
- The Chair – person presiding
- Unanimous Consent – no opposition
- Viva Voce – Voice Vote

# Mastering the three basic motions:

1. The Main Motion
2. The Amendment
3. Amending the Amendment

# Motions

RANK	NAME	VOTE OR ACTION	INTERUPT	DEBATE
1 (highest)	Fix Time to Adjourn	Majority	No	No
2	Adjourn	Majority	No	No
3	Recess	Majority	No	No
4	Raise a Question of Privilege	Chair Rules	Yes	No
5	Call for the Orders of the Day	One Member	Yes	No
6	Lay on the Table	Majority	No	No
7	Previous Question	2/3	No	No
8	Limit or Ext. Limits of Debate	2/3	No	No
9	Postpone to a Certain Time	Majority	No	Yes
10	Commit ( or Refer)	Majority	No	Yes
11	Amend	Majority	No	Yes
12	Postpone Indefinitely	Majority	No	Yes
13 (lowest)	Main Motion	Majority	No	Yes

# \* Incidental Motions

NAME	VOTE OR ACTION	INTERRUPT	DEBATE
Point of Order	Chair	Yes	No
Appeal the decision of the Chair	Majority	Yes	Yes (generally)
Object to the consideration of a question	2/3	Yes	No
Suspend the rules	2/3 when applicable	No	No
Divide the Question	Majority	No	No
Move for a Rising Vote	One Member	Yes	No
Parliamentary Inquiry	One Member	Yes	No
Point of Information	One Member	Yes	No
I move to take from the Table	Majority	No	No
I move to Rescind	2/3 or Majority with Notice	No	Yes
I move to Reconsider	Majority	No	No

# Recapping Motions

- The basic form by which business is introduced is a main motion
- A secondary Motion must be acted upon or disposed of before direct consideration of the main motion
- Subsidiary Motions assist the assembly in disposing of a main motion
- A motion to postpone indefinitely is used when a member wishes to kill the main motion and avoid a direct vote on the question
- A Motion amend modifies or clarifies the meaning of a pending motion before the pending motion itself is acted upon
- The three basic processes of amendment are *inserted or add, strike out, strikeout and insert*
- A Motion to commit or refer sends the main motion to a committee for study
- To delay consideration of the main motion until the next regular meeting, a member would move to postpone to a certain time
- To reduce the time for debate, a member would move to limit or extend the limits of debate.

# continued

- With a main motion pending and a motion to amend being debated, the motion to postpone indefinitely would be out of order
- When a member wishes to bring a pending question to an immediate vote, he should move the previous question
- To put a motion aside temporarily when something else of immediate urgency has arisen, a member should move to lay on the table
- A subsidiary motion can be applied to any main motion
- When the privileged motion to adjourn is pending, the motion to fix the time to which to adjourn is in order
- Incidental motion usually deal with questions of procedure arising out of another pending motion
- When a member does not want an original main motion even discussed at a meeting, he can raise an objection to the consideration of the question (2/3rds vote)
- When a motion is made up of two parts capable of standing as separate questions, a member can make a motion for a division of the question
- A Single member can require a standing vote.

# continued

- A short intermission which does not end the meeting is a recess
- A main motion is still within the control of the assembly after it has been laid on the table.
- The vote required to adopt the motion limit or extend the limits of debate is a 2/3rds vote
- Incidental motions have no rank amongst themselves
- An incidental motion, when in order, takes precedence over any motion that is pending
- A member when rising to a question of privilege can interrupt pending business
- In the consideration of a resolution having a preamble, the preamble is always amended last



# Handling a Motion

1. Member makes a Motion
2. Another member seconds the Motion
3. Chair states the question
4. Members debate the question
5. Chair/Secretary takes the vote
6. Chair/Secretary announces result

# Handling a Motion

- The Secunder of a Motion need not obtain the floor.
- A seconder implies that the seconder agrees that the motion should come before the meeting.
- The maker of a motion has the right to speak first in debate of the motion
- Debate on a question (the motion) must be confined to the merits of the pending question.
- The chair exercises his right to vote only when the vote is by secret ballot or when his/her vote would affect the outcome.
- If there is a tie vote on a main motion, the result is the motion is lost.

# Conduct of Business

- Reading and Approval of Minutes
- Reports of Officers, Boards and Standing Committees
- Special Orders
- Unfinished Business and General orders
- New Business

# Conduct of Business

- The quorum of an assembly is the minimum number of members who must be present for business to be legally transacted
- In the absence of a provision in the bylaws, the quorum is a majority of the entire membership
- Before a member in an assembly can speak in debate, he must obtain the floor.
- A person who is not the first to rise and address the chair may be given preference in being he is the maker of the motion and has not spoken to the question
- Even in a small meeting, the presiding officer should not be addressed or referred to by name

# Meetings and Sessions

- An adjourned meeting is a meeting in continuation of the session of the immediately preceding meeting
- A motion to go into executive session requires a majority vote
- A recess is a short intermission which does not end the meeting
- A standing rule can be adopted by a majority vote at any sessions
- Bylaws cannot be suspended

# Minutes

- The secretary records in the minutes what was done in the meeting
- When a count has been ordered on a motion, the secretary records in the minutes the numbers of votes on each side
- The minutes of a special meeting are approved at the next regular meeting
- Correction to the minutes may be made at any time a mistake is discovered
- The minutes should record all main motions whether they are adopted or lost
- The name of the seconder should not be included in the minutes
- By a majority vote, the reading of the minutes can be dispensed with. That is, not carried out at the regular time but must be approved at some time later
- If a draft of the minutes has been sent to all members in advance, it is presumed that all members have read them and the minutes are not read unless requested.
- When the minutes are approved, the word “Approved,” with the secretary’s initials and date, should be written below them.
- The minutes of an executive session may not be approved at any regular meeting. The minutes must be approved at the next executive session.



HOW OUR RULES DIFFER  
FROM ROBERT'S



#### Planning Commission Rules of Order

1. Call to Order by Chairperson
2. Explain sign in sheets – applicant/owner do not need to sign in
3. Minutes: Chairperson asks if any changes need to be made or if the minutes are accepted as written. If the minutes are acceptable, a quick vote where chairperson says "all in favor say 'aye' and any opposed say 'nay.'" No second is necessary.
4. Chairperson explains that all public comment is limited to 3 minutes and all cell phones need to be turned off.

#### How to Handle an Agenda Item:

1. Chairperson asks staff to introduce item on agenda
2. Staff Report.
3. Chairperson asks if any of the commissioners have questions for staff. No public input or questions to the applicant at this time. These are merely questions which clarify staff's report.
4. Chairperson asks if the applicant is here, and if the applicant would like to speak. No need for applicant's contact information.
5. Chairperson asks if Commissioners have any questions for applicant. These are questions – no commentary as to what a Commissioner thinks about the topic.
6. Chairperson then calls on any person who has signed up to speak reminding them that this is limited to 3 minutes. No questions or comments by the Commissioners shall be given at this time.
7. Chairperson announces that the floor is closed. No discussion until motion is made.
8. A motion should be brought to the table followed by a second.
9. Discussion ensues. This is where Commissioners have the opportunity to voice their concerns but if a Commissioner chooses to be silent, they may voice their concern through their vote only. No public input.
10. Vote. All who have not recused themselves must vote on the record.





# COMP PLAN PROCESS



Any questions?