City of Charleston

PLANNING COMMISSION
March 17, 2021
Special Meeting at 4:30 PM – Regular Meeting at 5:00 PM

DEPARTMENT OF PLANNING, PRESERVATION & SUSTAINABILITY
www.charleston-sc.gov/pc

**Video and microphone is currently disabled for all attendees.**
This meeting is being recorded.

Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
Planning Commission – March 17, 2021

Just as in an in-person meeting, all items heard today are part of a public meeting format. Following this introduction, staff will explain how public comments will be shared in this virtual setting.

All zoning, rezoning and ordinance amendment requests will receive a recommendation from the Planning Commission and will then go to City Council. Public hearings for the zoning, rezoning and ordinance amendment items will be held at the April 23, City Council meeting.

Meeting results will be posted on the City’s website at www.charleston-sc.gov/pc.

Your City of Charleston Planning Commission Members are:

Charles Karesh – Chair
Harry Lesesne – Vice-Chair
Jimmy Bailey, Jr.
Loquita Bryant-Jenkins
Erika V. Harrison

Your City of Charleston Assisting Staff are:

Geona Shaw Johnson, Director Philip Overcash, Senior of Housing & Community Development
Christopher Morgan, Planning Manager
Lee Batchelder, Zoning Administrator

Donna Jacobs
Angie Johnson
Sunday Lempesis
Chaun William Pflug

Ana Harp, Senior Zoning Planner
Chloe Stuber, Planner
Marcia Grant, Clerk

Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
Virtual Meeting Protocol

Staff will control the PowerPoint slides displayed throughout the meeting.

Applicants, staff, Commissioners, and the public are required to give their name first whenever speaking.

Video and microphone have been disabled for all attendees. The public will only be given the capability to speak when they are called on during the public comment period. Applicants will be promoted to panelist for the duration of their item, giving them temporary access to microphone and video. They should remain muted unless called on to speak.

Chat and the Q&A functions have been disabled for everyone.

These proceedings are being recorded.

**Order of the Meeting:**

- City staff present the agenda item and recommendation
- Applicant comments
- Public comments in favor (first spoken, then written)
- Public comments in opposition (first spoken, then written)
- Applicant response
- Commission discusses agenda item, makes a motion, and votes
Virtual Meeting Protocol

**Commission:**

- Commission members should be both seen on video and heard when speaking.

- Commissioners will be polled by the Chairman for comments and for their vote on a motion. Each member, when voting, should respond “Yea, in favor” or “Nay, not in favor”. The Chairman shall re-read the motion verbatim and the Commissioner making the motion should correct the Chairman if he has not re-read the motion accurately.

- Commissioners that need to recuse themselves from voting will be temporarily removed from the meeting and re-admitted prior to addressing the next agenda item.

- If the Commission needs to go into Executive Session, they will call into a separate conference line and all video and audio on Zoom will be temporarily turned off until they are ready to return to the regular meeting.
Public Comment Period

Providing Comment:

• All applications heard today are part of a public meeting format.

• Applicants and members of the public have been required to register, indicate the agenda item they wish to comment on, and submit any documents by 12PM today in order to speak during the public comment period.

• Individuals registered to speak will be called in order for the applicable agenda item. Your microphone will be enabled when it is your turn to speak and disabled when you are done.

• You must state your name and address for the record.

• You may only speak once for each item.

• Unregistered individuals who raise their hand will not be called on to speak. Advance registration is required.

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MIXED-USE/WORKFORCE HOUSING (MU/WH) REPORT
About MU/WH and the Fee In Lieu Option

The MU/WH base zoning districts were created to “promote a mixture of housing opportunities within a single development, along with appropriate nonresidential uses, by providing incentives for the creation of such developments in urban areas of the City where on street parking or other public parking is customary and can be reasonably accommodated”.

Developers who select the MU/WH Zonings benefit from unlimited density on a site. In choosing this zoning, the City currently requires developers to either:

• Build twenty (20%) Workforce Housing with an affordability period of 25 years,
• Pay a Fee-In-Lieu of $5.10 of Gross Square Foot of the building, or
• Provide land-in-lieu within two miles of the development.

The Fee-In-Lieu option was previously $3.40/GSF for developments entitled prior to the changes enacted in December of 2017. Staff has analyzed MU/WH since its inception in 2017 and the subsequent changes in 2019 and found the following:
Developers (almost) unanimously decline to build workforce housing units & selected the Fee-In-Lieu option:

14 developments have pursued MU/WH zoning

13 have chosen the Fee-In-Lieu option

The one developer who chose to build the units made a commitment to Councilmember Mitchell and decided to construct the apartments and provide five of those apartments for persons at sixty (60%) percent at the Area Median Income (AMI).

Despite the challenges the development community indicated the fee would present, developers see the Fee-In-Lieu option as the more profitable option. No developer has chosen the land-in-lieu option.
Factoring in all costs of development, the City can build a fraction of the units using Fee-In-Lieu income vs. developers building the units:

As of January 10, 2021, the City anticipates receiving $11.13M in Fee-In-Lieu income from developers (plus $1.1M in revolving income).

Developers opted out of building 381 apartments

The City has thus far expended $7.1M of the Fee-In-Lieu funds and has “facilitated” a projected 237 units

This amount, however, does not factor in the substantial, additional City funding required for infrastructure, design, engineering and the construction of said homes on the site.

The estimated total development cost of one affordable unit is ~$250,000. At $250,000 per unit, the $7.1M of funds already expended builds approximately 28 units. With the $12.2M in total anticipated Fee-In-Lieu income, the funds build approximately 49 units.
Other Considerations

The City has potential to achieve longer affordability periods with the fee option.
Onsite units are required to remain affordable for 25 years. The 237 units “facilitated” thus far range in affordability periods of 50 years up to perpetuity.

The value of the Fee-In-Lieu lessens with time.
The current policy does not reflect any increases in inflation. There has been an estimated 4.51% increase in inflation since the ordinance was approved and the Federal Reserve forecasts 1.6% and 1.7% inflation in 2021 and 2022.

Rental developments versus for-sale developments.
Rental is less costly, but sales from for-sale units can be reinvested. Fee in lieu funding provides the opportunity to begin construction more quickly due to the fewer requirements as compared to federal dollars.

An increase in the Fee-In-Lieu could encourage developers to build units on-site.
If the City had set the Fee-In-Lieu at $7.65/GSF at the inception of MU II and each developer had still chosen the Fee-In-Lieu option, it would have resulted in $23.2M in total payments. This can be compared to the actual total payments of $11.13M.
## Payments

### Paid

<table>
<thead>
<tr>
<th>Project</th>
<th>GSF</th>
<th>Cost/GSF</th>
<th>Total Units</th>
<th>WH Units Offset</th>
<th>Affordable Years</th>
<th>% of units</th>
<th>Total Fee</th>
<th>Year Paid</th>
<th>Fee per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>78 Woollie St - Shy Garden</td>
<td>$3.40</td>
<td>102</td>
<td>16</td>
<td>160</td>
<td>15%</td>
<td>$520,588</td>
<td>2017</td>
<td>$32,537</td>
<td></td>
</tr>
<tr>
<td>99 Westedge</td>
<td>$3.40</td>
<td>237</td>
<td>36</td>
<td>360</td>
<td>15%</td>
<td>$1,027,313</td>
<td>2018</td>
<td>$28,536</td>
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<tr>
<td>465 Meeting - Courier Square</td>
<td>$3.40</td>
<td>226</td>
<td>34</td>
<td>340</td>
<td>15%</td>
<td>$1,419,357</td>
<td>2018</td>
<td>$41,746</td>
<td></td>
</tr>
<tr>
<td>10 WestEdge (Grocery subtracted)</td>
<td>$3.40</td>
<td>350</td>
<td>53</td>
<td>330</td>
<td>15%</td>
<td>$1,568,457</td>
<td>2019</td>
<td>$29,594</td>
<td></td>
</tr>
<tr>
<td>601 Meeting St (Lofts) (East Central Ph I &amp; II)</td>
<td>$3.40</td>
<td>346</td>
<td>52</td>
<td>520</td>
<td>15%</td>
<td>$1,401,047</td>
<td>07/2019</td>
<td>$26,955</td>
<td></td>
</tr>
<tr>
<td>302 Soutile St - The Merchant (Brigade Ph II)</td>
<td>$3.40</td>
<td>231</td>
<td>35</td>
<td>350</td>
<td>15%</td>
<td>$890,188</td>
<td>10/2019</td>
<td>$25,434</td>
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<tr>
<td>511 Meeting St</td>
<td></td>
<td></td>
<td></td>
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</table>

### Providing WH Units

<table>
<thead>
<tr>
<th>Project</th>
<th>GSF</th>
<th>Cost/GSF</th>
<th>Total Units</th>
<th>WH Units Offset</th>
<th>Affordable Years</th>
<th>% of units</th>
<th>Total Fee</th>
<th>Year Paid</th>
<th>Fee per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>595 King - Huffler Place Student Arts</td>
<td>$3.40</td>
<td>74</td>
<td>12</td>
<td>120</td>
<td>15%</td>
<td>$442,330</td>
<td>12/2019</td>
<td>$36,861</td>
<td></td>
</tr>
<tr>
<td>287 Huger St - Newmarket Arts</td>
<td>$3.40</td>
<td>190</td>
<td>29</td>
<td>290</td>
<td>15%</td>
<td>$656,054</td>
<td>12/2020</td>
<td>$22,623</td>
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<tr>
<td>530 Meeting St - Summit Place</td>
<td>$3.40</td>
<td>118</td>
<td>18</td>
<td>180</td>
<td>15%</td>
<td>$570,112</td>
<td>12/2020</td>
<td>$31,673</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td>1,874</td>
<td>285</td>
<td>2850</td>
<td></td>
<td>$8,495,046</td>
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### Pending Payment

<table>
<thead>
<tr>
<th>Project</th>
<th>Approx. GSF</th>
<th>Cost/GSF</th>
<th>Total Units</th>
<th>WH Units Offset</th>
<th>Affordable Years</th>
<th>% of units</th>
<th>Approx. Total Fee</th>
<th>Expected</th>
<th>Fee per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 Romney St - Foundry Pt (Brigade Ph I)</td>
<td>315,632</td>
<td>$3.40</td>
<td>276</td>
<td>42</td>
<td>420</td>
<td>15%</td>
<td>$1,076,549</td>
<td>2020</td>
<td>$25,632</td>
</tr>
<tr>
<td>577 Meeting St</td>
<td>113,027</td>
<td>$5.10</td>
<td>118</td>
<td>24</td>
<td>600</td>
<td>20%</td>
<td>$607,751</td>
<td>2021</td>
<td>$25,323</td>
</tr>
<tr>
<td>695 Meeting St at Romney St</td>
<td>36,920</td>
<td>$5.10</td>
<td>34</td>
<td>7</td>
<td>175</td>
<td>20%</td>
<td>$188,292</td>
<td>2020</td>
<td>$26,899</td>
</tr>
<tr>
<td>33-32 Laurans St</td>
<td>275,311</td>
<td>$3.40</td>
<td>148</td>
<td>23</td>
<td>230</td>
<td>15%</td>
<td>$766,057</td>
<td>2021</td>
<td>$33,307</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>884</td>
<td>$5.10</td>
<td>96</td>
<td>1425</td>
<td></td>
<td></td>
<td>$2,658,649</td>
<td>2021</td>
<td>$527.7</td>
</tr>
</tbody>
</table>

| **TOTAL**                                    | 3,026,411   | $2,758   | 381         | 4,275           |                 |            | $11,134,605      | 2021     | $222.6       |

### Vs. Fee In Lieu Option ($250,000 per unit)

<table>
<thead>
<tr>
<th>WH Units</th>
<th>Affordable Years</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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Expenditures

<table>
<thead>
<tr>
<th>EXPENDITURES</th>
<th>FIL Amount</th>
<th>Units Facilitated</th>
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</thead>
<tbody>
<tr>
<td>Maryville Construction</td>
<td>$771,800</td>
<td>7</td>
</tr>
<tr>
<td>Lowline (Parcel B) Acquisition *</td>
<td>$520,588</td>
<td>55</td>
</tr>
<tr>
<td>City of Charleston Housing Authority (Grace Homes)</td>
<td>$1,800,000</td>
<td>64</td>
</tr>
<tr>
<td>Katrina Cottages Project</td>
<td>$666,215</td>
<td>3</td>
</tr>
<tr>
<td>Purchase of Fenwick Property, Johns Island *</td>
<td>$3,311,163</td>
<td>104</td>
</tr>
<tr>
<td>Acquisition of 36 Cooper Street*</td>
<td>$68,499</td>
<td>4</td>
</tr>
<tr>
<td>Appraisal - 5.41 acres on Ashley Hall Road</td>
<td>$1,200</td>
<td></td>
</tr>
<tr>
<td>Geotech Exploration - 5.41 acres on Ashley Road</td>
<td>$7,320</td>
<td></td>
</tr>
<tr>
<td>Forsberg Engineering - 5.41 acres on Ashley Road</td>
<td>$1,671</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$7,148,456</strong></td>
<td><strong>237</strong></td>
</tr>
</tbody>
</table>

*Estimated # of units
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Rezoning 1

Properties on St. Philip St, Line St, King St and Ackermans Ct (Cannonborough-Elliottborough – Peninsula)

TMS# 4600802111, 114, 118 through 121 and a portion of TMS# 4600802015, 109, 110, 112, 117 and 122

approx. 0.83 acre.

Request rezoning of the subject properties from General Business (GB) to Mixed-Use/Workforce Housing (MU-1/WH).

Owner: Evening Post Industries
Applicant: LS3P
Rezoning 2

Properties on St. Philip St, Line St, King St and Ackermans Ct (Cannonborough-Elliottborough – Peninsula)

TMS# 4600802011 through 013, 113 and a portion of TMS# 4600802010, 015, 109, 110, 112 and 117

approx. 1.9 acre.

Request rezoning of the subject properties from General Business (GB) to Mixed-Use/Workforce Housing (MU-2/WH).

Owner: Evening Post Industries
Applicant: LS3P
Century V Plan

REZONINGS 1 & 2
PROPERTIES ON ST. PHILIP ST, LINE ST, KING ST AND ACKERMANS CT (CANNONBOROUGH- ELLIOTTBOROUGH – PENINSULA)

URBAN CORE

Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
AERIAL

REZONINGS 1 & 2

PROPERTIES ON ST. PHILIP ST, LINE ST, KING ST AND ACKERMANS CT (CANNONBOROUGH-ELLIOTTBOROUGH – PENINSULA)
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SUBJECT PROPERTY (SOUTHWEST SECTION)

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Rezonings 1 & 2

Staff Recommendation:

APPROVAL
COURIER PHASE II
NORTH PARCEL

DRAWINGS

PART 1: SITE INTRODUCTION
PART 2: USE/DENSITY DISTRICTS
PART 3: HEIGHT DISTRICTS
PART 2

ZONING: USE AND DENSITY DISTRICTS
Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
END OF APPLICANT-PROVIDED CONTENT
Public Comment Period

Providing Comment:

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Rezonings 1 & 2: Discussion & Vote

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Rezoning 3

334 Folly Rd (James Island)

a portion of TMS # 4240500028

approx. 0.49 acre

Request rezoning of a portion of the subject property from Limited Business (LB) to General Business (GB).

Owner: Refuel
Applicant: Edmund Watkins
Century V Plan

REZONING 3

334 FOLLY RD

HIGHWAY

Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
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Rezoning 3

Staff Recommendation:

APPROVAL
Public Comment Period

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Rezoning 3: Discussion & Vote

334 Folly Rd (James Island)

a portion of TMS # 4240500028

approx. 0.49 acre

Request rezoning of a portion of the subject property from Limited Business (LB) to General Business (GB).

Owner: Refuel
Applicant: Edmund Watkins
Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
Rezoning 4

254 Coming St (Cannonborough-Elliottborough – Peninsula)

TMS # 4600802062

approx. 0.03 acre.

Request rezoning of the subject property from Diverse Residential (DR-2F) to Commercial Transitional (CT).

Owner and Applicant: Francis J Iwanicki and Caroline Von Asten
Century V Plan

REZONING 4

254 COMING ST

URBAN

Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
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Rezoning 4

Staff Recommendation:

APPROVAL
We hired a title research company which has confirmed the following regarding the current parcels.

- 252 and 254 Coming Street were formerly roughly equal halves of Lot 73L on plat A1-36.
- The original lot was created by the 1848 plat referenced above.
- The current structures were constructed in the late 1800’s when the property was a single parcel.
- By deed J56-27 dated December 6, 1952 and recorded December 6, 1952, the Master-In-Equity conveyed ALL of Lot 73L to Laborers' Local Union #826 of Charleston.
- Laborers' Local Union #826 later sold the roughly northern half of Lot 73L to Ethel G. Bowman by deed L58-299 dated April 7, 1954 and recorded April 9, 1954. This deed described the property by metes and bounds and measurements only. There is no reference to a plat in the description.
- By deed W78-174 dated March 26, 1963 and recorded March 29, 1963 the Master-In-Equity sells the remaining portion of Lot 73L being the property of Laborers' Local Union #826 of Charleston to Elizabeth F. Kaplan. The description in this deed is also by butts and bounds and measurements only. There is no reference to a plat in this description either.
- The evidence is there that the present day 252 and 254 Coming Street were indeed one parcel prior to December 6, 1952, including a history of commercial activity on the parcel prior to being subdivided.
- 252 Coming is already zoned CT. We are requesting that the recombined parcel be contiguous as CT.
Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
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Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
I support the rezoning request for 254 Coming Street to be rezoned from DR2F to CT to match the existing and current CT zoning of 252 Coming Street where Chubby Fish is located. The rezoning will allow Chubby Fish to expand their existing operation into 254 Coming Street. The allowable hours of operation will remain unchanged.

<table>
<thead>
<tr>
<th>Name</th>
<th>Signature</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tony Ward</td>
<td></td>
<td>71 B Love Street</td>
</tr>
<tr>
<td>Mark Beaman</td>
<td></td>
<td>256A Coming St.</td>
</tr>
<tr>
<td>Ike McIntosh</td>
<td></td>
<td>256B Coming St.</td>
</tr>
<tr>
<td>Amy DeBoer</td>
<td></td>
<td>16 Parch St.</td>
</tr>
<tr>
<td>Shannon Blackshe</td>
<td></td>
<td>33 Parch St.</td>
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<tr>
<td>Kyle Winkler</td>
<td></td>
<td>247 Coming St.</td>
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<tr>
<td>Ernest Ayers</td>
<td></td>
<td>241 Coming St.</td>
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<tr>
<td>Frances A. Roche</td>
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<td>239 Coming St.</td>
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<tr>
<td>Ernest B. Bechtel</td>
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<td>18 Bogard St.</td>
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<tr>
<td>Harriet Ward</td>
<td></td>
<td>16 Bogard St.</td>
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<tr>
<td>Shea McLennan</td>
<td></td>
<td>257 Pitt St.</td>
</tr>
<tr>
<td>Jordan Martin</td>
<td></td>
<td>258 Coming St.</td>
</tr>
<tr>
<td>Bobby Boor</td>
<td></td>
<td>257 Coming St.</td>
</tr>
<tr>
<td>Lydia Estes</td>
<td></td>
<td>3 Ashe St.</td>
</tr>
</tbody>
</table>
I support the rezoning request for 254 Coming Street to be rezoned from DR2F to CT to match the existing and current CT zoning of 252 Coming Street where Chubby Fish is located. The rezoning will allow Chubby Fish to expand their existing operation into 254 Coming Street. The allowable hours of operation will remain unchanged.

<table>
<thead>
<tr>
<th>Name</th>
<th>Signature</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meghan Harrell</td>
<td></td>
<td>270 Coming St.</td>
</tr>
<tr>
<td>Nicole Hines</td>
<td></td>
<td>263 Coming St.</td>
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<tr>
<td>Robert Hines</td>
<td></td>
<td>263 Coming St.</td>
</tr>
<tr>
<td>Cameron Mecknies</td>
<td></td>
<td>268 Coming St.</td>
</tr>
<tr>
<td>Nikki Davenport</td>
<td></td>
<td>87 Line 82.</td>
</tr>
<tr>
<td>Jason Rosenblum</td>
<td></td>
<td>250 St. Phil. St.</td>
</tr>
<tr>
<td>Jay Cain</td>
<td></td>
<td>236 S. W. Philip St</td>
</tr>
<tr>
<td>Katherine Marcellus</td>
<td></td>
<td>249 Coming St.</td>
</tr>
<tr>
<td>Daniel Hilburn</td>
<td></td>
<td>238 St. Philip St.</td>
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<tr>
<td>Tony Johnson</td>
<td></td>
<td>238 St. Philip St.</td>
</tr>
</tbody>
</table>
END OF APPLICANT PROVIDED CONTENT
Public Comment Period

Providing Comment:

• All applications heard today are part of a public meeting format.
• Applicants and members of the public have been required to register, indicate the agenda item they wish to comment on, and submit any documents by 12PM today in order to speak during the public comment period.
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Rezoning 4: Discussion & Vote

254 Coming St (Cannonborough-Elliottborough – Peninsula)

TMS # 4600802062

approx. 0.03 acre.

Request rezoning of the subject property from Diverse Residential (DR-2F) to Commercial Transitional (CT).

Owner and Applicant: Francis J Iwanicki and Caroline Von Asten
Rezoning 5

860 Morrison Dr (Peninsula)

TMS # 4590200002 & 005

approx. 1.76 acres

Request rezoning of the subject property to be included within the Accommodations Overlay. Zoned Upper Peninsula (UP).

Owner: John Ritter
Applicant: Origin Development Partners LLC
Century V Plan

REZONING 5

860 MORRISON DR

URBAN CORE

Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
Existing Accommodations
Overlay Zone Boundaries
(March 2021)
Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
Rezoning 5

Staff Recommendation:

DISAPPROVAL
Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
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Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
FIGURE 1
ACCOMMODATIONS OVERLAY ZONE
1987
FIGURE 2
ACCOMMODATIONS OVERLAY ZONE
1998

Legend
- Accommodations Overlay
- 50 Room Limit

1998
FIGURE 3
ACCOMMODATIONS OVERLAY ZONE
2013
END OF APPLICANT-PROVIDED CONTENT
Public Comment Period

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Rezoning 5: Discussion & Vote

860 Morrison Dr (Peninsula)

TMS # 4590200002 & 005

approx. 1.76 acres

Request rezoning of the subject property to be included within the Accommodations Overlay. Zoned Upper Peninsula (UP).

Owner: John Ritter
Applicant: Origin Development Partners LLC
Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
Rezoning 6

30 and 30.5 F St (Westside – Peninsula)

TMS # 4631603049 and 050

approx. 0.16 acre

Request rezoning of subject property from Diverse Residential (DR-1) to Diverse Residential (DR-2F).

Owner: ELP Properties
Applicant: Same as owner
Century V Plan

REZONING 6

30 AND 30.5 F ST

URBAN

Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
AERIAL

REZONING 6

30 AND 30.5 F ST

Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
SUBJECT PROPERTY: OBLIQUE IMAGE

Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
SUBJECT PROPERTY

Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
Rezoning 6

Staff Recommendation:

APPROVAL
Public Comment Period

Providing Comment:

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Rezoning 6: Discussion & Vote

30 and 30.5 F St (Westside – Peninsula)

TMS # 4631603049 and 050

approx. 0.16 acre

Request rezoning of subject property from Diverse Residential (DR-1) to Diverse Residential (DR-2F).

Owner: ELP Properties
Applicant: Same as owner
Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
Ordinance Amendment 1

To amend Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding thereto a new Part 19 (Conservation Development) and by adding relevant definitions to sec. 54-120 of the Zoning Ordinance.

STAFF RECOMMENDATION: APPROVAL
Conservation Development Ordinance

To facilitate innovative residential developments that:

- Utilize **creative and flexible site design** compatible with surrounding development patterns;
- Accommodate and **preserve features** of historical, cultural, archeological, and/or environmental significance;
- **Conserve existing, intact, undisturbed** forests, understory, grasslands, soils, and other upland ecosystems.
- Provide **common open space** of high quality with multiple access points;
- Decrease stormwater runoff and nonpoint source pollution by **reducing the amount of impervious surface in the development and incorporating Green Infrastructure**;
- Reduce infrastructure costs by **mimicking predevelopment site hydrology** into the stormwater management design for the development; and
- **Maintain unobstructed scenic views or vistas**, especially from street rights-of-way.

Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
Applicability and Density

- Base zoning districts: SR-1, SR-7, RR-1 or C
- Minimum 10 contiguous gross acres
- Same Net Density as base zoning
  - Exception: ADUs and workforce housing units do not count toward Net Density
Prioritization of Existing Site Features in Design Approach

• **Addition of Pre-Application Site Review before TRC submission, in order to:**
  – identify the features and resources that should be preserved
  – determine potential site layouts that will best meet the criteria of a Conservation Development
  – determine appropriateness of site for conservation design standards

• **Requires more information up-front from applicant:**
  – 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
  – a preliminary stormwater management summary detailing the pre- and post-development runoff volumes for the site. The summary **must include a breakdown by area of planned stormwater management BMPs separated into detention pond versus GI practices.**
Alignment with new SDSM and recommendations from Dutch Dialogues and Comprehensive Plan analysis

**Water first:**
- Conceptual stormwater management plan **required** prior to approval for TRC submission
- Soils investigation (including seasonal high water table) **required** in site analysis

**Limited Impervious Surface**
- Maximum of 40% impervious surface throughout the site
- **Requires** pervious surface for community parking lots

**Preservation of Existing Wetlands:**
- **Requires** 30’ wetland buffer
- 75% of existing wetlands may count toward Required Open Space (to incentivize leaving wetlands undisturbed)

**Green infrastructure and pre-development hydrology:**
- **Requires** demonstration of limited impact on natural features and pre-development hydrology
- **Requires** incorporation of green infrastructure in stormwater management and open space design
  
  “At least fifty percent (50%) of stormwater volume shall be managed with GI practices instead of stormwater detention ponds or other, similar stormwater management techniques.”
- At least (the lesser of) 75% of Required Open Space or gross acreage of pre-development forested area **shall** be maintained in an undisturbed canopy
Housing Variety & Affordability

• Incentivizes creation of workforce housing:
  – Workforce housing units do not count toward Net Density
  – Allows for single-family attached **only if** 20% include workforce housing

• Allows Accessory Dwelling Units:
  – Must also be affordable, as consistent with existing citywide ADU ordinance

42% of City of Charleston residents are cost-burdened, meaning they spend more than 30% of their income on housing costs.

To eliminate the affordability gap by 2030, Charleston would need approximately **16,351* more affordable units.**

*The total was previously reported as 12,286 in the preliminary report from Community Data Platforms. Additional updates were made to the database and the analysis was re-run, increasing the total to 16,351.
Community Data Platforms provided figures for the amount of units needed by 2030 to ensure there are price-appropriate housing* options in all areas of the city based on the current distribution of household incomes, for both existing and future residents. The figures presented assume that housing costs and income will rise at rates proportional to today between now and 2030. However, building new affordably-priced units isn’t the only way to close the affordability gap. The mismatch in housing costs and incomes could also be addressed by an increase in incomes or by existing housing stock becoming more affordable.

*Figures combine rental and homeownership units

<table>
<thead>
<tr>
<th>Community</th>
<th>Units Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAINHOY PENINSULA</td>
<td>757</td>
</tr>
<tr>
<td>JAMES ISLAND</td>
<td>1,891</td>
</tr>
<tr>
<td>JOHNS ISLAND</td>
<td>2,505</td>
</tr>
<tr>
<td>CHARLESTON PENINSULA</td>
<td>4,845</td>
</tr>
<tr>
<td>WEST ASHLEY</td>
<td>6,353</td>
</tr>
<tr>
<td>CITY OF CHARLESTON</td>
<td>TOTAL: 16,351</td>
</tr>
</tbody>
</table>
AN ORDINANCE

TO AMEND ARTICLE 2 (LAND USE REGULATIONS) OF CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY ADDING THERETO A NEW PART 19 (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 native tree species with a DBH of sixteen inches (16") or greater. The following species are considered Conservation Trees when they reach a DBH specific to their species: American Holly, twelve inches (12"), Dogwood, eight inches (8"), Loblolly and Slash Pine, twenty inches (20").

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.

Green Infrastructure or GI. Green Infrastructure (GI) is an adaptable term used to describe an array of materials, technologies, and practices that use natural systems or engineered systems that mimic natural processes to enhance overall environmental quality and provide utility services. As a general principal, green infrastructure techniques use soils and vegetation to infiltrate, evaporate transpire, and/or recycle stormwater runoff. Examples of green infrastructure include green roofs, porous pavement, rain gardens, and vegetated swales.

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.
Impervious Surface. Surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures. For purposes hereof, all other surfaces shall be considered pervious surfaces.

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

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 Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding a new Part 19, to read as follows:

PART 19 – CONSERVATION DEVELOPMENT

Sec. 54-299.59. - 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) Conserve existing, intact, undisturbed forests, understory, grasslands, soils, and other upland ecosystems.

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

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

(f) Reduce infrastructure costs by mimicking 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.
Sec. 54-299.60. - 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:
   - When an accessory dwelling unit is permitted, such accessory dwelling unit shall not count toward Net Density; and
   - Workforce housing units meeting the conditions in Sec. 54-299.60(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:
   - **Accessory dwelling units.** Accessory dwelling units shall be permitted as part of a Conservation Development, whether or not permitted in the applicable base zoning district, if the conditions in Sec. 54-214 are met. 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.
   - **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. 54-299.60(3)(b) and Sec. 54-299.60(4)(c):
     - The workforce housing unit is a one-family detached dwelling unit; a one-family attached dwelling unit; or an accessory dwelling unit.
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

Once approved, a workforce housing unit shall be maintained as such in perpetuity as part of the zoning regulations applicable to the property.

(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. 54-299.60(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.

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. 54-299.61. - Conservation Development Approval and Design Criteria.

Properties satisfying the criteria of Sec. 54-299.60 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 management summary detailing the pre- and post-development runoff volumes for the site. The summary must include a breakdown by area of planned stormwater management BMPs separate into detention pond versus GI practices.

(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 whether 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. 54-299.59.
Vegetation. An exhibit demonstrating that existing vegetation will be preserved as much as reasonably feasible.

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.

Soils. A preliminary soils investigation for the site that includes the soil types, hydrologic soil groups, infiltration characteristics, and seasonal high water table.

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) GI 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 or within developments using open ditch/swale drainage systems.

(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. 54-299.60(4)(a)(v), the height requirements, exceptions, terms, and conditions applicable to the base zoning district for each property within the Conservation Development shall 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.

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**Wetland Buffer.** Existing wetlands shall be protected by an undisturbed buffer, at least thirty feet (30') 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.

**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 (e) through (g), 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 (75%) 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. 54-299.62.

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

(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 management standards shall apply to a Conservation Development:

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

(b) At least fifty percent (50%) of stormwater volume shall be managed with GI practices instead of stormwater detention ponds or other, similar stormwater management techniques.

(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 the foregoing, the minimum clearance requirements for fire apparatus access routes shall apply to Conservation Developments.

**Sec. 54-299.62 – 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’ or similar association (a “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 or accredited land trust 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:

**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.**

**Sec. 54-299.63 – Appeal.**

Any determination by staff and/or TRC under this Part 19 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.
Public Comment Period

Providing Comment:

• All applications heard today are part of a public meeting format.

• Applicants and members of the public have been required to register, indicate the agenda item they wish to comment on, and submit any documents by 12PM today in order to speak during the public comment period.

• Individuals registered to speak will be called in order for the applicable agenda item. Your microphone will be enabled when it is your turn to speak and disabled when you are done.

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Ordinance Amendment 2

To amend Part 15 (Workforce Housing Districts and Opportunity Zones) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance), to provide for an increased fee in lieu of developing required workforce housing units onsite.

STAFF RECOMMENDATION: APPROVAL
AN ORDINANCE

TO AMEND PART 15 (WORKFORCE HOUSING DISTRICTS AND OPPORTUNITY ZONES) OF ARTICLE 2 (LAND USE REGULATIONS) OF CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA (ZONING ORDINANCE), TO PROVIDE FOR AN INCREASED FEE IN LIEU OF DEVELOPING REQUIRED WORKFORCE HOUSING UNITS ONSITE.

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

Section 1. That Sec. 54-299.1 of Part 15 (Workforce Housing Districts and Opportunity Zones) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance) is hereby amended to add the following defined terms:

k. WH district(s). The term “WH district” means the MU-1/WH zoning district or the MU-2/WH zoning district. The term “WH districts” means the MU-1/WH district and the MU-2/WH district.

l. Workforce housing units. Workforce housing unit means owner occupied workforce housing units and rental workforce housing units.

m. Required workforce housing units. Required workforce housing units means workforce housing units required to be provided by the terms of this Part.

First generation properties: Any property which is zoned to a WH District as of January 10, 2017; or any property for which, as of January 10, 2017, an application has been filed for rezoning to a WH district and for which City Council later grants the rezoning application.

Second generation properties: Any property which City Council has rezoned to a WH district before of February 25, 2021, except for first generation properties.

Gross square footage (“GSF”): Gross square footage or GSF means the number of gross square feet within the development, whether residential, retail, commercial, or otherwise, inclusive of heated and unheated square footage, but excluding parking garages. Any portion of the GSF initially used solely for a grocery store or pharmacy shall be excluded from GSF for purposes of calculating any fee-in-lieu of providing required workforce housing units; provided; however, if, at any time within twenty-five (25) years after receipt of a certificate of occupancy or completion for the development, the use of such GSF as a grocery store or pharmacy lapses for a period of twelve (12) months or is used for any other purpose, then the owner of the development shall be required, as a condition of occupancy of such space, to pay a sum equal to the different between the fee per unit that would have been payable had such GSF not been excluded from the initial calculation of the fee per unit.
q. **Consumer Price Index (“CPI”).** The Consumer Price Index (CPI) is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services published by the United States Department of Labor and available for the pertinent geographical area, as determined annually by the City’s Department of Housing and Community Development.

r. **First tier unit(s).** First tier units are calculated by dividing the required workforce housing units by four and rounding down to the nearest whole number.

s. **Second tier unit(s).** Second tier units are calculated by dividing the required workforce housing units by two, then subtracting the first tier units. If this calculation results in a number other than a whole number, then the resulting number shall be rounded down to the nearest whole number.

t. **Third tier unit(s).** Third tier units are calculated by dividing the required workforce housing units by four, then multiplying the resulting number by three, then subtracting first tier units and second tier units. If this calculation results in a number other than a whole number, then the resulting number shall be rounded down to the nearest whole number.

u. **Fourth tier unit(s).** Fourth tier units are calculated by subtracting the first tier units, second tier units, and third tier units from the required workforce housing units; provided, however, if the required workforce housing units is one (1), then such workforce housing unit shall be a fourth tier unit.

Section 2. That Sec. 54-299.2 of Part 15 (Workforce Housing Districts and Opportunity Zones) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance) is hereby deleted and replaced with the following new Sec. 54-299.2:

Sec. 54-299.2 – Land uses for WH districts.

The permitted land uses in the WH districts are those listed under Article 2, Part 3, Table of Permitted Land Uses, in the column headings having the applicable district designation, to wit: MU-1/WH or MU-2/WH, respectively, modified as follows:

a. Every development in a WH district that has less than five (5) dwelling units must include at least one (1) workforce housing unit.

b. Every development within a WH district which includes five (5) or more dwelling units shall include workforce housing units comprising at least twenty percent (20%) of the total number of dwelling units in the development, rounded up to the next whole number. Notwithstanding the foregoing, with respect to first generation properties, every development within a WH district which includes five (5) or more dwelling units shall
include workforce housing units comprising at least fifteen percent (15%) of the total number of dwelling units in the development, rounded up to the next whole number.

c. Required workforce housing units shall be sized, in terms of square footage and number of bedrooms, comparable and proportional to the square footage and number of bedrooms of market rate dwelling units in the development as a whole. The smallest required workforce housing unit shall not be smaller than the smallest market rate dwelling unit and shall contain the same number of bedrooms as the smallest market rate dwelling unit. Required workforce housing units shall be integrated and intermixed with the market rate dwelling units in the development. Required workforce housing units shall not be clustered together or segregated from the market rate dwelling units. Developments that contain multiple buildings shall incorporate required workforce housing units into each building, and the required workforce housing units shall be proportional, in terms of square footage and number of bedrooms, to the number of market rate dwelling units in each building. Exterior finishes of required workforce housing units shall be the same type and quality as the development’s market rate dwelling units.

d. In lieu of providing required workforce housing units under Sec. 54-299.a or Sec. 54-299.b, a development may dedicate the greater of (1) fifty percent (50%) of the ground level square footage; or (2) 1,500 square feet on the ground level to nonresidential uses which front on a public right-of-way. Nonresidential uses in the MU-1/WH district shall be those allowable in the Limited Business (LB) zoning district. Nonresidential uses in the MU-2/WH district shall be those allowable in the General Business (GB) zoning district.

(1) In lieu of providing the required workforce housing units onsite, a developer may contribute a fee, on a per unit basis, to the City’s Affordable/Workforce Housing Account for any or all of the number of required workforce housing units for the development. Fees shall be calculated at the time of building permit application and paid in full prior to the issuance of a certificate of occupancy or completion for any part of the development covered in such building permit application. The fee for a required workforce housing unit shall be calculated as follows:

(a) For first tier units, the fee per unit shall be calculated by dividing the GSF in the development by four (4), then multiplying the resulting number by $7.50, then dividing the latter number by the total number of first tier units.

(b) For second tier units, the fee per unit shall be calculated by dividing the GSF in the development by four (4), then multiplying the resulting number by $10.00, then dividing the latter number by the total number of second tier units.

(c) For third tier units, the fee per unit shall be calculated by dividing the GSF in the development by four (4), then multiplying the resulting number by $12.50, then dividing the latter number by the total number of third tier units.
For fourth tier units, the fee per unit shall be calculated by dividing the GSF in the development by four (4), then multiplying the resulting number by $15.00, then dividing the latter number by the total number of fourth tier units.

The City’s Department of Housing and Community Development (the “CDC”) shall adjust the $7.50 multiplier for first tier units, the $10.00 multiplier for second tier units, the $12.50 multiplier for third tier units, and the $15.00 multiplier for the tier quarter units annually based on any increase to the CPI. The adjustment shall apply to (i) any properties which have not received a vested right for a site specific development plan as of the date of publication of the multiplier by the CDC; or (ii) any required workforce housing units resulting from an amendment to a vested site specific development plan as of the date of the publication of the multiplier by CDC.

(2) Notwithstanding Sec. 54-299.2.e,(1), with respect to first generation properties, the fee per required workforce housing unit shall be calculated based on GSF multiplied by $3.40, with the resulting number then being divided by the total required workforce housing units.

(3) Notwithstanding Sec. 54-299.2.e,(1), with respect to second generation properties, the fee per required workforce housing unit shall be calculated based on GSF multiplied by $5.10, with the resulting number then being divided by the total required workforce housing units.

Land donation in lieu of required workforce housing units. Upon approval by City Council by resolution, and in City Council’s sole discretion, land may be donated to the City in lieu of required workforce housing units. The size, configuration, and location of any land proposed for donation shall be capable and appropriately zoned to support, at a minimum, the number of required workforce housing units such donation is intended to replace. City Council may accept or reject the donation for any reason. If City Council elects to accept land in lieu of required workforce housing units, the developer shall be solely responsible for all costs of acquiring the land and transferring the land to the City, including but not limited to the costs of surveys, plats, environmental investigation, title insurance, the City’s attorneys’ fees, and recording fees. Title to the land proposed for donation shall be conveyed to the City by general warranty deed prior to the issuance of a building permit for any part of the development.

Prior to receiving a building permit for any portion of a development within a WHI district, the owner thereof shall provide, in writing, to the satisfaction of the CDC, information identifying the total number of one bedroom dwelling units, two bedroom dwelling units, etc., and the respective square footages of the same; the total number of one bedroom workforce housing units, two bedroom workforce housing units, etc., and the respective square footages of the same; and the location of the required workforce housing units in the development. Prior to the issuance of a certificate of occupancy or completion for any portion of a development within a WHI district, the owner thereof shall identify, in writing, to the CDC, the dwelling units designated as owner occupied workforce housing units and/or rental workforce housing units.
(1) Prior to the issuance of a certificate of occupancy or completion for any portion of a development, the owner shall execute covenants satisfactory to the CDC that identify the required workforce housing units and which restrict such units to occupancy, or, if applicable, ownership, by qualified households for at least twenty-five (25) years, and submit a copy of the recorded covenants to the CDC. Notwithstanding the foregoing, for first generation properties, the affordability period shall be ten (10) years.

(2) For the owner occupied workforce housing units, the covenants shall identify the initial maximum allowable sales price, and provide that the initial maximum allowable sales price may be adjusted annually for inflation based on the increase in the area median income (AMI) or Consumer Price Index, whichever is greater. Each owner of such units, prior to initial occupancy, shall be required to submit to the CDC a verified income report of household income of all members of the household. The covenants shall require notice to the CDC of any transfer of the owner occupied workforce housing units and verification that the purchaser is a qualified household. Owner occupied workforce housing units shall be subject to resale restrictions for no fewer than twenty-five (25) years from date of initial sale of the property. Notwithstanding the foregoing, for first generation properties, the affordability period shall be ten (10) years. Such restrictions will be recorded as deed restrictions against the subject property.

(3) As for rental workforce housing units, the covenants shall require the owner to provide proof to the CDC at inception of every tenancy, and on an annual basis thereafter, that no more than affordable rent is being charged for the unit(s), and verified income reports of household income of all occupants of rental workforce housing units. Rental workforce housing units shall be subject to these restrictions for no fewer than twenty-five (25) years from the initial occupancy as workforce housing. Notwithstanding the foregoing, for first generation properties, the affordability period shall be ten (10) years.

(4) The covenants for rental workforce housing units shall provide:

If a workforce housing unit is converted from rental occupied to owner occupied occupancy during the term of the rental workforce housing covenants, the unit shall be subject to the owner occupied workforce housing unit requirements as set out in Sec. 54-299.m.2, as amended, to include an Initial Maximum Sales Price for a term of months equal to the number resulting when subtracting from 300 months the number of months the unit has been subject to rental workforce housing covenants. Conversion of a workforce housing unit from owner occupied to a rental workforce housing unit shall not be permitted. Covenants shall require written notice to the City prior to any conversion taking place.

(5) The covenants shall accord the City of Charleston, or its assignee, rights to enforcement by any legal and/or equitable means, including the revocation of a certificate of occupancy or completion, and in all events be subject to approval by the City’s corporation counsel.
i. If the development is to be phased, each phase shall include workforce housing units concurrently with the market rate units in the particular phase. A phasing plan that brings the workforce housing units on line at the end of build out is not permitted.

j. The upkeep of rental workforce housing units shall be of the same quality as the upkeep of the other market rate rental units within the development.

Section 3. That Sec. 54-299.2 of Part 15 (WorkForce Housing Districts and Opportunity Zones) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance) is hereby deleted and replaced with the following new Sec. 54-299.5:

Sec. 54-299.5. Affordable/workforce housing account.

There is hereby created a City of Charleston Affordable/Workforce Housing Account. Fees contributed to the account per this Part, along with all interest earnings, shall be used solely for the purpose of creating and/or preserving workforce and/or affordable housing, including but not limited to preserving or redeveloping existing housing stock, the acquisition of land, costs and fees for design and construction of affordable housing, and loans or grants to affordable housing providers. The terms of any assistance shall be developed by the City of Charleston Department of Housing and Community Development, or its successor, and approved by City Council.

Section 4. That Sec. 54-299.6 of Part 15 (Workforce Housing Districts and Opportunity Zones) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance) is hereby deleted, with Sec. 54-299.7 and Sec. 54-299.8 to be renumbered accordingly.

Section 5. This Ordinance shall take effect upon ratification; provided, however, the pending ordinance doctrine shall apply to rezoning applications for MH districts received by the City on or after February 25, 2021.
Public Comment Period

Providing Comment:

• All applications heard today are part of a public meeting format.

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Subdivision 1

Oakville Plantation Rd (American Star – Johns Island)

TMS# 3170000011, 055 & 089

approx. 201.6 ac. 205 lots.

Request one (1) year extension of subdivision concept plan approval. Zoned Rural Residential (RR-1) and Light Industrial (LI).

Owner: Keith Lackey, Et. Al.
Applicant: Synchronicity
Subdivision 1: Background

The applicant is seeking a one-year extension of the Concept Plan approval granted by the Planning Commission on April 18, 2018 pursuant to Sec. 54-962 of the City of Charleston Zoning Ordinance:

Sec. 54-962. - Term. The approval of a site specific development plan results in a two-year vested right in the approved site specific development plan. Upon application by the landowner of property with a vested right at the end of the two-year vested right term to the local governing body that approved the site specific development plan, the term shall be extended on an annual basis for up to five (5) annual extensions, provided there have been no amendments to this Chapter which precludes or prohibits any aspect of the site specific development plan. (Ord. No. 2005-99, § 1, 6-21-05)
Subdivision 1: Background

The American Star Concept Plan was approved on April 18, 2018; and was granted the first one-year extension on June 17, 2020*; with the following conditions:

- Re-verification of the OCRM critical area shall be received prior to submittal of development plan; and

- Transportation improvements to include resurfacing of impacted section of Burden Creek Road and other improvements identified in the Traffic Impact Study for this project after consultation with Charleston County and South Carolina DOT.
Concept Plan Approval

Approval of a concept plan by Planning Commission, including a default approval, does not guarantee final subdivision plan approval; it merely permits the applicant to proceed to the Review Committee (TRC), which is required prior to applying for a construction permit, is contingent upon:

• **Approval of the preliminary plat:** which requires full compliance with regulations regarding maximum number of lots, lot size and layout; drainage, access and utility easements; GIS addressing; standards for new streets, open space and protected trees.

• **Approval of road construction plans:** which requires full compliance with regulations related to zoning, the Americans with Disabilities Act (ADA), street trees and lights, stormwater engineering, fire safety, and traffic flow.
APPROVED WITH CONDITIONS:
1. Re-verification of the OCRM critical area shall be received prior to submittal of development plan; and
2. Transportation improvements to include resurfacing of impacted section of Burden Creek Road and other improvements identified in the Traffic Impact Study for this project after consultation with Charleston County and South Carolina DOT.

DEVELOPMENT SUMMARY

AREA: 4,000 SF MIN. LOT AREA
201.60 AC +/- TOTAL SITE AREA

PARCEL:
317-00-00-011, 055, & 089
CITY ID: TRC-SUB2017-000056
LI & RR: EXISTING ZONING

4,000 SF MIN. LOT AREA
201.60 AC +/- TOTAL SITE AREA

PARCEL:
317-00-00-011, 055, & 089
CITY ID: TRC-SUB2017-000056
LI & RR: EXISTING ZONING

4,000 SF MIN. LOT AREA
201.60 AC +/- TOTAL SITE AREA

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CITY ID: TRC-SUB2017-000056
LI & RR: EXISTING ZONING

4,000 SF MIN. LOT AREA
201.60 AC +/- TOTAL SITE AREA

NOTES
ALL TRAFFIC MEDIAN REQUESTED AHWRO LAND (REMOVED)
SUBDIVISION AND ALL AMENITIES WILL BE ADA COMPLANT
ALL MOWING AND PUBLIC RIGHTS
Subdivision 1

Staff Recommendation:

Approval of one-year extension to April 18, 2022 with the same conditions:

• Re-verification of the OCRM critical area shall be received prior to submittal of development plan; and

• Transportation improvements to include resurfacing of impacted section of Burden Creek Road and other improvements identified in the Traffic Impact Study for this project after consultation with Charleston County and South Carolina DOT.
Public Comment Period

Providing Comment:

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Subdivision 1: Discussion & Vote

Oakville Plantation Rd (American Star – Johns Island)

TMS# 3170000111, 055 & 089

approx. 201.6 ac. 205 lots.

Request one (1) year extension of subdivision concept plan approval.
Zoned Rural Residential (RR-1) and Light Industrial (LI).

Owner: Keith Lackey, Et. Al.
Applicant: Synchronicity
Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
Zoning 1

2138 Golfview Dr (Riverland Golfview – James Island)

TMS # 3430600013

approx. 0.22 ac.

Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Owner: Greg White

**STAFF RECOMMENDATION:**
APPROVAL
Century V Plan

ZONING 1
2138 GOLFVIEW DR

SUBURBAN

Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
Go to www.charleston-sc.gov/PC for instructions to join. Call (843) 724-3788 if you are experiencing technical difficulties.
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END OF SLIDES