CITY OF CHARLESTON
PLANNING COMMISSION

MEETING OF MARCH 18, 2020

A meeting of the City of Charleston Planning Commission will be held at 5:00 p.m., on Wednesday, March 18, 2020 in the Public Meeting Room, 1st Floor, 2 George St. The following applications will be considered:

APPROVAL OF MINUTES
Commission approval of minutes from the Planning Commission February 2020 meeting.

REzonings
1. 295 Calhoun St (Harleston Village – Peninsula) TMS # 4570202001 – approx. 2.1 ac. Request rezoning from Height District 85/30 (85 feet/30 feet) Classification to Height District 7 (7 stories) Classification.
   Owner: The Medical University of South Carolina (MUSC)
   Applicant: Same as Owner

2. Laurel Island, TMS # 4640000006, 002, 023, 038, 4590200013, and 4611303024 – approx. 196.1 ac. Request rezoning from General Business (GB), Heavy Industrial (HI), Upper Peninsula (UP) and Diverse Residential (DR-3) to Planned Unit Development (PUD) (Laurel Island).
   Owners: Charleston County and LRA Promenade North LLC
   Applicant: Reveer Group

3. 1144 Folly Rd (McCalls Corner – James Island) TMS # 4251300031 – approx. 0.38 ac. Request rezoning from Single-Family Residential (SR-1) to Residential Office (RO) and Folly Road Overlay (FRO).

Ordinance Amendments
1. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by deleting Part 16 Cluster Development, and replacing said part with a new Part 16 Conservation Development, to increase provisions to preserve natural features of the existing landscape; allow for a variety of housing types; reaffirm the importance of smart and creative stormwater management that integrates natural systems and minimizes impervious surfaces; and provide for the incorporation of low-impact development techniques to support overall health and sustainability of the neighborhood.

2. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to incorporate provisions to allow subdivision and development of single family detached affordable housing as a conditional use within multiple base zoning districts. (As amended)

3. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending applicable sections related to Planning Commission composition to establish commission member alternates and to update other applicable sections related to Planning Commission rules and procedures.

Zonings
1. 340-342 Woodland Shores Rd (Woodland Shores – James Island) TMS # 3431100111, 112 – approx. # 0.7. Request zoning of Single-family Residential (SR-1) Zoned Single-family Residential (R-4) in Charleston County.
   Owner: Jennifer Finger Krause
2. 513 Arlington Dr (Sylcope – West Ashley) TMS # 3100700090 – approx. 0.51 ac. Request zoning of Diverse-Residential (DR-1F). Zoned Mixed Style Residential (M-12) in Charleston County.
   Owner: Vaughn Loeffler and Sylvia De Jong

3. 1384 Joy Ave (Orange Grove Estates – West Ashley) TMS # 3521000015 – approx. 0.45 ac. Request zoning of Single-family Residential (SR-1). Zoned Single-family Residential (R-4) in Charleston County.
   Owner: Gary H Seel and Hope E Seel

ELECTION OF CHAIR AND VICE-CHAIR

Commission selection of a chairperson and vice-chairperson to serve until January 2021.

PRESENTATION AND DISCUSSION


Individuals with questions concerning the above items should contact the Department of Planning, Preservation and Sustainability at (843) 724-3765. Files containing information pertinent to the above applications are available for public review at the City of Charleston Zoning Office, 2 George St, Third Floor, during regular working hours, 8:30 a.m. to 5:00 p.m., daily except Saturdays, Sundays, and holidays. Additional information on these cases may also be obtained by visiting www.charleston-sc.gov/pc.

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.
BACKGROUND

The applicant is requesting a rezoning from Height District 85/30 (85 feet/30 feet) Classification to Height District 7 (7 story) Classification. The base zoning of the property is Mixed-Use/Workforce Housing (MU-1/WH). The subject property, located on the south side of Calhoun Street at the corner of Halsey Boulevard, is surrounded by Limited Business (LB) Commercial Transitional (CT) and Single-Family Residential (SR-2) zonings. Surrounding uses include the main Roper Hospital across Calhoun Street, parking lots for medical district offices to the east and west, and the adjacent Governor Thomas Bennef House. The property also backs up to Long Lake Park. The subject property is occupied by a one-story MUSC medical office building and a surface parking lot. The properties immediately across from the hospitals on Calhoun Street, including the subject property, are candidates for redevelopment given the underutilization of the land in such an urban context.

The neighboring height districts include Height District 3 and 4 to the south and east, and 85/125 across Calhoun Street. Buildings across the street range from 7 to over 10 stories in height. The current owner, MUSC, is seeking a height district to complement the flexible provisions offered in the existing MU-1/WH zoning classification in order to develop a mixed-use building to serve the medical district and nearby community.

CENTURY V CITY PLAN RECOMMENDATIONS

The Century V Plan does not directly address height limitations, but does recommend that buildings reflect, rather than be foreign to, the neighborhood scale. Height Districts are one tool used to achieve this goal. The 7 Story Old City Height District encourages excellent urban design by providing incentivization of merit-based story increases and required urban-scale sidewalks. The Century V Plan indicates the area in which the subject property lies to be Urban Core and suitable for higher residential densities and mixture of uses. Given the context of the medical district, urban core plan designation and provisions of the height district code, staff are comfortable with the requested Height District for this property.

STAFF RECOMMENDATION

APPROVAL
REZONING 1
295 Calhoun St (Harleston Village – Peninsula)
TMS # 4570202001
approx. 2.1 ac.

Request rezoning from Height District 85/30 (85 feet/30 feet) Classification to Height District 7 (7 stories) Classification.

Owner: The Medical University of South Carolina (MUSC)
Applicant: Same as Owner
BACKGROUND

Note: The applicant would like planning commission to just receive this application for information and comment at this meeting.

The applicant is requesting a Planned Unit Development for the property. This PUD would cover 196 acres and allow for up to 4,260 dwelling units, 400 hotel rooms, 2.2 million square feet of office, and 275,000 square feet of retail. There would be nearly 40 acres of open space, 9.8 acres of which are “usable”. At least 20% of all housing shall be workforce housing in perpetuity. The immediate area around the proposed PUD features a variety of land uses. Luxury student housing, office space, a bar/restaurant, and Growfood Carolina’s headquarters sit to the southwest of the proposed PUD. To the west, the proposed PUD neighbors the mixed use Cool Blow St. development, a brewery, and a large rug shop. To the Northwest, new and existing multifamily developments border the proposed PUD.

CENTURY V CITY PLAN RECOMMENDATIONS

The Century V Plan recommends maintaining the character of established areas in the City when considering the rezoning of property. The subject property is designated in the Century V Plan as Industrial, and defines Industrial districts as areas that would primarily house more intensive manufacturing, warehousing and distribution involving heavy truck traffic and potential emissions that would not be found in lighter manufacturing operations. Residential uses would not be allowed, in an effort to preserve these areas for job generation and reduce conflicts from industrial traffic, emissions, and noise.

STAFF RECOMMENDATION

To be discussed at meeting
REZONING 2
Laurel Island
TMS # 4640000006, 002, 023, 038, 4590200013, and 4611303024
approx. 196.1 ac.

Request rezoning from General Business (GB), Heavy Industrial (HI), Upper Peninsula (UP) and Diverse Residential (DR-3) to Planned Unit Development (PUD) (Laurel Island).

Owners: Charleston County and LRA Promenade North LLC
Applicant: Reveer Group
City of Charleston Planning Commission
March 18, 2020

Rezoning 3:

1144 Folly Rd (McCalls Corner- James Island)

BACKGROUND

The applicant is requesting a rezoning from Single-Family Residential (SR-1) to Residential Office (RO) and Folly Road (FR) Overlay Zone. The subject property, located in James Island, fronts Folly Road (east side) and sits south of Camp Road. The property is occupied by a single family house which is being used as an insurance office and is situated between a dentist office, Folly Road, and a single family residence to east. Across Folly road is the Queensborough Plaza shopping center with restaurants retail space. Surrounding zonings include SR-1, RO, and Limited Business (LB).

The subject property falls within the South Village Sub-Area of the Folly Road (FR) Overlay Zone. The intent of the FR overlay zone is to implement traffic safety measures, to improve the visual character of the corridor, and to create consistency between the Town of James Island, the City of Folly Beach, the City of Charleston, and unincorporated Charleston County concerning land use and design standards. The South Village sub-area extends from Prescott Street to Grimball Road Extension. This area currently consists of mixed medium to high intensity commercial development, such as shopping centers big box stores and consumer services, along the west side of Folly Road and primarily small scale office and residential uses along the east side of Folly Road. This area is intended for a mix of medium to high intensity uses along the west side of Folly Road and lower intensity development on the east side of Folly Road. Future development in this area is to be a mix of commercial and residential uses with increased right-of-way buffers along the west side of Folly Road and increased land use buffers on both sides of Folly Road when commercial development occurs adjacent to single family detached residential uses.

See zoning comparison table on the following page regarding the differences between SR-1 and RO.

CENTURY V CITY PLAN RECOMMENDATIONS

The Century V Plan recommends maintaining the character of established areas in the City when considering the rezoning of property. The subject property is designated in the Century V Plan as Highway. The highway areas primarily house more auto intensive commercial uses, although residential and office uses in a more urban format would still be permitted as well. Over time, if auto dependence begins to decline, these areas could be converted to one of the denser, primary land use designations. Examples include: many portions of Folly Road and some portions of Savannah Highway.

STAFF RECOMMENDATION

APPROVAL
# ZONING COMPARISON TABLE

**SINGLE-FAMILY RESIDENTIAL (SR-1) AND RESIDENTIAL OFFICE (RO)**

<table>
<thead>
<tr>
<th>Description</th>
<th>SR-1</th>
<th>RO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
<td>The Single-family Residential (SR) districts allow for one-family detached dwellings.</td>
<td>The RO District is intended to allow limited office uses within converted residential structures along major roadways. This district shall provide for the daily convenience and personal service needs of the surrounding community and shall be designed to mix compatibly and aid in the preservation and stabilization of the local neighborhood. The RO zoning district is not intended to permit the loss of viable housing stock.</td>
</tr>
<tr>
<td><strong>Permitted Uses</strong></td>
<td>Public, not for profit, golf courses; one family detached dwellings;</td>
<td>Public, not for profit, golf courses; private or for-profit golf courses; one family detached dwelling;</td>
</tr>
<tr>
<td><strong>Special Exception</strong></td>
<td>Mining and Quarrying of Nonmetallic Minerals, Except Fuels; Electric substations and gas regulator station; Cemeteries; Membership sports and recreation clubs; Day care centers; Museums; Civic, social and fraternal associations; Religious organizations</td>
<td>Mining and Quarrying of Nonmetallic Minerals, Except Fuels; Electric substations and gas regulator station; Cemeteries; Multi-family dwelling;</td>
</tr>
<tr>
<td><strong>Conditional</strong></td>
<td>Horticultural Specialties; General Farms, Primarily Crop; Water storage tanks; Community parking lots; One family detached dwellings (up to four per lot)</td>
<td>Landscape counseling and planning; Office only; Offices for arrangement of passenger transportation; Water storage tanks; Security and Commodity Brokers, Dealers, Exchanges and Services; Insurance Carriers; Insurance Agents, Brokers and Service; Real Estate; Beauty Shops; Barber Shops; Advertising; Consumer credit reporting agencies; Management, consulting, and public relations services; Offices and clinics of health practitioners; Medical and dental laboratories; Engineering, architectural, and surveying services; Accounting, auditing and bookkeeping services</td>
</tr>
<tr>
<td><strong>Density</strong></td>
<td>4.8 units/acre</td>
<td>7.3 units/acre</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
REZONING 3

1144 Folly Rd (McCalls Corner – James Island)

TMS # 4251300031

approx. 0.38 ac.

Request rezoning from Single-Family Residential (SR-1) to Residential Office (RO) and Folly Road Overlay (FRO).
CITY OF CHARLESTON
PLANNING COMMISSION

March 18, 2020

Ordinance Amendment 1:

Request approval of an ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by deleting part 16 Cluster Development, and replacing said part with a new Part 16 Conservation Development to increase provisions to preserve natural features of the existing landscape; allow for a variety of housing types; reaffirm the importance of smart and creative stormwater management that integrates natural systems and minimizes impervious surfaces; and provide for the incorporation of low-impact development techniques to support overall health and sustainability of the neighborhood.

BACKGROUND

The proposed revisions reflect a collaborative effort between staff from Planning, Zoning, Stormwater, Sustainability and Traffic and Transportation to strengthen the standards of the previous Cluster Development ordinance so that resulting developments better achieve the stated goals. Staff conducted a table-top site analysis and tour of existing Cluster Developments to observe what has worked well and what needs improvement; and held several focus group meetings with residents, elected officials, developers and engineers to gather input and feedback.

A draft of the ordinance was discussed at the Community Development Committee of City Council on March 12, 2020.

Attachments include the full ordinance, a plain language guide, and a QuickNotes guide published by the American Planning Association (APA) about conservation development best practices. The ordinance will be presented in full detail at the meeting.

STAFF RECOMMENDATION

APPROVAL
MEMORANDUM

DATE: MARCH 13, 2020

TO: PLANNING COMMISSION OF THE CITY OF CHARLESTON

FROM: DANIEL S. (“CHIP”) MCQUEENEY, JR., ASSISTANT CORPORATION COUNSEL

RE: CONSERVATION DEVELOPMENT ORDINANCE

Attached, please find a draft ordinance (the “Draft”) eliminating Cluster Developments within the City and creating Conservation Developments. The Draft would create more stringent standards to address complaints about Cluster Developments voiced by members of the public and others over the last few years.

I have prepared this memorandum to provide a general summary of the Draft to help facilitate review of what essentially serves as a legal document. This memorandum is not intended to replace the language of the Draft in any respect.

1. Introductory Sentence in Sec. 54-120 (Definitions)

Sec. 54-120 of the Zoning Ordinance provides general definitions for terms used throughout the Zoning Ordinance. At present, the introductory sentence reads as follows: “For the purpose of this chapter, certain terms and words are herein defined.”

Many parts of the Zoning Ordinance contain separate definitions applicable only to such parts. Some of these definitions overlap with the definitions in Sec. 54-120. As a result, Section 1 of the Draft would delete the current introductory sentence and replace it with the following:

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning or when the word, term, or phrase is specifically defined to apply to a particular Article, Part, or Section of this Chapter:

This is a cleanup item, but it made sense to do it as part of the Draft due to the insertion of several new definitions.

2. New Definitions

Many of the definitions utilized in the Draft are defined in other places within the Zoning Ordinance. Originally, the Draft included these definitions only for the purpose of the new Part 16. Section 2 of the Ordinance (pp. 1-3) would include these definitions within the general terms defined in Sec. 54-120, applicable to the entire Zoning Ordinance. I have checked other instances
in which such terms were used throughout the Zoning Ordinance to ensure that including the new definitions in Sec. 54-120 will not create an ambiguity.

The terms AMI, Area Median Income, Household Income, Owner Occupied Workforce Housing Unit, Qualified Households, Rental Workforce Housing Unit, and Workforce Housing Unit are already defined in Sec. 54-299.1, but they are applicable only to the part of the Zoning Ordinance governing MU-1/WH and MU-2/WH districts. The Draft would include these in the general definitions.

“Building Line” (p. 1) is not presently defined in the Zoning Ordinance, and there is no equivalent term. This term has been defined to clarify the provision of the Draft governing the location of garage doors, which should be flush with or setback from the building line (p. 9).

“Common Open Space” (p. 2) is utilized throughout provisions applicable to Conservation Developments. Such common open space would include preserved, natural areas, as well as active recreational areas developed for use of the community or the public.

“Conservation Tree” (p. 2) is also included as part of the Conservation Development provisions. There is no similar definition in the Zoning Ordinance. The term includes trees of a designated species with a DBH of 16” or greater. Under the Draft, Conservation Trees within a Conservation Development would need to be shown on a survey and, in some circumstances, protected and preserved.

“Development Plan” (p. 2) is already defined in Sec. 54-803.f of the Zoning Ordinance, but the definition applies only to the part of the Zoning Ordinance governing subdivisions. In general, a major subdivision requires (1) concept plan approval by the Planning Commission; (2) preliminary plat and construction drawing approval by TRC; and (3) final plat approval by the Plat Review Committee. “Development Plan” refers to a preliminary plat and construction drawings. Typically, construction drawings are necessary only when public infrastructure improvements will be made. The approval of a development plan generally triggers the ability to develop a site by installing necessary infrastructure in anticipation of vertical construction and sale of lots, which occurs only after final plat approval.

The terms “Impervious Surface” and “Pervious Surface” (pp. 2-3) are defined because much of the standards applicable to a Conservation Development are intended to facilitate the concentration of impervious surface within the “developed” portion of the site, with the remainder of the site intended to include mostly pervious surfaces. This is a key component of stormwater management within a Conservation Development.

“Low Impact Development” or “LID” (pp. 2-3) is defined because it is referred to extensively within the portion of the Draft governing Conservation Developments. Often, there is overlap between the Zoning Ordinance and the Stormwater Ordinance (Chapter 27). The Draft emphasizes that the use of LID techniques as part of the zoning applicable to a Conservation Development does not excuse or exempt compliance with the Stormwater Ordinance or other laws governing stormwater. The definition of “Stormwater Regulations” (p. 3) helps serve this purpose,
defining Stormwater Regulations to include all local, state, and federal laws governing stormwater management and drainage.

The terms “Technical Review Committee” and “TRC” (p. 3) are utilized throughout the Zoning Ordinance. They are defined in Sec. 54-602 and Sec. 54-816.2 of the Zoning Ordinance. They are referred to several times in the Draft, and it was appropriate to ensure the definition applies through the Zoning Ordinance.

3. **Cluster Developments** (Section 3) (p. 3)

Cluster Developments are eliminated as a development technique and replaced with Conservation Developments. While there are similarities, the Conservation Development standards are much more stringent and “tighter” than those governing Cluster Developments.

4. **Intent** (Sec. 54-299.11(1)) (p. 4)

The Draft includes the stated intent behind Conservation Developments. From a legal perspective, the remainder of the provisions governing Conservation Developments will be interpreted in light of the expressed intent.

5. **Conservation Developments** (Sec. 54-299.11(2) & (3)) (p. 4)

Generally, a Conservation Development would facilitate and require the concentration of impervious surfaces on the “developed” portion of a site. The remainder of the site would be preserved in its natural state or utilized for active or passive recreation and enjoyment by members of the community or, in some circumstances, the general public.

The term “Conservation Development” refers to a development technique. The term “Conservation Site” refers to the physical location where such development occurs.

6. **General Qualifications** (Sec. 54-299.12(1) & (2)) (p. 4)

A Conservation Development is a voluntary, incentive-based development technique available to proposed residential subdivisions on sites containing 10 or more contiguous acres with a base zoning of SR-1, SR-7, RR-1, or C. These properties could be developed without utilizing a Conservation Development, but the incentives applicable to a Conservation Development would not apply. More specific qualifications for Conservation Developments are outlined in the remainder of this memorandum.

7. **Net Density** (Sec. 54-299.12(3)) (p. 5)

Net Density is the number of dwelling units permitted per acre of highland. With limited exceptions, maximum Net Density within a Conservation Development will be equal to the maximum Net Density in the base zoning district for the property. The SR-1, SR-7, RR-1, and C zoning districts provide for a maximum Net Density of 4.8, 1.0, 3.5, and 1.5, respectively.
Conservation Developments permit an increase in the maximum allowed Net Density under two limited circumstances.

First, accessory dwelling units would not count toward maximum Net Density upon compliance with certain conditions. In the absence of a Conservation Development, accessory dwelling units would count toward maximum Net Density.

Second, workforce housing units would not count against the maximum Net Density upon compliance with certain conditions.

8. **Permitted Uses** (Sec. 54-299.12(4)) (pp. 5-6)

The permitted uses within the base zoning districts would continue to apply, subject to the same terms and conditions applicable within the base zoning districts. With respect to residential development, each of the base zoning districts generally permits only one-family detached dwellings. With a Conservation Development, one-family attached dwellings, also called “row houses” would also be permitted, subject to certain conditions.

9. **Accessory Dwelling Units** (Sec. 54-299.12(4)(a)) (p. 5)

Accessory dwelling units are permitted within each of the base zoning districts. Within a Conservation Development, accessory dwelling units must comply with certain conditions. Among other things, there could only be one accessory dwelling unit for each lot; no other accessory buildings would be permitted on the lot; the height of the building would be limited to 1 ½ stories, with a parking level counting as 1 story; the unit could not exceed 600 square feet; and the unit must have an additional off-street parking space.

10. **Workforce Housing Units** (Sec. 54-299.12(4)(b)) (pp. 5-6)

This paragraph is an oversimplification of the general requirements for workforce housing units. Workforce housing units include two types—owner-occupied and rental. For owner-occupied workforce housing units, at least one occupant must be the owner, and the household income must not exceed 120% of AMI. For rental workforce housing units, the household income must not exceed 80% of AMI. Owner-occupied units may not be sold for more than 3 times 120% of AMI. Rental units may not be rented for more than 30% of the household income for the unit.

For Conservation Developments, workforce housing units would not count toward maximum Net Density, and at least 20% of the one-family attached dwelling units within a Conservation Development must be set aside as workforce housing units. To take advantage of these incentives, each workforce housing unit must comply with the criteria adopted by the City’s Department of Housing and Community Development and be maintained in perpetuity as part of the zoning regulations applicable to the property.

To the extent the maximum Net Density on the site is not exceeded, a workforce housing unit may be converted to a non-workforce housing unit, but this would not apply to the workforce housing units required to permit one-family attached dwellings.
11. **One-Family Attached Dwellings** (Sec. 54-299.12(4)(c)) (p. 6)

One-family attached dwellings would be permitted, but no row could exceed 6 dwellings; at least 20% of such dwellings must be set aside as workforce housing units, in perpetuity; and the workforce housing units must be spread throughout the site.

12. **Stormwater Regulations** (Sec. 54-299.12(5)) (p. 6)

Any stormwater requirements applicable to Conservation Developments would be in addition to any federal, state, or local stormwater laws. Compliance with the Conservation Development standards does not constitute compliance with other stormwater laws.

13. **Process** (Sec. 54-299.13) (pp. 6-8)

Conservation Developments would follow the general approval process applicable to major subdivisions, including requirements for submitting and obtaining approvals of concept plans by the Planning Commission, development plans by TRC, and final plats by the Plat Review Committee.

Additionally, designated staff from the City’s Planning and Stormwater Departments would be required to determine that the site qualifies for Conservation Developments prior to the submission of an application for concept plan approval. Because of the site-specific restrictions involved with Conservation Developments, any change to the area or location of the Conservation Site would require a new application and approval.

As part of the application for concept plan approval, a Site Analysis must be submitted, including a narrative of how the concept plan aligns with the intent behind Conservation Developments.

14. **Design Standards** (Sec. 54-299.13) (pp. 6-11)

Generally, the design standards for streets, lots, parking, and other elements of site design must comply with the requirements of the Zoning Ordinance. However, some of the standards are amended or supplemented for Conservation Developments. Many of the amended or supplemental standards are addressed in the remainder of this memorandum.

15. **Streets** (Sec. 54-299.13(3)) (p. 8)

Low Impact Development techniques must be used in designing streets and approved by TRC. Additional parking for visitors must be provided within the public right-of-way at the rate of 1 parking space per 3 dwelling units. Pervious paving material is required for private access easements.
16. **Lots** (Sec. 54-299.13(4)) (pp. 8-9)

To facilitate the concentration of impervious surfaces, there are no minimum lot area, lot frontage, or building setback requirements. There are also no maximum lot occupancy requirements. Lots must have access via a private easement at least 10-feet wide. However, Fire Code provisions still apply to ensure clear access for fire trucks and other fire apparatus. (Sec. 54-299.13(12) (p. 11).

17. **Parking** (Sec. 54-299.13(6)) (p. 9)

Required off-street parking may be located on the lot it serves; within a community parking lot; or, upon TRC’s approval, on-street.

18. **Wetland Buffers** (Sec. 54-299.13(8)) (p. 9)

Existing wetlands shall be protected with an undisturbed buffer of 25’ or more. Conservation Trees and existing vegetation with the buffer must be preserved.

19. **Open Space** (Sec. 54-299.13(9)) (pp. 9-10).

At least 50% of the gross acreage on the site must be common open space. At least 25% of the required open space must be designed for active recreational uses. Subject to the 25% active recreational requirement, only 50% of the area of waterbodies or watercourses shall county toward required open space; only 75% of the area of existing wetlands on the site may count toward required open space; and certain additional requirements apply to sites which are heavily forested. Common open space should be contiguous and must be maintained by a POA or public entity upon acceptance by such entity.

20. **Stormwater** (Sec. 54-299.13(10)) (pp. 10-11)

Stormwater requirements focus on Low Impact Development techniques, preserving natural features, and preserving pre-development hydrology. Impervious surfaces may not exceed 40% of the highland acreage on the Conservation Site. For purposes of this calculation, residential lots shall be considered to have an impervious surface of 50%, regardless of the actual impervious surface area. At least 2 canopy trees shall be included on each lot, with existing trees being utilized when reasonably feasible.

21. **Management of Common Open Space** (Sec. 54-299.14) (pp. 11-12)

Prior to obtaining final plat approval of any portion of the Conservation Site, the developer must establish a property owners’ association (POA) to own and manage common open space and other areas. All owners of lots within the development must be included in the POA. The developer must also record a Declaration of Covenants, Conditions and Restrictions governing the Site. The Declaration and other recorded documents involving the Conservation Site or any portions thereof must include a notice that the property is subject to requirements and restrictions applicable to
Conservation Developments. The restrictions on common open space would apply in perpetuity as part of the zoning regulations applicable to the properties within the Conservation Site.

22. **Appeal** (Sec. 54.299.15) (p. 12)

Decisions by staff and/or TRC with respect to Conservation Developments may be appealed by any party interest to the Planning Commission. This provision follows form to state law.

Thank you for your consideration. With kindest regards, I am,

_____________________
Daniel S. (“Chip”) McQueeney, Jr.
Assistant Corporation Counsel
City of Charleston
AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY REPLACING PART 16 (CLUSTER DEVELOPMENT) OF ARTICLE 2 (LAND USE REGULATIONS) WITH A NEW PART 16 (CONSERVATION DEVELOPMENT) AND BY ADDING RELEVANT DEFINITIONS TO SEC. 54-120 OF THE ZONING ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That Sec. 54-120 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is amended to delete the introductory sentence and replace it with the following new introductory clause:

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning or when the word, term, or phrase is specifically defined to apply to a particular Article, Part, or Section of this Chapter:

Section 2. That Sec. 54-120 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is amended to include the following new defined terms, to be inserted in alphabetical order with the remaining definitions in Sec. 54-120:

AMI. See Area Median Income.

Area Median Income. “Area Median Income” or “AMI” shall mean and have reference to the median family income, based upon applicable family size of a qualified household for the Charleston-North Charleston metropolitan statistical area as published by the United States Department of Housing and Urban Development (together with its successors, “HUD”), as adjusted for household size by the City of Charleston Department of Housing and Community Development (together with its successors, “DHCD”). If HUD should no longer compile and publish such statistical information, the most similar information compiled and published by HUD, or any other branch or department of the federal government or the State of South Carolina, or the City of Charleston shall be used for the purpose of determining AMI. Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.

Building Line. A line parallel to the street right-of-way touching that part of the principal building on a lot closest to the street right-of-way.
**Common Open Space.** Common open space means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for the use and enjoyment of the public generally or for the use or enjoyment of the residents of the development and their guests. Without limiting the foregoing, common open space may include such complementary structures and improvements as are necessary and appropriate, in addition to wetlands, critical areas, water bodies, agricultural lands, wildlife habitat, historical or cultural features, archaeological sites, easements for underground public utilities, or other elements to be protected from development. Common open space shall not include streets, alleys, or cul-de-sacs; drives; off-street parking and loading areas; areas so located or of such size or shape to have no substantial aesthetic or recreational value; or any area within the property lines of residential lots.

**Conservation Tree.** Any tree with a DBH of sixteen inches (16”) or greater and of the following species: Live oak, White Oak, Willow Oak, Blackgum, Southern Magnolia, Bald Cypress, American Holly, Dogwood, Pecan, Hickory, Southern Red Oak, Chestnut Oak, and Sawtooth Oak.

**Development Plan.** Development plan means a preliminary plat and, to the extent public improvements are required, construction drawings, for subdivision of any property that includes all information described on the development plan submittal checklist for subdivision applications available from the Zoning Division.

**Impervious Surface.** A surface that does not allow water to penetrate. Examples of impervious surfaces include asphalt, rooftops and concrete. For purposes hereof, all other surfaces shall be considered pervious surfaces.

**Household Income.** All sources of financial support, both cash and in kind, of adult occupants of the housing unit, to include wages, salaries, tips, commissions, all forms of self-employment income, interest, dividends, net rental income, income from estates or trusts, Social Security benefits, railroad retirement benefits, Supplemental Security income, Aid to Families with Dependent Children or other public assistance welfare programs, other sources of income regularly received, including Veterans’ (VA) payments, unemployment compensation and alimony, and awards, prizes, government or institutional or eleemosynary loans, grants or subsidies and contributions made by the household members’ families for medical, personal or educational needs.

**Low Impact Development or LID.** Low impact development (LID) is a set of principles and design components used to manage stormwater runoff by mimicking natural conditions and limiting pollutant transport through source control. Nothing in this definition amends, modifies, abrogates, or repeals the Stormwater
Regulations, and applicants must comply with all applicable Stormwater Regulations and obtain approval under such Stormwater Regulations for the use of any LID.

**Owner Occupied Workforce Housing Unit.** See Workforce Housing Unit, Owner Occupied.

**Pervious Surface.** A surface that permits full or partial infiltration of water. Notwithstanding the foregoing, a pervious surface shall include any surface which is not an impervious surface.

**Qualified Households.** Households in which occupants have, in the aggregate, a household income (1) less than or equal to 120% of AMI for owner occupied workforce housing units; or (2) less than or equal to eighty percent (80%) of AMI for rental workforce housing units.

**Rental Workforce Housing Unit.** See Workforce Housing Unit, Rental.

**Stormwater Regulations.** Those federal, state, or local regulations governing stormwater management and drainage, including without limitation Chapter 27 (Stormwater Management and Flood Control) of the Code of Ordinances of the City of Charleston and the City’s Stormwater Design Standards Manual. Stormwater Regulations additionally include any amendments, supplements, or modifications to the existing Stormwater Regulations.

**Technical Review Committee.** The Technical Review Committee or TRC established by Sec. 54-602 and Sec. 54-816.2.

**TRC.** See Technical Review Committee.

**Workforce Housing Unit.** An owner occupied workforce housing unit or a rental workforce housing unit.

**Workforce Housing Unit, Owner Occupied.** A dwelling unit in which at least one (1) occupant is an owner and in which all occupants have, in the aggregate, household income less than or equal to 120% of AMI.

**Workforce Housing Unit, Rental.** A dwelling unit in which occupants have, in the aggregate, household income less than or equal to eighty percent (80%) of AMI.

Section 3. That Part 16 (Cluster Development) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting said Part in its entirety and by substituting in its place and stead the following:

**PART 16 – CONSERVATION DEVELOPMENT**

3
Sec. 54-299.11 - Purpose.

(1) Intent. City Council intends for Conservation Developments to facilitate innovative residential developments that:

(a) Utilize creative and flexible site design compatible with surrounding development patterns;

(b) Accommodate and preserve features of historical, cultural, archeological, and/or environmental significance;

(c) Provide common open space of high quality with multiple access points;

(d) Decrease stormwater runoff and nonpoint source pollution by reducing the amount of impervious surface in the development and incorporating LID;

(e) Reduce infrastructure costs by integrating predevelopment site hydrology into the stormwater management design for the development; and

(f) Maintain unobstructed scenic views or vistas, especially from street rights-of-way.

(2) Definition. A Conservation Development is a development utilizing innovative site planning techniques to concentrate buildings, structures, and impervious surfaces in specific areas within the development and to allow the remaining land to be used for common open space. Such techniques may include, but shall not be limited to, any or all of the following:

(a) reduction or, when appropriate, elimination of (i) minimum lot areas per family; (ii) minimum setbacks; and/or (iii) minimum lot frontage; and/or

(b) increase or, when appropriate, elimination of maximum lot occupancy;

but only to the extent such techniques facilitate the preservation and use of the remainder of the development as common open space.

(3) Conservation Site. “Conservation Site” or “Site” means all properties, lots, parcels, waterbodies, watercourses, wetlands, and other areas included within a Conservation Development, whether or not such properties, lots, parcels, waterbodies, watercourses, wetlands, or other areas will be developed.

Sec. 54-299.12 - Applicability and general provisions.

(1) Base Zoning: Conservation Developments may be permitted only on properties entirely located within one or more of the following base zoning districts: SR-1, SR-7, RR-1 or C.

(2) Minimum acreage: Conservation Developments may be permitted only on developments with a minimum of ten (10) contiguous gross acres.
(3) **Net Density:** Net Density shall comply with the standards set forth in the base zoning district for each property or portion thereof included in the Conservation Site, as set forth in Table 3.1 in Sec. 54-301, except as follows:

(a) When an accessory dwelling unit is permitted, such accessory dwelling unit shall not count toward Net Density; and

(b) Workforce housing units meeting the conditions in Sec. 54-299.12(4)(b) shall not count toward Net Density.

(4) **Allowed Uses:** All principal and accessory uses permitted in the base zoning district for each property or portion thereof included within a Conservation Development also shall be permitted on such property or portion thereof, subject to the same conditions, special exceptions, limitations, and terms applicable to such principal or accessory uses within the base zoning district; provided, however, the following terms, conditions, and exceptions shall apply:

(a) **Accessory dwelling units.** Accessory dwelling units may be permitted as part of a Conservation Development, whether or not permitted in the applicable base zoning district, only when each of the following conditions is met:

(i) The accessory dwelling unit is an accessory use to a principal, one-family detached or attached dwelling unit;

(ii) The accessory dwelling unit is located within the same building or on the same lot as the principal, one-family detached or attached dwelling unit;

(iii) The accessory dwelling unit is the only accessory dwelling unit on the lot;

(iv) The accessory dwelling unit is the only accessory building on the lot;

(v) If the accessory dwelling unit is located within an accessory building, the building height shall be limited to one and one-half (1½) stories and a parking level shall count as one (1) story;

(vi) The accessory dwelling unit shall not exceed 600 square feet of conditioned space; and

(vii) The accessory dwelling unit shall have one (1) additional off-street parking space.

(b) **Workforce housing units.** Workforce housing units included as part of a Conservation Development shall comply with each of the following conditions in order to qualify as such for purposes of Sec. 54-299.12(3)(b) and Sec. 54-299.12(4)(c):
(i) The workforce housing unit is a one-family detached dwelling unit; a one-family attached dwelling unit; or an accessory dwelling unit.

(ii) The workforce housing unit has been approved by the City’s Department of Housing and Community Development in conformity with the criteria applicable to such workforce housing unit; and

(iii) Once approved, a workforce housing unit shall be maintained as such in perpetuity as part of the zoning regulations applicable to the property; provided, however, a workforce housing unit located within the Conservation Site which is not an accessory dwelling unit may be converted to a one-family detached or detached dwelling unit without workforce housing restrictions so long as (a) the maximum Net Density for the Conservation Site will not be exceeded based on the total number of dwelling units (1) constructed; or (2) permitted as a vested right, at the time of any application to convert such workforce housing unit; and (b) the workforce housing unit is not required to comply with Sec. 54-299.12(c)(1).

(c) One-family attached dwelling units. One-family attached dwelling units may be permitted as part of a Conservation Development, whether or not permitted in the applicable base zoning district, only when each of the following conditions is met:

(i) There are no more than six (6) one-family attached dwelling units located within a single row;

(ii) At least twenty percent (20%) of the one-family attached dwelling units on the Conservation Site have been set aside as workforce housing units complying with the conditions in Sec. 54-299.12(4)(b);

(iii) The required workforce housing units shall be integrated throughout the Conservation Site, such that they are not concentrated together within a single row.

(5) Stormwater Regulations: Notwithstanding any other provision of this Part which may be interpreted to the contrary, all Conservation Developments shall comply with the Stormwater Regulations in effect at the time a complete application for a development plan is submitted, and nothing in this Part amends, modifies, abrogates, or repeals the Stormwater Regulations.

Sec. 54-299.13. - Conservation Development Approval and Design Criteria.

Properties satisfying the criteria of Sec. 54-299.12 may be developed as a Conservation Development as set forth in an approved development plan, upon compliance with the procedures and regulations governing subdivisions in Article 8 of the Zoning Ordinance, subject to the following supplemental terms and conditions:
(1) **Pre-Application Site Review.**

(a) **Purpose.** The purpose of the pre-application site review is to identify the features and resources on the proposed Conservation Site that should be preserved, and to determine potential site layouts that will best meet the criteria of a Conservation Development.

(b) **Request.** The applicant for approval of a Conservation Development shall submit a Request for Pre-Application Site Review on a checklist available from the Zoning Division, together with the following exhibits (collectively, the “Request”):

(i) Graphic exhibits at the same scale as the existing conditions survey with all existing features on the parcel(s) clearly identified and labeled to include: all Conservation Trees; wetlands; OCRM critical areas; man-made and natural water bodies or watercourses, including without limitation ditches; phosphate mines; logging, farm and forest roads; structures; archeological sites; scenic views or vistas (into and out from the parcel); topographical features; elevation; floodplain; significant groves/plots of vegetation; and unique environmental characteristics; and

(ii) A preliminary stormwater volume calculations table.

(c) **Pre-Application Site Review Meeting.** Upon submission of a Request, the Zoning Administrator shall determine if the Request is complete. If the Zoning Administrator determines that the Request is complete, the Zoning Administrator will schedule a pre-application site review meeting with a representative of the applicant; designated staff of the City’s Department of Planning, Preservation and Sustainability (the “Planning Department”); and designated staff of the City’s Department of Stormwater Management (the “Stormwater Department”).

(d) **Diagram.** Following the pre-application review meeting, the applicant shall submit a bubble diagram showcasing the proposed land use plan, including where and how stormwater will be managed.

(e) **Determination.** Designated staff from the Planning Department and the Stormwater Department shall determine that the Request complies, in concept only, with the standards for Conservation Development before the applicant may submit a concept plan to TRC.

(f) **Amendment.** To the extent the area or location of the proposed Conservation Site changes at any time prior to approval of a development plan, the applicant shall be required to submit a new Request.
(2) **Site Analysis.** With respect to a Conservation Development, each application for concept plan approval shall include a site analysis presented in graphic form at the same scale as the existing conditions survey and shall provide the same information as required for the pre-application site review conducted prior to concept plan submission (the “Site Analysis”). The Site Analysis shall also include the following:

(a) **Narrative.** A narrative as to how the concept plan aligns with the intent, purpose, and definition of a Conservation Development as delineated in Sec. 54-299.11.

(b) **Vegetation.** An exhibit demonstrating that existing vegetation will be preserved as much as reasonably feasible.

(c) **Conservation Trees.** A survey of all Conservation Trees within the Conservation Site, together with a tree risk assessment by a Certified Arborist for the Conservation Trees identified on the survey.

(d) **Other Information.** All information required to show that the Conservation Site will comply with the requirements of this Part.

(3) **Streets.** The following standards shall apply to streets within a Conservation Development:

(a) All streets shall be public.

(b) All streets shall be designed in a manner to allow for visitor parking inside or outside the public right-of-way at the rate of one (1) parking space per three (3) dwelling units.

(c) LID shall be incorporated into the street design and approved by TRC.

(d) A twenty foot (20’) clear zone must be provided in a street design to accommodate emergency response vehicles.

(e) If lots front on an access easement, other than a public right-of-way, the access surface material may be constructed with pervious paving material.

(f) Street trees are required for all street types, except alleys.

(g) The location, species and spacing of street trees shall comply with the City’s Street Tree Manual.

(h) In all other respects, street design must meet the standards set forth in Sec. 54-821 and other provisions in this Chapter; provided, however street design and cross-sections may be modified upon the review and approval of TRC.

(4) **Lots.** The following standards shall apply to lots within a Conservation Development:
(a) There shall be no minimum lot area requirement, maximum lot occupancy requirement, or minimum building setback requirement.

(b) There shall be no minimum lot frontage requirement provided that each lot shall have a platted access easement a minimum of ten (10) feet wide to a public or private right-of-way. Such access easement may be shared with other lots.

(c) In all other respects, the standards for lots set forth in this Chapter shall apply.

(5) **Height.** Except as set forth in Sec. 54-299.12(4)(a)(v), the height requirements, exceptions, terms, and conditions applicable to the base zoning district for each property within the Conservation Development continue to apply to such property.

(6) **Parking.** The following parking standards shall apply to a Conservation Development:

(a) The number of required off-street parking spaces shall meet the standards in Sec. 54-317, unless specifically provided otherwise.

(b) The required off-street parking for each lot shall be provided (1) on the lot; or (2) in a community parking lot; provided, however, the community parking lot shall have a pervious surface. Upon approval of TRC, required off-street parking spaces may also be provided on-street.

(7) **Garage Doors.** Garage doors must be flush with or set back further than the building line.

(8) **Wetland Buffer.** Existing wetlands shall be protected by an undisturbed buffer, at least twenty-five feet (25’) wide, adjacent to the delineated boundary of the wetlands. Without limiting the foregoing, existing vegetation and Conservation Trees within such buffer shall be preserved within the buffer area.

(9) **Open space.** The following open space requirements shall apply within a Conservation Development:

(a) At least fifty percent (50%) of the gross acreage within the Conservation Site shall qualify as common open space (the “Required Open Space”).

(b) Notwithstanding subsections (c) through (e), at least twenty-five percent (25%) of the Required Open Space shall be designed for active recreational uses, such as play fields, playgrounds, greenways, and/or agricultural uses. To qualify as an active recreational use under this subsection and to be considered as part of the Required Open Space, a greenway shall have (i) a pervious surface; (ii) a minimum total width of at least twenty-five feet (25’); and (iii) a minimum pathway for pedestrian and/or bike trails of eight feet (8’).
(c) Subject to subsection (b), when a Conservation Site includes existing or proposed water bodies or watercourses, only fifty percent (50%) of the area of such water bodies and/or watercourses shall qualify as part of the Required Open Space.

(d) Subject to subsection (b), when a Conservation Site includes existing wetlands, only seventy-five percent (75%) of the area of such wetlands shall qualify as part of the Required Open Space.

(e) Subject to subsection (b), if the Conservation Site is forested at the time of the Site Analysis, then the lesser of (i) at least seventy percent (70%) of the Required Open Space; or (ii) the gross acreage of the Conservation Site which is forested at the time of the Site Analysis, shall be maintained in an undisturbed canopy.

(f) All common open space shall comply with Sec. 54-299.114.

(g) The improvement or development of common open space shall incorporate LID techniques.

(h) To the extent reasonably feasible, common open space shall be contiguous and not divided into unconnected small parcels located in various parts of the Conservation Site.

(10) **Stormwater Management.** Without limiting, amending, abrogating, or repealing the Stormwater Regulations, the following stormwater standards shall apply to a Conservation Development:

(a) Conservation Developments shall demonstrate limited impacts on the natural features and pre-development hydrology.

(b) LID shall be utilized in the stormwater management design.

(c) Roof drainage and gutter downspouts shall be hydraulically disconnected from impervious surfaces and properly drained so as to prevent erosion within the Conservation Site or on offsite properties.

(d) Pervious surfaces shall be used when reasonably feasible.

(e) Impervious surfaces shall not exceed forty percent (40%) of the net acreage within the Conservation Site; provided, however, the calculation of impervious surface for residential lots shall be fifty percent (50%) of the lot area, regardless of the actual impervious surface area of the lots.

(f) Each residential lot shall have a minimum of two (2) native canopy trees, which shall be trees existing on the pre-developed Site, when reasonably feasible. To the extent the use of an existing tree or trees are not reasonably feasible, only native
species commonly found in the associated Inland Atlantic Maritime Forest shall be utilized, per list provided in Appendix B.

(11) **Other Requirements.** Unless specifically provided otherwise herein, all other requirements of this Chapter shall apply to the Conservation Development.

(12) **Standard Codes.** The City’s standard codes, including without limitation the City’s building code and fire code, apply to a Conservation Development, notwithstanding any other provision herein to the contrary. Without limiting foregoing, the minimum clearance requirements for fire apparatus access routes shall apply to Conservation Developments.

**Sec. 54-299.14 – Management of Common Open Space.**

The following regulations shall apply to all common open space within the Conservation Site:

(1) **POA.** Prior to obtaining final plat approval for all or any portion of the Conservation Site, the applicant shall establish a property owners’ association (“POA”) to provide for the maintenance of all common open space, BMPs (as defined in the City’s Stormwater Design Standards Manual), and other improvements, unless any such common open space and/or improvements are dedicated to and accepted by the City or other appropriate governmental entity for ownership and/or maintenance.

(2) **POA Requirements.** The POA required under subsection (1) shall meet the following requirements:

   (a) The POA shall include as members all owners of lots or parcels within the Conservation Site, except the City or other governmental entity as to any public improvements dedicated to and accepted by the public.

   (b) The POA shall take title to and manage all common open space and improvements, other than public improvements dedicated to and accepted by the public.

(3) **Declaration.** All lands, common open space, BMPs, and improvements shall be described as to the general location, size, use and control in a Declaration of Covenants, Conditions and Restrictions (“Declaration”) governing the Conservation Site and properly recorded with the Office of the Register of Deeds for Charleston or Berkeley County, as applicable. The Declaration shall set forth the method of assessment against all lots or parcels within the Conservation Site (other than areas dedicated to and accepted by the public and common areas) for maintenance of common areas, common open space, BMPs, and other improvements to be owned or maintained by the POA. The Declaration shall run with title to the Conservation Site and all privately-owned lots or parcels located therein. The Declaration shall indicate the properties included therein are part of a Conservation Development approved by the City of Charleston.
(4) **No Dissolution.** Unless prohibited by applicable law, the requirements applicable to the Declaration shall perpetually run with title to the Conservation Site or any portion thereof as part of the zoning regulations applicable to the Site. The POA shall not be dissolved nor shall the POA dispose of any common open space except to (a) a conservation or similar organization established to own and maintain common open space; (b) to the City; or (c) to another appropriate governmental entity. Notwithstanding the foregoing, any such conveyance, to be complete, shall require acceptance by the grantee.

(5) **Restricted Use.** Unless prohibited by applicable law, all common open space shall be restricted in perpetuity as part of the zoning regulations applicable to the Conservation Site. All such common open space shall be deed restricted and may not be developed for uses other than common open space. The applicant shall include the following notice on all deeds, mortgages, plats, or any other legal instruments used to convey any right, title or interest in the Conservation Site or any portion thereof:

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NOTICE: THIS PROPERTY IS SUBJECT TO THE CITY OF CHARLESTON’S REQUIREMENTS FOR CONSERVATION DEVELOPMENTS AND MAY BE SUBJECT TO CERTAIN USE RESTRICTIONS AS SET FORTH IN THE REQUIREMENTS APPLICABLE TO CONSERVATION DEVELOPMENTS ON FILE WITH THE CITY’S ZONING DIVISION.
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**Sec. 54-299.15 – Appeal.**

Any determination by staff and/or TRC under this Part 16 may be appealed to the Planning Commission by any party in interest if an appeal is filed with the Zoning Division within ten (10) business days after actual notice of the decision. The Planning Commission must act on the appeal within sixty (60) days, and the action of the Planning Commission is final.

**Section 4.** This Ordinance shall become effective upon ratification.

Ratified in City Council this ___ day of _____ in the year of Our Lord, 2020, in the ____ Year of the Independence of the United States of America.

By: __________________________________________
John J. Tecklenburg, Mayor

**ATTEST:**

By: _______________________________
Vanessa Turner Maybank
Clerk of Council
Conservation Subdivision Design

A conservation subdivision is a residential subdivision that devotes at least half of its potentially buildable land area to undivided, permanently protected open space. In contrast, conventional subdivisions devote all, or nearly all, buildable land area to individual lots and streets.

Conservation subdivision design can help communities implement a network of permanently protected natural areas. However, subdivision and zoning regulations often discourage or prohibit conservation subdivisions.

BACKGROUND

In the decades following World War II, many urban areas in the United States expanded outward through successive waves of residential subdivision development. Typically, these subdivisions prioritized maximizing the number of buildable lots over protecting natural or cultural resources. In many places, the proliferation of conventional subdivisions has contributed to habitat fragmentation and loss, increased stormwater runoff and erosion, and strained the ability of cities and counties to maintain roads and provide services.

In rural areas, conservation subdivisions offer several advantages to communities over conventional subdivisions. They provide more habitat for wildlife, filter and retain more stormwater runoff, require less new infrastructure, and better maintain a rural sense of place. When developers link open space areas to the open spaces of adjacent subdivisions, conservation subdivisions can contribute to a network of environmental corridors, also known as a green infrastructure network, within or between communities. Conservation subdivisions do not, however, stop urban expansion or reduce automobile dependency.

In recent decades, buyers have demonstrated a willingness to pay a premium for homes in conservation subdivisions, and some developers have embraced conservation subdivision design techniques. Other developers are reluctant to move away from a conventional approach to subdivision design, which remains profitable and popular in many parts of the country. This reluctance is often compounded by local zoning regulations that stipulate large minimum lot sizes, lot frontages, and building setbacks—which make conservation design impractical or impossible—and subdivision regulations that require expensive preliminary design drawings, which discourages developers from making changes in response to community feedback.

IDENTIFY CONSERVATION PRIORITIES

To maximize the benefits of conservation subdivision design, communities must first identify the environmental and cultural resources or features they want to protect from new development. Many cities and counties identify these resources or features during a comprehensive, open space, or green infrastructure plan-making process.

Some features, such as floodplains, wetlands, and steep slopes, may already be protected from new development by existing development regulations. These “primary” conservation features are the community’s highest priorities for conservation. Other “secondary” conservation features and resources are vulnerable to new development. These often include mature woodlands and individual large trees, historic sites and structures, wildlife habitat, prime farmland, groundwater recharge areas, riparian corridors, and scenic viewsheds.
UPDATE DEVELOPMENT REGULATIONS

After a community has identified the features and resources it wants to protect from future development, planners and local officials must update the community’s zoning and subdivision regulations to require or incentivize conservation subdivision design, either community wide or in certain areas. Typically, this means adopting new provisions that establish conservation subdivision design as a distinct alternative to conventional subdivision design.

These provisions must specify permissible locations for conservation subdivisions, whether conservation subdivision design is required or voluntary, the minimum percentage of the site that must be maintained as protected open space, and permissible deviations from zoning and subdivision standards specifying lot sizes, frontages, setbacks, and street widths. These regulations generally permit developers to create the same number of buildable lots as a conventional subdivision.

Conservation subdivision regulations typically require developers to follow a four-step design process. The first step is identifying conservation areas by overlaying maps of the community’s primary and secondary conservation priorities onto a map of the development site and conducting a site analysis to precisely locate these features and resources. Next, developers select individual home sites based on permissible density and a desire to maximize views of and access to the protected open space. Then, developers connect the home sites and accessible open spaces with streets and trails. Finally, developers establish lot lines for each home site.

These regulations must also specify the permissible methods for permanently protecting open spaces. Common methods include conservation easements held by either a land trust or the local government and permanent restrictive covenants. Additionally, conservation subdivision regulations must address responsibilities for open space ownership and maintenance. In many cases, these regulations assign ownership of protected open spaces to a home owner association and require developers to submit a management plan that details responsibilities and guidelines for maintenance.

PROVIDE EDUCATION AND ASSISTANCE

Finally, planners and local officials can increase the likelihood of conservation design supporting the community’s vision for land conservation by providing education and assistance to developers and other community members. Developers may be unfamiliar with the conservation subdivision design process. Meanwhile, current residents may be unaware of the potential advantages of conservation subdivisions over conventional subdivisions, and potential owners may be unaware of responsibilities associated with living in a conservation subdivision.

Some cities and counties have produced handouts and guides to explain the concept of conservation subdivision design and summarize local regulations for conservation subdivisions. Others provide technical assistance to developers during the application process to help them refine their designs to maximize open space connectivity without sacrificing the number of buildable lots.

CONCLUSIONS

Conservation subdivision design can help communities protect vulnerable natural and cultural features and resources from new development. Furthermore, when developers widely embrace this approach as an alternative to conventional subdivision design, it can be a valuable tool to help communities establish a local or regional green infrastructure network. To realize and maximize these benefits, communities must explicitly authorize conservation subdivisions in their development regulations and provide education and assistance to communicate the potential trade-offs associated with developing or owning property in conservation subdivisions and to build the technical capacity to embrace new subdivision design techniques.
CITY OF CHARLESTON
PLANNING COMMISSION

March 18, 2020

Ordinance Amendment 2:

To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to incorporate provisions to allow subdivision and development of single family detached affordable housing as a conditional use within multiple base zoning districts (As amended).

BACKGROUND

A version of this ordinance was first considered by City Council and the Planning Commission in the fall of 2018. Due to significant concerns expressed by residents of Maryville/Ashleyville, the Planning Commission recommended for disapproval at the January 2019 meeting and City Council disapproved the amendment on February 26, 2019. Though the ordinance was intended to be applied city-wide to further affordable housing goals, there were concerns about disproportionate impact on the area that is the former historic Town of Maryville.

City Council directed staff to bring back a revised ordinance that addressed the neighborhood’s concerns. The current revised ordinance addresses these concerns and will be presented to the Maryville/Ashleyville Neighborhood Association on Saturday, March 14, 2020 at their regular meeting. Key revisions include the elimination of a parking reduction for parcels zoned SR-2 (the predominant zoning in Maryville/Ashleyville) and a provision to maintain the historic 50’ frontage along all streets in the Maryville/Ashleyville neighborhood area. Staff will provide a detailed report of the revisions made and the neighborhood’s response at the Planning Commission meeting.

The full ordinance is attached.

STAFF RECOMMENDATION

APPROVAL
AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO INCORPORATE PROVISIONS TO ALLOW SUBDIVISION AND DEVELOPMENT OF SINGLE FAMILY DETACHED AFFORDABLE HOUSING AS A CONDITIONAL USE WITHIN MULTIPLE BASE ZONING DISTRICTS.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Article 2, Part 2, Sec. 54-207, Conditional Uses, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the following new subsection in alphabetical order:

“z. Affordable Housing Conditional Use Subdivision and Lot Dimensional Standards for One-Family Detached Dwellings and One-family Attached Dwellings.

1. Intent: To promote ownership or occupancy of quality Affordable Housing, property within the SR-1, SR-2, SR-6, zoning district may be approved for subdivision and development for one-family detached dwellings, in accordance with the following conditional use standards in this section. Property within the STR, DR-1, DR-1F, DR-2, or DR-2F zoning districts may be approved for subdivision and development of one-family detached dwellings and one-family attached dwellings, in accordance with the following conditional use standards in this section. The use of the subject parcel shall be restricted to one-family detached dwellings or one-family attached dwellings, according to the zoning of the property, for the provision of Affordable Housing as certified by the City of Charleston Department of Housing and Community Development, or its successor.

2. Affordable Housing Conditional Use Requirements:

(a) The entity developing the subject parcel in accordance with the standards in this Sec. 54-207, z., shall restrict the use of the lot or lots to a single, one-family detached dwelling or a single, one-family attached dwelling on each lot for the provision of Affordable Housing as certified by the City of Charleston Department of Housing and Community Development, or its successor.

(b) Ownership: As to owner occupied units, these units shall be sold to households earning no more than one hundred twenty (120) percent of the area median income. Each owner, prior to initial occupancy, shall be required to submit to the City of Charleston Department of Housing and Community Development, or its successor, a
verified income report of household income of all members of the household. These units shall be subject to resale restrictions for no fewer than ninety (90) years from date of initial sale of the property. Such restrictions will be recorded as deed restrictions.

(c) Rental: As to rental units, these units shall be rented to households earning no more than eighty (80) percent of the area median income, and the rents charged by the owner shall be in accordance with the Fair Market Rents published annually by the U.S. Department of Housing and Urban Development or such entity that may be subsequently designated. In the absence of such information, the rents charged by the owner shall not exceed 30 percent of the household annual income. The owner shall be required to submit to the City of Charleston Department of Housing and Community Development, or its successor, the rental rate to be charged and verified income reports of household income of all rental occupants at the inception of each tenancy and on no less than a yearly basis thereafter, as determined by the City of Charleston Department of Housing and Community Development, or its successor. These units shall be subject to these restrictions for no fewer than ninety (90) years from the initial occupancy as Affordable Housing.

(d) The entity developing the subject parcel in accordance with this Sec. 54-207, z., shall execute a Memorandum of Use with the City as a party acknowledging the use of the property for Affordable Housing in accordance with the provisions of this Section, which Memorandum shall be in a form acceptable for recording in the record office of the applicable county and which shall be recorded in the record office of the applicable county. If a proposal meets the requirements of this section and the owner is willing to enter into the terms of a Memorandum of Use contained in this paragraph, the Mayor shall be authorized so sign the Memorandum of Use on behalf of the City.

3. Affordable Housing Conditional Use Lot Dimensional Standards For One-family Detached Dwellings: See Section 54-301, Table 3.1 Height, Area and Setback Regulations for standards not addressed in the table below.

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<th>ZONING DISTRICT</th>
<th>MINIMUM LOT FRONTAGE</th>
<th>MINIMUM HIGH GROUND LOT AREA IN SQ FT</th>
<th>MINIMUM BUILDING SETBACKS</th>
<th>MAXIMUM LOT OCCUPANCY OF BUILDINGS</th>
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<tbody>
<tr>
<td>SR-1</td>
<td>45’</td>
<td>7,000</td>
<td>Front 25’, Rear 20’, Sides 7’SW, 7’NE</td>
<td>35%</td>
</tr>
<tr>
<td>SR-2</td>
<td>40’</td>
<td>4,400</td>
<td>Front 25’, Rear 15’, Sides 6’SW, 6’NE</td>
<td>50%</td>
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<tr>
<td>SR-3</td>
<td>40’</td>
<td>4,400</td>
<td>Front NR’, Rear 3’, Sides 9’SW, 3’NE</td>
<td>50%</td>
</tr>
<tr>
<td>SR-4</td>
<td>40’</td>
<td>3,200</td>
<td>Front NR’, Rear 3’, Sides 9’SW, 3’NE</td>
<td>50%</td>
</tr>
<tr>
<td>Zoning District</td>
<td>Lot Width (ft)</td>
<td>Lot Area (sq ft)</td>
<td>Description</td>
<td>Percentage</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------</td>
<td>-----------------</td>
<td>-------------</td>
<td>------------</td>
</tr>
<tr>
<td>SR-5</td>
<td>35’</td>
<td>2,500</td>
<td>Front-NR’, Rear-3’, Sides-7’SW, 3’NE</td>
<td>50%</td>
</tr>
<tr>
<td>SR-6</td>
<td>35’</td>
<td>4,000</td>
<td>Front 18’, Rear 10’, Sides 4’SW, 4’NE</td>
<td>50%</td>
</tr>
<tr>
<td>STR</td>
<td>40’ or no frontage required</td>
<td>4,800</td>
<td>Front 25’, Rear 15’, Sides 5’SW, 5’NE</td>
<td>50%</td>
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<tr>
<td>DR-1</td>
<td>32’ or no frontage required</td>
<td>2,800</td>
<td>Front NR’, Rear 3’, Sides 7’SW, 3’NE</td>
<td>50%</td>
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<tr>
<td>DR-1F</td>
<td>32’ or no frontage required</td>
<td>2,800</td>
<td>Front 25’, Rear 3’, Sides 7’SW, 3’NE</td>
<td>65%</td>
</tr>
<tr>
<td>DR-2</td>
<td>32’ or no frontage required</td>
<td>2,200</td>
<td>Front NR’, Rear 3’, Sides 7’SW, 3’NE</td>
<td>50%</td>
</tr>
<tr>
<td>DR-2F</td>
<td>32’ or no frontage required</td>
<td>2,200</td>
<td>Front 25’, Rear 3’, Sides 7’SW, 3’NE</td>
<td>65%</td>
</tr>
</tbody>
</table>

Footnotes

1. Requirement for averaging surrounding lot frontages per Section 54-824(c)(1) shall not apply.
2. Lots in STR, DR-1, DR-1F, DR-2, or DR-2F zoning districts that front on a street may be subdivided to create one lot with no lot frontage provided that both lots meet all requirements in this subsection, both lots are used for Affordable Housing in accordance with the requirements of this Sec. 54-207, z., and a platted and recorded shared ingress/egress easement utilizing an approved driveway is furnished to the newly created lot without frontage.
3. See lot frontage exception noted below in this section 54-207, z.
4. Lot frontage exception for Maryville Ashleyville: Due to the unique history of the former town of Maryville and corresponding historic platting, parcels abutting the following rights-of-way, and any extensions thereof, shall have a minimum lot frontage of 50 feet:
   - 5th Avenue
   - Armstrong Avenue
   - Batter Avenue
   - Benada Street
   - Bender Street
   - Brody Avenue
   - Brookfield Street
   - Burger Street
   - Carnegie Avenue
   - Channing Street
5. Affordable Housing Conditional Use Lot Dimensional Standards for One-family Attached Dwellings: …

6. Affordable Housing Conditional Use Court Standards: Notwithstanding the standards in subsection 3. above, lots in the DR-2 or DR-2F zoning districts with a minimum lot frontage of 56 feet and minimum lot area of 6,700 square feet may be developed to create a traditional “Charleston Court”, with a new street or “court” extending into the lot to provide access to lots, if all lots are restricted to affordable housing pursuant to this Sec. 54-207, and the development satisfies the following requirements:

(a) The new street shall be constructed to meet City of Charleston road construction standards with a minimum right-of-way width of 24 feet, minimum pavement width of 20 feet and maximum length of 150 feet.
(b) All lots shall have lot frontage and all lots accessed exclusively from the new street shall have a minimum lot frontage of 15 feet and average lot frontage of 25 feet.
(c) All lots shall meet the lot dimensional standards in subsection 3., except that the minimum high ground lot area for each lot shall be 1,024 square feet and there shall be no minimum front building setback for lots accessed exclusively from the new street.
(d) The dwelling on each lot with frontage on the primary street shall front on the primary street.

7. Affordable Housing Conditional Use Off-Street Parking Requirements: Each lot used for Affordable Housing in accordance with the requirements of this Sec. 54-207, z. shall provide two off-street parking spaces.”

Section 2. Article 2, Part 3, Table of Permitted Uses, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding “or 54-207, z.” to principal use category 888. Affordable Housing 54-207, p. and by inserting the conditional use symbol “‡” in the columns for zoning districts, SR-1, SR-2, SR-3, SR-4, SR-5, SR-6, and STR, which denotes this principal use is allowed as a conditional use in said zoning districts.

Section 3. Article 3, Part 1, Section 54-301, Table 3.1: Height, Area and Setback Regulations, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the number “21” as a superscript after the zone district designation listings for SR-1, SR-2, SR-3, SR-4, SR-5, SR-6, and STR.

Section 4. Article 3, Part 1, Section 54-301, Table 3.1: Height, Area and Setback Regulations, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to revise footnote 21 to read as follows with new text shown in double underline:

“21. Minimum lot area, setbacks, frontage and maximum lot occupancy for Affordable Housing are set forth in Sec. 54-207, p. or 54-207, z.”

Section 5. Article 8, Part 3, Sec. 54-824, Design Standards for New Lots, subsection c. paragraph 1, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to read as follows with new text shown in double underline:

“Lot frontage for single-family and two-family residential. The following lot frontage requirements in Table 8.2.3 shall apply to all new single and two-family residential lots, except that residential lots within existing residential subdivisions may not be subdivided with lot frontages less than the average lot frontage of all abutting residential lots, residential lots across the street(s), and residential lots within five (5) lots on either side of the frontage of the subject lot, or the minimum lot frontage for that zoning district, whichever is greater. Lots subdivided and developed for one-family detached Affordable Housing per section 54-207, z. shall be subject to the frontage requirements of that section.

Lot frontage for multi-family. Multi-family residential lots shall have a minimum lot frontage of fifty (50) feet on a street and parking shall be prohibited within the required setback within the district. Multi-family zoned lots subdivided and developed for one-family detached Affordable Housing per section 54-207, z. shall be subject to the frontage requirements of that section.”
Section 6. Article 2, Part 2, Sec. 54-207, Conditional Uses, subsection p. Affordable Housing, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting new text “on existing lots of record platted prior to August 21, 2018” after “Affordable Housing shall be permitted” to read as follows with new text shown in double underline:

“p. Affordable Housing shall be permitted on existing lots of record platted prior to August 21, 2018 within the DR-1, DR-1F, DR-2, DR-2F, LB, GB, LI, MU-1, MU-1/WH, MU-2 and MU-2/WH districts if the proposal satisfies the following conditions, except that there are no density limits in the MU-1, MU-1/WH, MU-2 and MU-2/WH districts:”

Section 7. Article 2, Part 2, Sec. 54-207, Conditional Uses, subsection p. Affordable Housing, paragraph (d.) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting “forty-seven percent” and replacing in its place and stead “fifty (50) percent.

Section 8. Article 1, Part 3, Sec. 54-120, Definitions, is hereby amended by inserting the words “used exclusively for residential uses” after the words “dwelling units” in the first sentence and correcting a scrivener’s error so that the definition shall read as follows:

Affordable Housing. Single-family, two-family or multi-family dwelling units, used exclusively for residential uses, where occupants have, in the aggregate, household income of less than or equal to one hundred twenty (120) percent of median area income for owner occupied units, or eighty (80) percent of median area income for rental units. Median area income shall be determined annually by the U.S. Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or its successor. Household income shall include all sources of financial support, both cash and in kind, of adult members of the household, to include wages, salaries, tips, commissions, all forms of self-employment income, interest, dividends, net rental income, income from estates or trusts, Social Security benefits, railroad retirement benefits, Supplemental Security income, Aid to Families with Dependent Children or other public assistance or public welfare programs, other sources of income regularly received, including Veterans' (VA) payments, unemployment compensation and alimony, awards, prizes, government or institutional or eleemosynary loans, grants or subsidies and contributions made by the members' families for medical, personal or educational needs.

Section 9. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____day of __________________ in the Year of Our Lord 2018, in the ___ Year of Independence of the United States of America.

By: ________________________________
John Tecklenburg
Mayor, City of Charleston

Attest: ________________________________

Vanessa Turner-Maybank
Clerk of Council
CITY OF CHARLESTON
PLANNING COMMISSION

March 18, 2020

Ordinance Amendment 3:

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending applicable sections related to Planning Commission composition to establish commission member alternates and to update other applicable sections related to Planning Commission rules and procedures.

BACKGROUND

This ordinance will be presented in detail during the Planning Commission meeting.

STAFF RECOMMENDATION

To be discussed at meeting
AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING APPLICABLE SECTIONS RELATED TO PLANNING COMMISSION COMPOSITION TO ESTABLISH COMMISSION MEMBER ALTERNATES AND TO UPDATE OTHER APPLICABLE SECTIONS RELATED TO PLANNING COMMISSION RULES AND PROCEDURES.

Section 1. That Section 54-941 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting text shown below with strikethrough and adding text shown below with double underline:

“Sec. 54-941. - Planning Commission composition; terms; organization; meetings; procedural rules.

a. The Planning Commission shall consist of the nine (9) members and two (2) alternates citizens of the city of Charleston who do not hold an elected public office in the City of Charleston and are appointed by City Council. Board members shall be citizens of the City of Charleston, with the exception of the professions required by this ordinance whom may be non-citizen owners or principals of a business within the City of Charleston. Of the members appointed, one (1) shall be an attorney, one (1) shall be in real estate, and one (1) shall be a representative of the development community. Members of the commission and alternates first to serve shall serve be appointed for staggered terms of three (3) years or until their successors are appointed as described in the Code of the City of Charleston Sec. 2-152 the agreement of organization and shall serve until their successors are appointed by City Council. A vacancy on the Planning Commission must be filled for the unexpired term in the same manner as the
original appointment. City Council may remove any member of the commission for cause.

b. The Planning Commission shall organize itself electing one of its members as chairman and one as vice-chairman whose terms must be for one year. It shall appoint a secretary who may be an officer or employee of the governing authority or of the Planning Commission.

c. The Planning Commission shall meet at the call of the chairman and at such times as the chairman or commission may determine.

d. The commission shall adopt rules of organizational procedure (Appendix F) and shall keep a record of its resolutions, findings, and determinations, which record must be a public record. The Planning Commission may purchase equipment and supplies and may employ or contract for such staff and such experts as it considers necessary and consistent with funds appropriated.

e. Alternate members, when seated, have all the powers and duties of regular members. Alternate members may always attend meetings but shall only participate in Planning Commission deliberations and debate, make motions and vote in the absence or voting disqualification of a regular member or the vacancy of a regular member's seat.”

Section 2. That Appendix E of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting all sections and text and reserving Appendix E for future use as the information and references in this appendix are no longer in accordance with applicable State and City codes.

Section 3. That Appendix F, Article I, Section 1, Section 2 and Section 3 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) are hereby amended by deleting text shown below with strikethrough and adding text shown below with double underline:

“Section 1. - Rules.

These rules of procedure are adopted pursuant to S.C. Code 6-29-360 for the City of Charleston Planning Commission, which consists of nine (9) members and two (2) alternates appointed by City Council, are adopted pursuant to applicable State codes, the Code of the City of Charleston Sec. 2-152, and Article 9, Part 3 of this Zoning Ordinance. Initially, three members shall be appointed for a one (1) year term, three members shall be appointed for a two (2) year term and three members shall be appointed for a three (3)
year term. Thereafter, all appointments to the Commission shall be for a three (3) year term to keep the terms of appointments staggered.

Section 2. - Office of the Commission.

The office of the Commission shall be the Zoning Division office in the Department of Planning, Preservation & Sustainability, or its successor department, and Urban Development, 3rd floor, 75 Calhoun Street, Charleston, South Carolina 29401.

Section 3. - Officers.

The officers of the Commission shall be a chairman and vice-chairman elected for one year terms or until their successors are elected and qualified, at the first meeting of the Commission in each calendar year. The Commission shall appoint a member of the staff of the City as secretary of the Commission.”

Section 3. That Appendix F, Article II, Section 1 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting text shown below with strikethrough and adding text shown below with double underline:

“Section 1. - Time and Place.

The Planning Commission shall meet on the third Wednesday of each month at 5 p.m., unless such day is a legal holiday in accordance with. An an annual schedule of regular meetings and submittal deadlines for the upcoming year shall be that is published by the Department of Planning, Preservation and Sustainability, or its successor department, and posted in the Zoning Division office by December of each year. Special meetings may be called by the chairman upon 24 hours notice, posted and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public.”

Section 4. That Appendix F, Article V, Section 3 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting text shown below with strikethrough and adding text shown below with double underline:

“Section 3. - Comprehensive Plan.

All zoning and land development regulation amendments shall be reviewed first for conformity with the comprehensive plan. Conflicts with the comprehensive plan shall be noted in any report to the governing body on a proposed amendment. The elements of the comprehensive plan shall be reviewed and updated on a schedule adopted by the Commission meeting the requirements of applicable State codes, S.C. Code 6-29-510(E).”
Section 5. That Appendix F, Article VI, Section 1 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting text shown below with strikethrough and adding text shown below with double underline:

“Section 1. - Adoption.

These rules were adopted by vote of a majority of the members of the Commission at a regular public meeting on May 19, 1999. Amendments to these rules were adopted by vote of a majority of the Commission at a regular public meeting on ___ (insert date of meeting)___.”

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of ____________ in the Year of Our Lord, 2020, and in the _____ Year of the Independence of the United States of America

______________________________
John J. Tecklenburg, Mayor

ATTEST: ________________________________
Clerk of Council
The subject property located in James Island was recently annexed into the City of Charleston. The zoning district recommended in the City closely matches the zoning assigned to the property in Charleston County and it is compatible with the context of the existing development or lot sizes in the surrounding neighborhood.

CENTURY V CITY PLAN RECOMMENDATIONS

The Century V Plan recommends maintaining the character of established areas in the City when considering the zoning of property. The subject property James Island is designated in the Century V Plan as Suburban which provides for a mix of residential densities. Given the existing zonings and existing pattern of development in the surrounding area, the proposed zoning is appropriate for this site.

STAFF RECOMMENDATION

APPROVAL
ZONING 1

340-342 Woodland Shores Rd (Woodland Shores – James Island)

TMS # 3431100111, 112

approx. .7 ac.

Request zoning of Single-family Residential (SR-1)
Previously zoned Single-family Residential (R-4) in Charleston County.

Owner: Jennifer Finger Krause
# City of Charleston Planning Commission

March 18, 2020

<table>
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<tr>
<th>Zoning Item</th>
<th>Property Address</th>
<th>Approx. Acres</th>
<th>Land Use</th>
<th>Previous Zoning</th>
<th>Recommended Zoning</th>
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<tbody>
<tr>
<td>2.</td>
<td>513 Arlington Dr (West Ashley)</td>
<td>0.51</td>
<td>Church</td>
<td>Mixed Style Residential (M-12)</td>
<td>Diverse-Residential (DR-1F)</td>
</tr>
<tr>
<td>3.</td>
<td>1384 Joy Ave (West Ashley)</td>
<td>0.45</td>
<td>Single Family Residence</td>
<td>Single Family Residential (SR-4)</td>
<td>Single Family Residential (SR-1)</td>
</tr>
</tbody>
</table>

**BACKGROUND**

The subject properties located in West Ashley were recently annexed into the City of Charleston. The zoning districts recommended in the City closely match the zoning assigned to the properties in Charleston County and are compatible with the context of the existing development or lot sizes in the surrounding neighborhoods.

**CENTURY V CITY PLAN RECOMMENDATIONS**

The Century V Plan recommends maintaining the character of established areas in the City when considering the zoning of property. The subject properties West Ashley are designated in the Century V Plan as Suburban, which provides for a mix of residential densities; and Suburban Edge which is predominately residential and low density. Given the existing zonings and existing pattern of development in the surrounding area, the proposed zoning is appropriate for this site.

**STAFF RECOMMENDATION**

APPROVAL
513 Arlington Dr (Sylcope – West Ashley)

TMS # 3100700090

approx. 0.51 ac.

Request zoning of Diverse-Residential (DR-1F). Previously zoned Mixed Style Residential (M-12) in Charleston County.

Owner: Vaughn Loeffler and Sylvia De Jong
ZONING 3

1384 Joy Ave (Orange Grove Estates – West Ashley)

TMS # 3521000015

approx. 0.45 ac.

Request zoning of Single-family Residential (SR-1). Previously zoned Single-family Residential (R-4) in Charleston County.

Owner: Gary H Seel and Hope E Seel