



The Lowcountry's Hometown

PO Box 700 | Moncks Corner, SC 29461 | 843.719.7900 | monckscornersc.gov

AGENDA

Planning Commission 6:00 PM, October 22, 2019 Town Council Chambers

- A. Call to Order**
- B. Roll Call**
- C. Approval of September 24, 2019 Regular Meeting Minutes**
- D. New Business**
 - 1. Zoning Ordinance Amendment
 - a. Consider an amendment to the Zoning Ordinance, Section Six, District Descriptions
 - b. Consider an amendment to the Zoning Ordinance concerning guest cottages, dwellings, and tiny houses.
- E. Planner's comments**
- F. Move to Adjourn**



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MINUTES

Planning Commission 6:00 PM, September 24, 2019 Town Council Chambers

The Moncks Corner Planning Commission met in regular session on September 24, 2019 at 6:00 p.m. The meeting was open to the public and took place in the Town Council Chambers, Municipal Building, 118 Carolina Avenue, Moncks Corner, South Carolina.

A. Call to Order

The meeting was called to order at 6:00 p.m.

B. Roll Call

Commission Members:

Chris Griffin

Roscoe Haynes

Rev. Robin McGhee-Frazier

John Joe Salazar

Connor Salisbury

Staff:

Douglas Polen, Community Development Director

C. Adoption of Minutes

Motion to adopt August 27, 2019 Regular Meeting Minutes: motion made by Mr. Salisbury, seconded by Ms. Bilton. Motion passed 5-0.

D. New Business

- 1 Consider an application to remove a 36" oak and a 24" maple tree from 312 W. Main Street, TMS 142-02-01-040*

Mr. Polen presented the item and the applicant, Peggy Scogin, was present to answer any questions. Ms. Scogin believes that the oak tree directly behind the house is dangerous, and that after Hurricane Dorian a limb came close to hitting her carport. She has no interest in

replanting trees on the property, as she is trying to sell it and does not want to plant trees that the buyers may not want.

Motion made by Mr. Haynes to allow the cutting of the 36" oak with 25% mitigation (9" required), and the maple tree to remain untouched. Seconded by Mr. Griffin. Motion passed 5-0.

2 Consider an amendment to the Zoning Ordinance, concerning Sections 7-5 through 7-9, Landscaping

Mr. Polen presented the item, explaining that most nearby Towns have width requirements in the Code. Moreover, Staff wanted to bring the Town's landscaping ordinance more in line with nearby jurisdictions, including Summerville, Goose Creek, Hanahan, Berkeley County, and Charleston County.

Mr. Griffin made a motion to recommend the changes to the Zoning Ordinance to Town Council, seconded by Mr. Salazar. Motion passed 5-0.

E. Planner Comments

In a review of ongoing projects, Mr. Polen mentioned the following:

- A possible restaurant at the corner of Hwy 52 and Rembert Dennis next to the Food Lion Shopping Center
- A possible hotel and fast-food restaurant at the corner of Highway 52 and Nelson Ferry Road
- Carolina Groves
- Gippy Plantation
- Foxbank
- Fairmont Pines
- Matthews-Strawberry

F. Motion to Adjourn

Motion to adjourn: motion made by Mr. Haynes, seconded by Mr. Salisbury. Motion passed 5-0. Meeting adjourned at 6:40 p.m.



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Staff Report

Amendment to the Zoning Ordinance

DATE: October 22, 2019

TO: Moncks Corner Planning Commission

FROM: Douglas Polen, Community Development Director

SUBJECT: Amendment to the Zoning Ordinance concerning Development Agreement Districts

ACTION REQUESTED: Consider an Amendment to the Zoning Ordinance

Background:

In an effort to update the Zoning Ordinance, Staff plans to bring a number of ordinance revisions before the Commission in the coming months.

The attached amendment concerns a new zoning district - the Development Agreement District. The DA District acts much like a Planned Development District, but allows for a single use district. A State Supreme Court decision requires that all Planned Developments be mixed-use, but such mixes are not always practical or warranted.

This ordinance is based on the State Development Agreement Act, as well as a similar law from the City of Cayce.

Staff Findings and Recommendation:

Staff recommends **APPROVAL** of these amendments to the Zoning ordinance.

Section 6.12 Development Agreement District (DA District)

The intent of the Development Agreement District is a development that derives the benefits of efficiency, economy, and flexibility by encouraging unified development of large sites, while also obtaining the advantage of creative site design, improved appearance, compatibility of uses, optimal service by community facilities, and better functioning of vehicular access and circulation. Such districts are established by rezoning prior to development and are characterized by a unified site design for a single-use development. The “development plan” as adopted in the rezoning process becomes the zoning district map for the development agreement district.

The types of residential dwelling units and the types of non-residential uses allowed to be established in such districts increase with increasing site size of such districts, based upon the premise that increased site size will allow proper design including functional interrelations, buffer treatments separating uses with potentially incompatible characteristics of use, design of access patterns, and relationships of uses within such developments with uses in adjacent districts. It is the intent of this ordinance that such design and planning features be incorporated properly into any DA District hereafter created, and that the Planning Commission and Town Council shall consider the existence and appropriateness of such features before any amendment to the zoning map is adopted to create such district.

The Development Agreement District is based upon the South Carolina Local Government Development Agreement Act. As such, two public hearings are required in order to create a DA District.

1. Applicable Laws

- a. Existing law. Unless otherwise provided by the development agreement, the land development laws in force at the time the agreement is executed will apply to the development of the property.
- b. Subsequent law. The Town may apply subsequently adopted laws to a development that is subject to a development agreement if it is determined after a public hearing that one of the following conditions is met.
 - i. No conflict. The new laws are not in conflict with laws governing the development agreement and do not prevent the development.
 - ii. Essential. The new laws are essential to public health, safety or welfare and expressly state that they apply to a development that is subject to a development agreement.
 - iii. Anticipated. The new laws were specifically anticipated and provided for in the development agreement.
 - iv. Changes. Substantial changes in pertinent conditions have occurred which would pose a serious threat to public health, safety or welfare if not addressed.
 - v. Inaccuracy. The development agreement is based on substantially and materially inaccurate information supplied by the developer.

2. Permitted uses in DA District

Any use or combination of uses meeting the objectives of this section may be established in a DA District upon review and approval by the Planning Commission and amendatory action by Town Council. Once approved, the proposed use(s) and no others shall be permitted. Said uses shall be

identified and listed on the basis of classification, i.e. retail office, institutional, wholesale, residential multi-family, residential single-family detached, manufacturing, etc., and the list of approved uses shall be binding on the applicant and any successor in title, so long as the DA District zoning applies to the land, unless otherwise amended by action of the Planning Commission and Town Council, where required.

Single-family residential developments in the DA District are eligible for density incentive bonuses, as utilized in the Planned Unit Development District.

3. Minimum Requirements

A development agreement may not be used for every land development. Two threshold requirements must be met before an agreement is authorized.

- a. Size of property. The property must contain a minimum of 25 acres of highland, highland being broadly defined as buildable land outside of the wetlands.
- b. Development time. The length of the development agreement varies with the size of the property. Property containing up to 250 acres of highland is limited to an agreement term up to five years. Property of 250 to 1,000 acres of highland is limited to a term of up to ten years. Property of 1,000 to 2,000 acres of highland is limited to a term of up to twenty years. Agreements for property of more than 2,000 acres (and for developments under the Military Facilities Redevelopment Law regardless of size) may have terms as to the length of the agreement as agreed upon by the Town and the Developer. The Town may also set standards for calculating development time at less than the maximum terms shown above dependent upon the individual property.

4. Contents of Agreement

A development agreement must include the following:

- a. Description and owners. A legal description of the property and the names of its legal and equitable owners. A purchaser holding a written contract of sale is an equitable owner and should be a party to the agreement.
- b. Duration. Development must be projected to take place over a period authorized; this may be extended by agreement.
- c. Uses. Permitted land uses, including population densities, building intensities and building heights. In addition, the following shall be required;
 - i. Density. Residential density, setbacks, impervious surface ratios, floor area ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities, i.e. transportation, water and sewer systems, recreation facilities, etc.
 - ii. Overall Site Design. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, size of structures, street patterns and use relationships. Variety in building types, heights, facades, setbacks and size of open spaces shall be encouraged.

- iii. **Parking and Loading.** Off street parking and loading spaces for each DA District shall comply with the parking requirements for the various uses proposed for the DA District and the supplemental requirements of Article 9.
 - iv. **Buffer Yards.** Shall be required for peripheral uses only, and shall be provided in accord with the minimum requirements for adjacent uses prescribed by Section 10.1. Buffer yards required for internal use shall be determined upon establishment of the DA District.
 - v. **Landscaping and Common Open Space.** Landscaping and open space requirements for each DA District shall comply with the provisions of Sections 10.3 and 10.4.
 - vi. **Signage.** Shall be in harmony and scale with and reflective of the proposed DA District.
- d. **Public Facilities.** A description of public facilities that will service the development including who provides the facilities, the date any new facilities will be constructed and a schedule of availability. Requirements for easements and underground utilities could be included. If the Town of Cayce is to provide public facilities, the agreement must provide that the delivery date of the facilities will be tied to defined completion percentages or other defined performance standards to be met by the developer.
 - e. **Dedication.** Description of any reservation or dedication of land for public purposes and any required or permitted environmental protection provisions. An environmental impact study may be required.
 - f. **Permits.** Description of all local development permits needed or approved. A statement shall also be included that failure to list a permit does not relieve developer from complying with the law.
 - g. **Comprehensive Plan.** A finding that the proposed development is consistent with the comprehensive plan and land development regulations. If the proposed development is not in compliance, no action can be taken until such time as the Plan is amended by Planning Commission and Town Council action.
 - h. **Conditions.** Any conditions, terms, restrictions or requirements necessary for public health, safety or welfare.
 - i. **Historic Preservation.** Description of any provisions for preservation and /or restoration of historic structures.
 - j. **Time.** Specify time and schedule for completion of entire development or any phase. The Town may extend time upon request and upon showing of good cause by the developer.
 - k. **Responsible Government.** If more than the Town of Moncks Corner (local government) is a party to the agreement, specify which local government is responsible for overall administration of the agreement.
5. **Site Plan Requirements**

A Site Plan showing the proposed development shall be a prerequisite to the approval of the DA District and shall be required as an attachment to the development agreement.

6. **Periodic Review**

All development agreements must include a provision for periodic review by the zoning administrator or other appropriate officer at least every 12 months. The developer shall be required to demonstrate good faith compliance with the terms of the agreement.

When a review reveals a material breach of the agreement, the following steps shall be taken:

- a. Notice of Breach. A notice of breach, setting out with particularity the nature of the breach, the evidence supporting the determination and providing a reasonable time to cure the breach, must be sent to the developer within a reasonable time after the review.
- b. Termination. Upon failure of the developer to cure the breach within the time given, the Town unilaterally may terminate or modify the agreement. However, the developer must have an opportunity to rebut the determination or to consent to amend the agreement to meet the concerns raised by the findings and determination of breach.

7. Recording Agreement

The developer is required to record this development agreement with the Berkeley County Register of Deeds within 14 days after the agreement is executed. A copy of this recorded agreement shall be supplied to the Town. This agreement shall be binding on successors in interest.



Staff Report

Amendment to the Zoning Ordinance

DATE: October 22, 2019

TO: Moncks Corner Planning Commission

FROM: Douglas Polen, Community Development Director

SUBJECT: Amendment to the Zoning Ordinance concerning House Definitions

ACTION REQUESTED: Consider an Amendment to the Zoning Ordinance

Background:

In an effort to update the Zoning Ordinance, Staff plans to bring a number of ordinance revisions before the Commission in the coming months.

The attached amendment concerns three new or edited definitions in the Zoning Ordinance. The reason for the suggested changes is as follows:

- Dwelling: Makes short-term rentals such as Airbnb or Vrbo legal.
- Guest Cottage: Defines guest cottage for the first time. Guest cottages have been permitted for years, but no definition has existed. Allows for use of tiny houses as guest cottages. Definition is from the Town of Summerville.
- Tiny House: Allows for the construction and occupancy of dwelling units of 400 sq. ft. or less. This addition is prompted by the 2018 Building Code, which allows tiny houses for the first time.

Staff Findings and Recommendation:

Staff recommends **APPROVAL** of these amendments to the Zoning ordinance.

Section 2-2 – Definitions

Dwelling. Any building designed, occupied or intended for human occupancy not to include commercial hotels, motels, rooming houses, hospitals or other accommodations used more or less for transient occupancy. Dwellings may be used as short-term rentals.

Guest Cottage. A dwelling or living quarters situated in a detached building located on the same premises, normally in the rear yard, with a principal building, but specifically excluding mobile homes. Tiny houses may be used as guest cottages. Only one guest cottage or other accessory dwelling unit is allowed per lot except with approval of the Board of Zoning Appeals as a special exception.

Tiny House. A dwelling that is 400 sq. ft. or less in floor area excluding lofts. Tiny houses shall only be constructed for use as guest cottages in the R-1 and R-2 Single Family Residential Districts, and shall not be constructed as primary structures in any zoning district.