

Public Review Draft

Code Assessment

Charleston, SC

MARCH
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I. Introduction and Overview

Introduction

The City of Charleston is undertaking a project to comprehensively update and modernize its Zoning Ordinance—the regulations that govern land development in the City. First adopted in 1931 and last comprehensively updated in 1966, the Zoning Ordinance has played an important role in the City’s development over the last 93 years.

In many respects, the regulations have done a good job supporting the City’s planning and development goals. However, conditions have changed. In recent times and with adoption of the *City Plan*, the community has identified additional key goals for future growth and development that are not addressed in the current regulations. In addition, and because the current regulations have not been comprehensively updated in over 57 years, but instead amended hundreds of times on an *ad hoc* basis to address specific planning and development issues, the current regulations are difficult to understand and navigate, and are not user-friendly.

With this said, the key goals for the update, as identified in the *City Plan* and by the community, are as follows:

Make the Rewritten Development Code More User-Friendly

Charleston first adopted zoning regulations long before many communities in the Southeast. Since the last comprehensive update in 1966, the current Zoning Ordinance has been updated in a piecemeal fashion hundreds of times to address specific planning and development issues. The result is that the current Zoning Ordinance is a lengthy and poorly organized document that is challenging for everyone to understand and use—City staff, elected officials, review boards, developers, and the general public. As a result, a key goal of this project is to produce a rewritten Development Code that is more user-friendly—one that is easier to understand, with a more logical organization, clear language, and other provisions that improve the user-friendliness of the document. This is discussed in Theme 1 of the Assessment.

Restructure and Modernize the Zone Districts to Make Them More User-Friendly and Better Support Desired Forms of Development Consistent with the *City Plan*

The current Zoning Ordinance has more than 100 base and overlay zone districts that today do not adequately support the different development contexts of the City, the policy direction of the *City Plan*, or include modern best practices to efficiently communicate important zone district concepts in an efficient and user-friendly way. The zone districts in the current Ordinance should be restructured and modernized to make them more user-friendly, better recognize the different development contexts in the City, and better support desired forms of development consistent with the policy direction of the *City Plan*. This is discussed in Theme 2 of the Assessment.



Revise the Rewritten Development Code to Make it More Equitable

Throughout their history, zoning regulations have been written and applied in exclusionary ways that disproportionately impact persons of color, persons experiencing disability, persons of different national origins or religious faiths, women-headed households, and the LGBTQIA community. In some cases, these disproportionate impacts have been the intended outcome of facially neutral development regulations.

The *City Plan* notes: “There have been multiple examples in Charleston’s past of disasters leading to displacement of communities – who could not afford or were not permitted to build back their homes that were impacted. Furthermore, systemic racism continues to perpetuate racial disparities across jobs, wages, education, health, and living conditions. These inequities create instability and threaten our community’s ability to achieve resilience” (p. 130). The *City Plan* directs that all of the City’s planning efforts integrate outreach to underserved communities and answer the question “How does this (policy, project, decision or action) address existing disparities and prioritize underserved communities?” (p. 140). This includes the City’s settlement communities—historic neighborhoods created by newly freed African American slaves following the Civil War, during Reconstruction and into the early 20th century. Many of the settlement communities that still exist contain residents who are the descendants of the original founders (pp. 48-50).

To bring attention to these issues and provide guidance for addressing these issues through revisions to development regulations, in 2022 the American Planning Association released the *Equity in Zoning Policy Guide*¹ (the “*Equity Policy Guide*”). The *Equity Policy Guide* was created to identify specific strategies to reduce or eliminate disproportionate impacts on historically disadvantaged and vulnerable communities. It identifies three separate sources of inequity in zoning: (1) the zoning rules, (2) the procedures by which those rules are drafted, applied, and enforced, and (3) the zoning map.

In response to the direction in the *City Plan*, an evaluation of the development regulations was conducted in the Assessment using the *Equity Policy Guide*’s three-part framework. Throughout the Diagnosis in Part II, specific recommendations are provided to revise aspects of the existing zoning regulations that, while facially neutral, may create disproportionate equity impacts. Updating the City’s zoning ordinance to address equity concerns can potentially enhance the ability of all members of the community to access economic opportunity and more reasonably priced housing.

Embrace Resilient Development Practices to Address the Impacts of a Rising Water Environment

Global sea levels are rising and impacting the City. This is apparent on the Peninsula, where tidal events in Charleston Harbor have been recorded for more than 102 years. Over that time, “sunny day” tidal flooding has increased dramatically. In the entire decade of the 1930s, there was one day of “moderate” tidal flooding.² In the 1980s,

¹ <https://www.planning.org/publications/document/9264386/>

² “Moderate” tidal flooding occurs when the water levels reach 7.5 feet above the Mean Lower Low Water Level (MLLW).



I. Introduction and Overview

there were on average 13 days of moderate tidal flooding each year. In 2023, the City set a new annual record with 27 days of moderate tidal flooding³ and also logged six days of “major” tidal flooding,⁴ one short of the record set in 2019.

The *City Plan* reports that while there have been 13 inches of sea level rise over the last 100 years, there is projected to be 36 additional inches of sea level rise over the next 57 years. More than half of the City today is within the “Tidal Flood Risk Zone” and is expected to be subject to high risk of flooding, and only 18 percent of the City is considered to be “high ground” not facing flood risk, according to the *City Plan Land and Water Analysis*.

To address the challenge posed by this rising water environment, the *City Plan* directs the development of an “elevation-based zoning ordinance” that directs new development to areas not at risk from rising sea levels, improves the resilience of new development and redevelopment in flood-prone areas, and limits development in the most vulnerable areas. The rewritten Development Code should be retooled to embrace resilient development practices to address the impacts of this rising water environment and implement the policy direction of the *City Plan*. This is discussed in Theme 3 of the Assessment.

Enhance Incentives for Affordable Housing and Support the Development of Different Types of Housing

Like many communities throughout the United States, Charleston has a serious affordable housing problem. The current Zoning Ordinance includes numerous incentives for the production of new housing (and preservation of existing housing) that is affordable to lower-income households; however, they fall short of meeting the City’s needs. The current affordable housing incentives should be revised to be more comprehensive and effective in approach, while also addressing the policy direction in the *City Plan* that directs new development to areas not at risk from rising sea levels.

One of the policy directives in the *City Plan* is to change the current development regulations to allow, by right, a broader and more diverse range of housing types in the zone districts, beyond just single-family homes and larger multifamily apartment complexes. The rewritten Development Code should allow a broader range of housing in appropriate zone districts—including duplexes, triplexes, cottage courts, and mansion apartments. This is discussed in Theme 4 of the Assessment.

Improve the Quality of Development Standards Throughout the City

Development standards are elements of a zoning ordinance that establish the quality of site development. They are general standards that regulate key project elements such as the amount of off-street parking and loading that is provided, the vehicular and pedestrian connectivity within sites and to adjacent sites, the amount of open space provided, the quality of landscaping and (where appropriate) vegetative buffers

³ September alone had seven days of moderate flooding, tied for the fifth most active month in recorded history. Coastal flood data is collected by the National Weather Service and is available at <https://www.weather.gov/chs/coastalflood>.

⁴ “Major” tidal flooding occurs when the water levels reach 8 feet above the Mean Lower Low Water Level (MLLW).



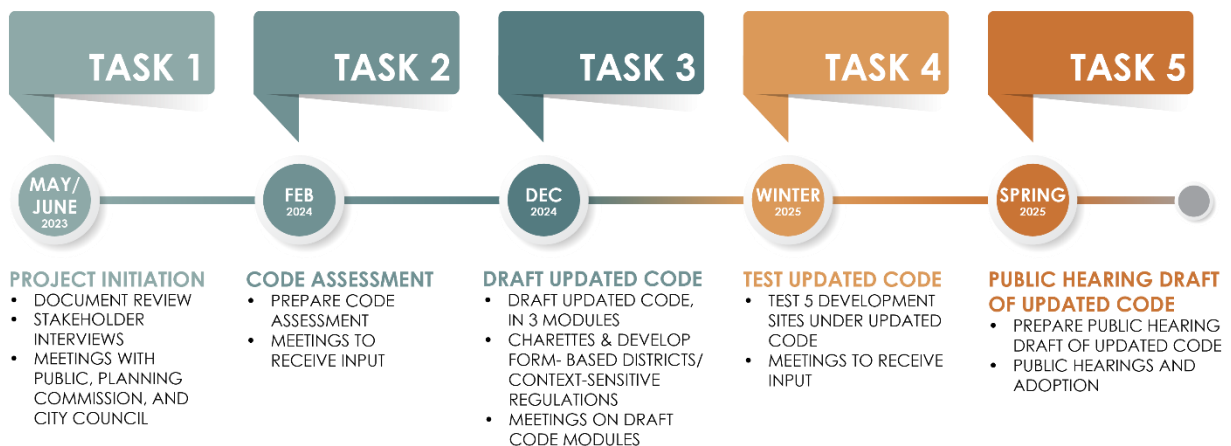
I. Introduction and Overview

between properties, and signage. Theme 5 of this Assessment includes multiple recommendations for changes to the development standards in the current Zoning Ordinance to improve the quality of development.

Project Overview

This project is called **Setting New Standards: Rewriting the Charleston Zoning Code**, to reflect the City’s significant and ambitious goal to prepare a rewritten Development Code. The project will be accomplished in five tasks, over two and a half to three years. The five tasks and the project schedule are summarized in Figure I-1: Work Program for Setting New Standards: Rewriting the Charleston Zoning Ordinance. Task 1: Project Initiation and Orientation, was completed in the spring and summer of 2023. This Code Assessment is the key work product to be completed in Task 2. Based on the community and staff input in Task 1, and the policy direction provided by the *Charleston City Plan* and other relevant plans, it identifies the key goals for the rewrite, and provides recommendations for how the rewritten Development Code should be restructured and changed to address these key goals. The Code Assessment has been made available for public review as of March 2024. Public meetings will follow in April 2024 to overview the recommendations in the Assessment and receive community input and direction about the proposed recommendations for restructuring and change.

Figure I-1: Work Program for Setting New Standards: Rewriting the Charleston Zoning Ordinance



Overview of Code Assessment

This Code Assessment represents the start of the discussion for what will be included in Charleston’s rewritten Development Code. It synthesizes the key goals and policy direction included in the *City Plan* and its *Land and Water Analysis* study, the *Citywide Transportation Plan*, and the *Dutch Dialogues Charleston* study, along with the input provided during the project kickoff events in Task 1, from the Planning Commission, Community Advisory Panel (CAP), City staff, and the public, as well as public feedback from an online survey.



I. Introduction and Overview

The Assessment is meant to encourage community conversations about the key planning and development goals that should be addressed in the rewritten Development Code, and the changes to the code that need to be made to achieve those goals. More specifically, it evaluates the current Zoning Ordinance in relation to the key goals the community has identified for future growth and development, as well as modern zoning best practices, and identifies changes to the current regulations that need to be made to achieve those goals. The Assessment and the recommendations will be revised, as appropriate, based on this input and direction; once this is done, the actual drafting of the rewritten Development Code will start in Task 3: Draft Updated Code, using the Assessment as a road map for the drafting.

The Assessment should not be read as a criticism of the current regulations, which have served the City well for many years. Instead, it should be read as a report that, after evaluation of current policies and regulations, offers tools to help the City realize its vision and goals for growth and development moving forward.

Organization of Code Assessment

The Assessment itself is organized into three major parts. Part I is this Introduction. Part II is the Diagnosis, which identifies the key goals that should be addressed in the rewritten Development Code, and recommendations for how these goals can be achieved. Part III is an Annotated Outline that shows how the rewritten Development Code would be restructured and organized if the goals identified in the Diagnosis are implemented as recommended.⁵

Residents, business and property owners, those who work in the City, elected and appointed officials, and others are encouraged to read this Assessment and identify the parts with which they agree—as well as the parts that should be changed—to help promote a vigorous and open exchange of ideas. We also ask that you read the Assessment with an open mind about different ways of collaborating in order to accomplish the City’s desired goals for future growth and development.

⁵ Several additional materials are included in the appendix in Part IV.



II. Diagnosis

Theme 1: Make the Rewritten Development Code More User-Friendly and Streamlined

II. Diagnosis

Theme 1: Make the Rewritten Development Code More User-Friendly and Streamlined

The City's Zoning Ordinance was first adopted nearly a century ago, in 1931. It has only been comprehensively updated once since that time, in 1966. Over the last 57 years it has been amended hundreds of times to address many different planning and development issues; for example, in recent years there have been amendments to address short-term rentals, accommodations uses, and transit facilities, as well as new agricultural districts to support newly annexed land at the City's edge and regulations to support conservation development. Because of the *ad hoc* nature of these amendments and the variety of development issues addressed, they have taken a variety of forms—new base districts, new overlay districts, and new development and design standards, as well as procedural modifications. In addition, they have been placed in disparate parts of the current regulations. The result is a set of development regulations found in 10 articles and 11 appendices that are poorly organized, filled with redundancies and antiquated zoning concepts,⁶ and difficult to navigate. The regulations also include inconsistent provisions and undefined terms. These features make the document hard to understand, use, and administer.

A primary reason the current regulations are not user-friendly is because they lack the common features of modern “user-friendly” codes. These features include:

- ★ A logical and intuitive organization;
- ★ Graphics, illustrations, and photographs to communicate zoning concepts;
- ★ Tables that clearly communicate zoning rules in a concise and easy-to-understand way;
- ★ A format that makes it easy to navigate the document;
- ★ Cross references that appropriately link relevant provisions;
- ★ Common or standard review procedures that support a consistent administration of the regulations;
- ★ Development review standards that align with the community's planning and development goals;
- ★ Regulations that are written in “plain English;” and
- ★ Consistent, modern, clear, and easy-to-locate definitions of all relevant terms in the code.

Based on the meetings and interviews conducted during Task 1 of the project, there is a strong consensus that one of the key goals of the project should be to make the current regulations more user-friendly.

⁶ Like the Standard Industrial Classification system.



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Theme 1: Make the Rewritten Development Code More User-Friendly and Streamlined

This will require a comprehensive restructuring of the code document that includes the following changes.

1.1. Make the Structure More Logical and Intuitive

As noted in the introduction to this section, the City’s current development regulations are not well organized. For example:

- ★ While the current regulations group many of the zone district regulations together,⁷ other districts are found scattered in different locations in the regulations. The Gathering Place district is located in Part 12 of Article 2; the Job Center district is in Part 18 of Article 2; and the AG-8 and AG-S districts are found at the end of the ordinance, in Article 10. Additionally, the Old City Height Districts are established in Article 3, Part 2.
- ★ While the Permitted Use Table is in Article 2, Part 3, the AG-8 and AG-S districts have a completely separate use table and section with different permitted principal and accessory uses and use-specific standards. In addition, some use-specific standards which are relevant to understanding the uses in the Permitted Use Table are scattered throughout the regulations and not consistently referenced in the use table.
- ★ Although Section 52-120 is titled “Definitions,” many definitions are included elsewhere in the code.⁸ Furthermore, because the current regulations reference the standard industrial classifications system (SIC) for uses, many of the use definitions must be found outside of the code in the SIC manual, a copy of which is not stored on the City’s website.
- ★ The height, setback, and other dimensional standards are separate from the zone districts to which they apply (in the same section as parking, loading, landscape, and other similar site development standards).
- ★ Generally, the different articles in the code are disorganized and contain an illogical mix of provisions, which results in a difficult to understand hierarchy.⁹

Typically, modern development codes address these problems by organizing the code in a more logical and intuitive way through a hierarchy based on procedural and substantive relationships. This organization, shown here as Figure II-1, is set out in more detail in Part III, Annotated Outline of Rewritten Development Code. This more logical reorganization is recommended for the rewrite.

Modern development codes are typically structured in a hierarchical fashion based on procedural and substantive relationships. Similar provisions are kept together, and the

⁷ The base districts are set out in Article 2, Part 1, Section 54-201, and the overlay districts in Art 2, Part 1, Section 54-202.

⁸ For example, see Sections 54-204.2 (definitions of portable storage units), 54-213 (definitions for sidewalk care regulations), 54-299.1 (definitions for Workforce Housing districts), 54-299.33 (definitions for the Upper Peninsula district), and 54-327 (tree removal definitions).

⁹ For example, Article 3, Site Regulations, includes a grab-bag of provisions. Some Parts apply generally throughout the City—for example, Part 1 includes the general dimensional standards that apply to most districts and most development in the City, while Part 4 and Part 5 are off-street parking and loading requirements. By contrast, Part 9 includes procedures for relocating a structure from one site to another site, a relatively rare occurrence, and Part 11 contains use-specific standards for single-family attached dwellings.



II. Diagnosis

Theme 1: Make the Rewritten Development Code More User-Friendly and Streamlined

code is organized in a way that is much easier to understand. Typically, the organization focuses on consolidating the code around three basic concepts:

- ★ **Procedures:** How proposed development is reviewed and approved or denied;
- ★ **Zone districts and uses:** Which uses or developments are allowed in which geographic locations; and
- ★ **Site development standards:** What the form and features of the uses allowed at a specific geographic location should include—e.g., off-street parking, landscaping, exterior lighting, design and form standards, etc.

We recommend that the rewritten Development Code be organized around these three concepts. The proposed structure is set forth in detail in Part III, Annotated Outline of Rewritten Development Code.

Under this reorganized structure, all procedures would be consolidated and organized into one article—**Article 2: Administration**. Within Article 2, review procedures that apply to all development applications (such as application submission or public hearing procedures) would be included in a standard procedures section, making the individual procedures more consistent and easier to understand (see discussion in Section 1.7, Reorganize, Update, and Streamline Review Procedures).

All zone districts and use regulations would be located in two integrated articles. **Article 3: Zone Districts**, would establish and consolidate all zone district regulations (for base districts, planned development districts, and overlay districts), and **Article 4: Use Regulations**, would consolidate all use regulations—and include a modernized use table and all use-specific standards.

Site development standards that apply to development generally would be included in **Article 5: Development Standards** (e.g., parking, mobility, landscape, lighting, signage, etc.). Subdivision standards would be consolidated in **Article 6: Subdivision Standards** (subdivision procedures will be included in Article 2: Administration).

Nonconformity provisions would be consolidated into one article (**Article 7: Nonconformities**), while enforcement provisions would be consolidated in **Article 8: Enforcement**. All definitions, rules of construction and interpretation, and rules of measurement would be consolidated in **Article 9: Definitions, Rules of Construction and Interpretation, and Rules of Measurement**.

Finally, zone districts that are currently applied to land in the City and are proposed to be carried forward in the rewritten Development Code, but that are not intended to be expanded and applied by the City Council to new lands, would be carried forward in an Appendix as “**Legacy Districts**.” For more information, see discussion in Section 2.2.11, Legacy Districts.

Figure II-1: Proposed Outline of New Zoning Code

Article 1.	General Provisions
Article 2.	Administration
Article 3.	Zone Districts
Article 4.	Use Regulations
Article 5.	Development Standards
Article 6.	Subdivision Standards
Article 7.	Nonconformities
Article 8.	Enforcement
Article 9.	Definitions, Rules of Construction and Interpretation, and Rules of Measurement
Appendix	Legacy Districts



II. Diagnosis

Theme 1: Make the Rewritten Development Code More User-Friendly and Streamlined

The proposed organization of the rewritten Development Code will benefit the City as it makes future edits to accommodate best practices and changes in preferred development patterns and address new challenges (a recent example is short-term rentals). The improved hierarchy in the rewritten Development Code makes clear where new or revised procedures, zone districts, uses, and use-specific standards should be placed, helping to ensure that the Development Code will retain a logical organization.

1.2. Use Graphics, Illustrations, Flowcharts, and Tables

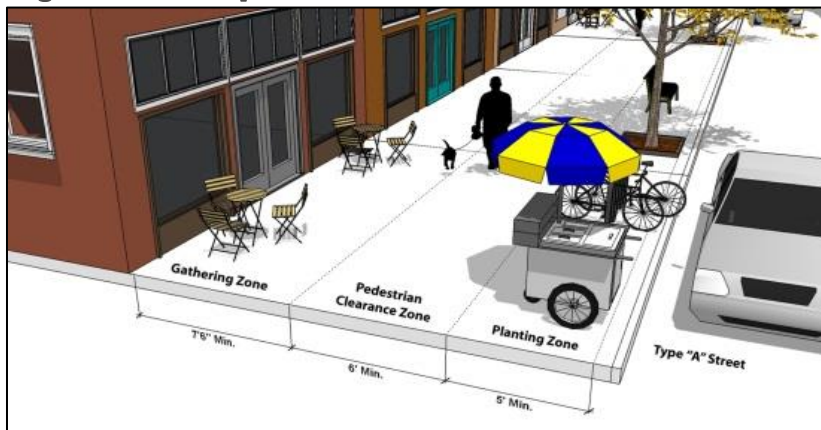
Another way to make regulations more user-friendly is through the use of graphics, illustrations, photos, flowcharts, and tables. Such visuals assist with communicating zoning concepts and improving the readability of the regulations. Graphics, illustrations, photos, flowcharts, and tables are also helpful in development regulations because they convey information concisely and, in many instances, more clearly, eliminating the need for lengthy, repetitive text. The current regulations do not take advantage of modern graphic design concepts and tools that produce clear illustrations and graphics to help explain or establish zoning requirements. The rewritten Development Code should use visuals to communicate themes and ideas.

1.2.1. Graphics and Illustrations

As noted earlier, the current Zoning Ordinance relies almost entirely on text to explain regulatory concepts. There are no illustrations or graphics of any type. The result is that the current regulations present the user with a wall of text. Given the important distinctions between Charleston's neighborhoods and the different regulations that apply in each, using tools other than text to display regulatory requirements is important.

Adding graphics and illustrations throughout the regulations to illustrate procedures, development standards (such as parking space dimensions, landscaping, and screening requirements), desired development form, and other zoning concepts would make the regulations more user-friendly (see an example illustration in Figure II-2 from another code).

Figure II-2. Sample Illustration from Another Code



1.2.2. Flowcharts and Summary Tables

Flowcharts and summary tables are helpful when presenting information succinctly and eliminating repetition or inconsistent terminology. For example, flowcharts can be used along with text in the procedures section of the regulations to graphically portray the development review process required for review of a specific type of development

II. Diagnosis

Theme 1: Make the Rewritten Development Code More User-Friendly and Streamlined

application—from the time of application submission to the final decision on the application. See Figure II-3: Sample Process Flowchart, for an example flowchart used in another community’s code.

Figure II-3: Sample Process Flowchart

Figure 2-1: Zoning Map Amendment Procedure



The current Zoning Ordinance makes some use of tables. For example, a table in Sec. 54-102 lists the zone district abbreviations and full district names; there is a Table of Permitted Principal Uses in Article 2, Part 3, and a table of key district dimensional standards in Table 3.1, Height, Area, and Setback Regulations, in Sec. 54-301. In addition, in the section governing the UP: Upper Peninsula district (Article 2, Part 17), tables are used to give an overview of available incentive options.

This is a good start, as tables are effective ways to present certain types of information. However, the existing tables could be better designed and easier to use. There are also many other places where the use of tables would help to make it easier to communicate the regulations. For example, although the existing code includes a principal uses table, it does not have a table of Accessory Uses or Temporary Uses. Likewise, there are 23 current height districts in the current Zoning Ordinance (Sections 54-306.A to 306.X).

This information could be displayed more concisely in a table. Tables can be especially useful when presenting dimensional standards that apply in each zone district (see the discussion in Section 2.4, Improve the Formatting of Zone District Regulations), and to establish off-street parking standards, some types of buffer and landscape standards, and open space set-aside standards.

Figure II-4: Sample Table from Another Code

Table 5.6.3: Minimum Tree Coverage		
Lot Size	Minimum Number of Trees	Minimum Diameter of Trees (inches dbh)
8,000 sf or less	2	7
More than 8,000 and less than 16,000 sf	4	14
More than 16,000 and less than 24,000 sf	7	22
More than 24,000 and less than 36,000 sf	10	31
More than 36,000 and less than 43,560 sf	12	37
43,560 sf or more	N/A	37 in per acre

In general, we suggest that the rewritten regulations incorporate tables wherever appropriate, consolidating as much information as is practical, to help eliminate voluminous text that contains important requirements. See Figure II-4: Sample Table from Another Code for an example of a table.

Finally, we also suggest that the rewritten code ensures that the tables are well-designed and formatted and make appropriate use of color. If tables are included, they should be presented in an easy-to-understand way.

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Theme 1: Make the Rewritten Development Code More User-Friendly and Streamlined

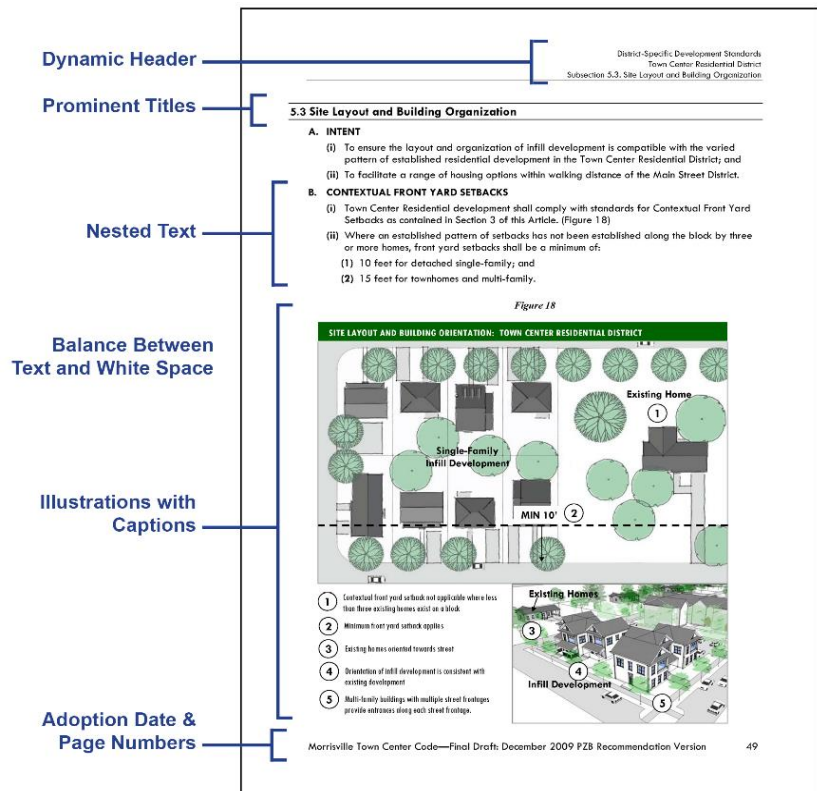
1.3. Improve Document Formatting and Referencing

The city’s current development regulations are accessed through Municode and consist of text with wide margins. The regulations contain no active links or bookmarks. There are no section “breadcrumbs” in the page headers or footers, making it hard for readers to understand where they are located in the document, especially in the context of longer, multiple-page provisions.

To improve readability, modern codes use distinctive heading styles to distinguish various sections, subsections, paragraphs, and subparagraphs more clearly. We have included an example page layout from another community’s code in Figure II-5: Sample Code Page. When combined with better alignment, white space, tables, and graphics, the text becomes easier to read and interpret. Other features of modern codes include:

- ★ An easy-to-understand referencing system;
- ★ A detailed table of contents;
- ★ Detailed headers and footers that highlight the section number and topic on each page, allowing a reader to navigate to desired locations;
- ★ Numerous cross-references that stay “live” when exported to PDF or other text formats;
- ★ Color and bold text in appropriate locations; and
- ★ Tables that are clearly separate from the code text and that are well-designed and easy to understand.

Figure II-5: Sample Code Page



As illustrated in the example page layout, we suggest all these techniques be used to enhance user-friendliness in the rewritten Development Code. The updated regulations can be prepared using dynamic references in a Microsoft Word document so that the new regulations can be easily amended in the future, and so that staff will be able to generate revised versions of the document with active cross-references.

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In addition, we recommend that the rewritten Development Code establish a hierarchy of articles and sections with a logical numbering system—one that anchors regulations within clearly defined articles and sections. Although the City’s current Zoning Ordinance uses generally consistent numbering schemes, the lack of both section “breadcrumbs” and no differentiation in font type, size, or color make it challenging to navigate the regulations. In addition, the way in which the code has been amended over time using the current numbering system (which uses ‘Parts’ under Articles, before numbered sections/subsection) and without significant reorganization, has made it harder to reference efficiently.

To better organize the rewritten regulations, we recommend using a more accessible and consistent hierarchy of articles followed by section numbers. The top level of the new hierarchy would begin with the articles (e.g., Article 5: Development Standards); the second level would be sections (e.g., Section 5.3, Landscaping Standards), and the regulations that relate to each section would be organized in a consistent hierarchy underneath (e.g., Section 5.3.1, Section 5.3.2, and so forth). The same hierarchy would be used throughout each article of the updated regulations. A suggested hierarchy is used within the Annotated Outline in Part III of the Assessment.

1.4. Make the Language Clearer and More Precise

Another way to make regulations user-friendly is to ensure language is clear and precise. Standards, other requirements, and procedures that are unclear invite different interpretations and create uncertainty for development applicants as well as review boards, the public, and staff. Although some regulations do not lend themselves to exact metrics, the use of numerical ranges and elimination of general or aspirational language can generate greater certainty about what is required by a regulation. Using clear and objective standards helps ensure that the regulations are consistently applied to each proposed development project that comes forward for review.

In some places in the existing regulations there is language that is general and imprecise. Zoning codes can be hard for many users to understand as is, and the addition and editing of provisions over five-plus decades has made the code even harder to understand. Unclear language is one factor that has led to the City needing to make informal ‘interpretations’ of the code, which increases the complexity to users of the regulations.

Although it is normal for codes to require interpretation when new situations or uses arise, there are more formal and efficient ways to address those situations. During the rewrite, all procedures, standards, and other regulatory language will be reviewed and where appropriate, modified with clear, precise, consistent, and measurable standards, as appropriate and consistent with the City’s planning and development goals. Special effort will be made to make sure provisions are easy to understand for all users. Additionally, a system for formally addressing code interpretations will be created.

1.5. Modernize, Refine, and Consolidate Definitions

One place where the use of precise language is particularly important is the definitions section. Many key terms in the current Zoning Ordinance lack definitions and the



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existing definitions are, as noted earlier, scattered in multiple places throughout the existing regulations. What's more, most uses allowed in the code are not actually defined in the code itself, requiring the user to search online to reference the 1987 version of the Standard Industrial Classification (SIC) system.¹⁰

Definitions in the rewritten code should be consolidated in one section of the code, never repeated (instead, they should be cross-referenced), and be written as precisely as possible. Furthermore, all definitions should be included in the code, including definitions of allowed uses.

As part of the rewrite, we will relocate all definitions that have been placed in other sections of the code into the definitions article, while making certain that definitions neither repeat nor contradict each other. We will also review each definition and, as appropriate, modernize and refine it. In addition, new definitions will be added where they are needed, and existing definitions removed when unnecessary.

1.6. Consider Using a Procedures Manual

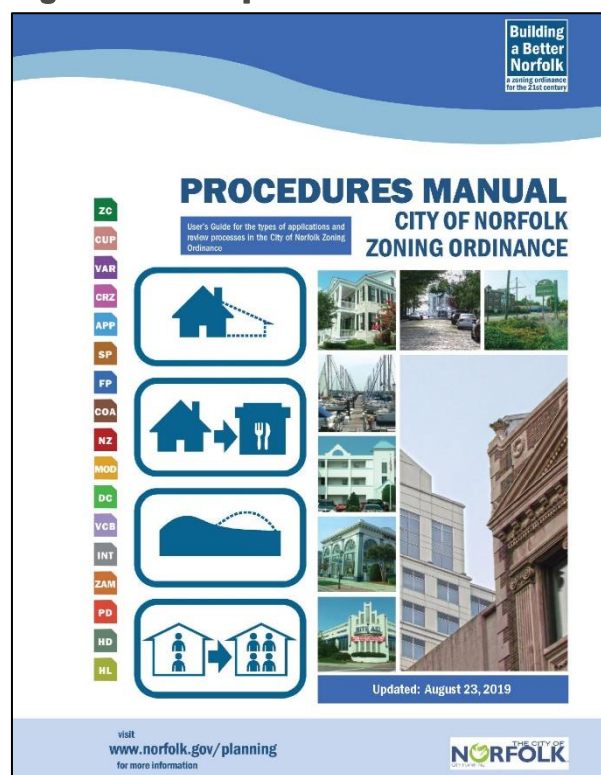
The current regulations include specific details relating to application submittal requirements. We recommend removing submittal requirements from the regulations and placing them in a Procedures Manual that the Zoning Administrator is authorized to prepare in consultation with other responsible departments, such as Public Service. The Procedures Manual can be referenced throughout the rewritten code, as appropriate.

The Procedures Manual (see Figure II-6 for an example) would include application content requirements, information about application fees, schedules for application processing, and details about the nuts-and-bolts staff review processes. The manual might also include a summary or other explanatory information on how to use the regulations or more effectively participate in application review processes.

Additionally, the manual could include checklists to ensure applicants address required issues up-front.

These detailed requirements are typically subject to frequent minor modifications and corrections as practices evolve and new technology becomes available. If they are included in the rewritten code, the City would be required to amend the regulations

Figure II-6. Sample Procedures Manual



¹⁰ Moreover, because the SIC classification system was last updated in 1987, it does not list new types of uses that have been developed since then, such as continuing care retirement centers and data centers.

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every time the requirements change. At our kickoff meeting, City staff and elected officials noted that the existing land development process does not strictly follow the process set forth in the regulations, and that there is often uncertainty among applicants and staff alike about what specific materials should be submitted with different applications. Including these specifics in a Procedures Manual avoids cluttering the code, eliminates the necessity of amending the regulations every time a minor modification or correction to application material requirements is needed, helps ensure application of a fair and consistent land development review process, and reduces confusion among staff, elected officials, review board members, property owners, and citizens.

Many modern codes use a Procedures Manual to assist in the efficient administration of regulations. This practice is recommended for Charleston.

1.7. Reorganize, Update, and Streamline Review Procedures

1.7.1. Current Development Review Procedures

Based on the kickoff meetings, the listening sessions, and the feedback from Task 1, it appears that the current procedures generally work well. However, it is suggested that there is room for improvement in the format and content of various development review processes.

As shown in the table in Appendix A (Table IV-1: Sections in the Current Zoning Ordinance for Development Review Procedures), procedural regulations are scattered throughout the current regulations. While provisions for most individual procedures are found in one section or consecutive sections, the requirements for two procedures (Certificates of Appropriateness and PUD Rezonings/Master Plans) are included in several non-consecutive sections. This makes it difficult for applicants, citizens, and other code users to determine all the requirements and procedures for the application submittal and review process for these specific types of development approvals.

In addition, the procedures would benefit from a consistent format which provides key information about the development review process in a standardized way. In the current Zoning Ordinance, the level of detail included for each procedure is inconsistent. For some procedures, the Ordinance omits key information. The casual reader may have difficulty understanding how an individual procedure fits into the overall process workflow, to whom the procedure applies, or what an approval authorizes. Many proposed developments require multiple administrative and/or discretionary approvals and, in most cases, it is unclear how these different approvals relate to each other. Which happens first? What happens when one approval necessitates a revision to a previous approval? How are conflicts in conditions of approval resolved? These issues should also be addressed.

The development review procedures in the City's current Zoning Ordinance are summarized in Table II-1: Current Development Review Procedures.



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Table II-1: Current Development Review Procedures												
D = Decision R = Review/Recommendation A = Appeal <> = Public Hearing												
Procedures	City Council	Planning Commission	Board of Zoning Appeals - Zoning	Board of Zoning Appeals - Site Design	Board of Architectural Review - Large	Board of Architectural Review - Small	Design Review Board	Technical Review Committee	Plat Review Committee	Planning Director	Zoning Administrator	Preservation & Urban Design Division
Discretionary Reviews												
Planned Unit Development (PUD) Rezoning & Master Plan	<D>	<R>						R			R	
Special Exception			<D>	<D> ¹¹							R	
Zoning Map Amendment (Rezoning)	<D>	<R>									R	
Zoning Ordinance Text Amendment	<D>	<R>									R	
Architectural Review for Old & Historic District and Old City District [0]												
Certificate of Appropriateness												
<i>Demolition BAR-Large</i>					<D>							R
<i>Demolition BAR-Small</i>						<D>						R
<i>Conceptual BAR-Large Plans</i>					<D>							R
<i>Conceptual BAR-Small Plans</i>						<D>						R
<i>Preliminary BAR-Large Plans</i>					<D>							R
<i>Preliminary BAR-Small Plans</i>						<D>						R
<i>Final BAR-Large Plans</i>					<D> [1]							R
<i>Final BAR-Small Plans</i>						<D> [2]					D [2]	R
<i>Staff-Processed Applications [3]</i>					<A>	<A>						D

¹¹ Although Sec. 54-923 of the current Zoning Ordinance does not list this authority, other sections authorize the BZA-SD to grant special exceptions (e.g., Sec. 54-329, Standards for approval to remove trees).



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Table II-1: Current Development Review Procedures												
D = Decision R = Review/Recommendation A = Appeal <> = Public Hearing												
Procedures	City Council	Planning Commission	Board of Zoning Appeals - Zoning	Board of Zoning Appeals - Site Design	Board of Architectural Review - Large	Board of Architectural Review - Small	Design Review Board	Technical Review Committee	Plat Review Committee	Planning Director	Zoning Administrator	Preservation & Urban Design Division
Architectural & Site Plan Review for Design Review District												
Design Review District Project												
<i>Demolition, Removal, or Relocation</i>							D					R
<i>Conceptual</i>							D					R
<i>Preliminary</i>							D					R
<i>Final</i>							<A>					D
<i>Staff-Processed Applications [4]</i>							<A>					D
Site Development												
Comprehensive Plan Compatibility Review (Sec. 54-945)		R										
Site Plan		A						D [5]			D [5]	
Subdivision												
Major Subdivision including Conservation Development												
<i>Concept Plan or PUD Master Plan</i>		<D>						R				
<i>Preliminary Plat (with minor revisions to preceding approved plan or plat)</i>		A						R			D [6]	
<i>Preliminary Plat (with major revisions to preceding approved plan or plat)</i>		D						R				
<i>Construction Drawings</i>		A						D				
<i>Final Plat (with minor revisions to preceding approved plan or plat)</i>		A							R		D [6]	
<i>Final Plat (with major revisions to preceding approved plan or plat)</i>		D							R			



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Table II-1: Current Development Review Procedures												
D = Decision R = Review/Recommendation A = Appeal <> = Public Hearing												
Procedures	City Council	Planning Commission	Board of Zoning Appeals - Zoning	Board of Zoning Appeals - Site Design	Board of Architectural Review - Large	Board of Architectural Review - Small	Design Review Board	Technical Review Committee	Plat Review Committee	Planning Director	Zoning Administrator	Preservation & Urban Design Division
Minor Subdivision												
<i>Preliminary Plat</i> ¹²												
<i>Final Plat</i>									D			
Property Line Abandonment									D			
Property Line Adjustment									D			
Permits & Administrative Review Procedures												
Bed & Breakfast Permit			<A>								D	
Certificate of Occupancy			<A>								D	
Short-Term Rental Permit			<A>								D	
Temporary Sign Permit			<A>								D	
Temporary Special Event Permit for Agricultural Districts (less than 25 acres)			<A>							D		
Temporary Special Event Permit for Agricultural Districts (25 acres or more)			<D> [7]							R		
Zoning Staff Approvals [8]			<A> [9]	<A> [9]							D	
Signs												
Old & Historic District and Old City District					D	D						R
Design Review District							D					R
All Other Districts			<A>								D	

¹² Section 54-808.4 explicitly requires a preliminary plat for minor subdivisions. However, the City’s policy is to only require a final plat.



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Table II-1: Current Development Review Procedures												
D = Decision R = Review/Recommendation A = Appeal <> = Public Hearing												
Procedures	City Council	Planning Commission	Board of Zoning Appeals - Zoning	Board of Zoning Appeals - Site Design	Board of Architectural Review - Large	Board of Architectural Review - Small	Design Review Board	Technical Review Committee	Plat Review Committee	Planning Director	Zoning Administrator	Preservation & Urban Design Division
Relief												
Appeals of Administrative Decisions (Subdivision & Site Design)				<D> ¹⁰								
Appeals of Administrative Decisions (Zoning)			<D> [1]									
Variance (Subdivision & Site Design)				<D> [10]							R	
Variance (Zoning)			<D> [10]								R	
Interpretations												
Zoning Ordinance Interpretation			<A> [9]	<A> [9]							D	
NOTES												
[0]	The BAR-Small hears and decides applications for projects that are 10,000 square feet or less in size, and minor modifications to projects in excess of 10,000 square feet. The BAR-Large hears and decides applications for projects that exceed 10,000 square feet. Demolition applications are assigned to BAR-Small and BAR-Large by staff.											
[1]	Final Review of BAR-Large projects shall be by the Board, unless the Board delegates the review to staff.											
[2]	Final Review of BAR-Small projects shall be by staff; provided however, at its discretion, staff may require Final Review to be undertaken by the Board; and provided further that the BAR-S, in its discretion, may request to undertake Final Review (Sec. 54-237).											
[3]	See <u>Policy Statement on Applications to be Processed by Staff</u> (December 10, 2014). ¹³ These reviews may be conducted as part of the Building Permit review process.											

¹³ <https://www.charleston-sc.gov/DocumentCenter/View/32857/BAR-Policy-Statement-for-Staff-Reviews>



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Table II-1: Current Development Review Procedures												
D = Decision R = Review/Recommendation A = Appeal <> = Public Hearing												
Procedures	City Council	Planning Commission	Board of Zoning Appeals - Zoning	Board of Zoning Appeals - Site Design	Board of Architectural Review - Large	Board of Architectural Review - Small	Design Review Board	Technical Review Committee	Plat Review Committee	Planning Director	Zoning Administrator	Preservation & Urban Design Division
[4]	See Sec. 54-268, Designation of Design Review District.											
[5]	TRC approval is required for the types of development listed in Sec. 54-604.a. Zoning Administrator approval is required for the types of development listed in Sec. 54-604.b.											
[6]	The Zoning Administrator may direct a development plan to the Planning Commission according to the procedures of Sec. 54-810.3.b. At the request of the applicant, a development plan shall be forwarded to the Planning Commission for decision, including reversal of the decision of the Administrator (Sec. 54-810).											
[7]	Temporary special events occurring on properties 25 acres or more in size require Special Exception approval by the BZA-Zoning (Sec. 54-1023).											
[8]	Zoning Staff Approvals include conditional uses, administrative tree removal requests, fences, zoning compliance reviews for business license applications, and zoning compliance reviews for building permit applications (e.g., review of site plans for new single-family residential dwellings, additions to existing buildings, and swimming pools).											
[9]	The applicable appeals body depends on the nature of the decision appealed. The Board of Zoning Appeals—Site Design hears appeals relating to the regulations regarding off-street parking lot design, tree protection and landscaping standards (including requirements to keep the sight triangle clear), decisions regarding site plan review, and most subdivision design standards except for lot frontage requirements. The Board of Zoning Appeals—Zoning hears all other appeals. Therefore, the relevant appellate body will depend on the nature of the decision being appealed, or the interpretation being requested.											
[10]	In cases where a project may require appeals from the Zoning Administrator and/or variances from both the Board of Zoning Appeals—Zoning and Board of Zoning Appeals—Site Design, the Zoning Administrator shall have the authority to direct all variance requests to the Board of Zoning Appeals—Zoning, where, by reason of the complexity of the project, the interrelationship of the variances, or the minor nature of the site-design request, it would be appropriate for one board to consider all variance requests (Sec. 54-923).											



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The City maintains an administrative procedures manual for its Technical Review Committee (TRC). Article 6, Land Development Plan Review, establishes the TRC and specifies its role and authority in the development review process. According to staff, the TRC Procedures Manual is useful in its current form and its provisions should remain uncodified.¹⁴

The City's website includes application forms for three procedures that do not appear to be codified in the City Code: Annexation, Comprehensive Plan Map amendments, and movement of the Urban Growth Boundary. In addition, staff indicates that the Board of Zoning Appeals—Site Design (BZA-SD) may grant special exceptions. However, Sec. 54-923 does not include this in the list of BZA-SD powers.

City Code Sec. 23-20 includes provisions for another development-related procedure, Land Development Agreements, which is proposed to remain in Chapter 23 at this time. This Code section establishes the procedures for development agreements in accordance with the South Carolina Development Agreement Act (S.C. Code § 6-31-10, *et seq.*).

1.7.2. Streamline the Development Procedures and Make Them Easier to Understand

Overall, this review of the City's current procedures identifies the following deficiencies:

- ★ Procedures are scattered throughout the Zoning Ordinance;
- ★ The Zoning Ordinance does not include a table that summarizes procedures;
- ★ The Zoning Ordinance does not include a set of common review procedures;
- ★ Some procedures currently in use are not codified;
- ★ The rewritten Development Code would benefit from the inclusion of a few procedures not currently included, or that need to be clarified;
- ★ The procedure for approval of signs is unclear; and
- ★ Some revisions should be made to align the procedures in the development regulations with current practices and terminology.

To improve the clarity and efficiency of the City's development review procedures, and to streamline development review, it is recommended that the following changes be made to the overall development review procedures in the rewritten Development Code. These recommendations are discussed in greater detail in the following sections:

- ★ Reorganize and consolidate the development review procedures into a single article of the rewritten Development Code—Article 2: Administration;

¹⁴ One comment we heard during the project kickoff was that the TRC reviewed projects based on project elements that are required to be detailed in the application but that are not specifically regulated by the district, development, or subdivision standards in the current regulations. We suggest that as part of the implementation of the rewritten Development Code, the City closely review application requirements to ensure that all materials that applicants are required to submit are linked to requirements in the rewritten Development Code, so that review of development applications is limited to the applicable standards in the new code.



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- ★ Add a summary table of development review procedures;
- ★ To improve clarity and reduce redundancy, establish common steps of the development review process that apply to most procedures (and where exceptions to the common procedures exist, identify them);
- ★ Consider allowing staff to require neighborhood meetings at early stages of more complex development review applications, when appropriate; and
- ★ Use a standard organization and standard elements for individual procedures.

The following changes are recommended to the individual development review procedures:

- ★ Add a new “zoning compliance review” procedure to codify existing applications approved by the Zoning Division;
- ★ Revise and clarify the major subdivision procedure that applies to approval of plats that have major changes from initial concept plans;
- ★ Add a new procedure for annexing land into the City and applying a zone district;
- ★ Add a new procedure for updating the Comprehensive Plan Future Land Use Map;
- ★ Add a new procedure for changes to the Urban Growth Boundary;
- ★ Add a formal procedure for making interpretations of the development regulations;
- ★ Add a new procedure for making small administrative adjustments to development standards;
- ★ Add a new procedure that clearly sets out the process for the approval of signs, including the decision-making bodies responsible for their review and approval; and
- ★ Make additional refinements to the established procedures to improve the clarity and transparency of development review procedures and ensure compliance with state law.

1.7.2(a). Integrate Development Review Procedures into a Single Article of the Rewritten Development Code

To make it easier for all code users to understand the development review procedures and how applications are processed, from submittal, review, and recommendations through to a final decision, the rewritten Development Code should integrate all of the City’s zoning-related and development-related review and approval procedures into a single article. As discussed in Section 1.1, Make the Structure More Logical and Intuitive, and outlined in the Annotated Outline, it is recommended that all development review procedures be consolidated in a new Article 2: Administration. The Administration article would include a summary table of development review responsibilities, standards for common procedural



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elements that apply to most or all of the development review procedures, as well as the specific procedures (and any modification to the common procedures) that apply to specific application types.

1.7.2(b). Add a Summary Table of Development Review Procedures

A best practice in modern development codes is to include a table summarizing the approval procedures and decision and advisory responsibilities of the review boards, similar to Table II-1 above, that summarizes the development review procedures. This improves readability and provides the reader with a quick overview of how the City reviews and acts on applications. We recommend including such a table in the rewritten Development Code. A table that incorporates the recommendations from this section is provided in Table II-2: Proposed Development Review Procedures.



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Table II-2: Proposed Development Review Procedures D = Decision R = Review/Recommendation A = Appeal <> = Public Hearing												
Procedures	City Council	Planning Commission	Board of Zoning Appeals - Zoning	Board of Zoning Appeals - Site Design	Board of Architectural Review - Large	Board of Architectural Review - Small	Design Review Board	Technical Review Committee	Plat Review Committee	Planning Director	Zoning Administrator	Preservation & Urban Design Division
Discretionary Reviews												
Annexation and Initial Zoning (NEW)	D									R	R	
Comprehensive Plan Map Amendment (NEW)	<D>	<R>								R		
Urban Growth Boundary Amendment (NEW)	<D>	<R>								R		
Special Exception			<D>	<D>							R	
Zoning Map Amendment (Rezoning)	<D>	<R>									R	
Planned Development (PD) Map Amendment	<D>	<R>						R			R	
Development Code Text Amendment	<D>	<R>									R	
Architectural Review for Old & Historic District and Old City District												
Certificate of Appropriateness (BAR-Large) [2]												
<i>Demolition (BAR-Large)</i>					<D>							R
<i>Conceptual (BAR-Large)</i>					<D>							R
<i>Preliminary (BAR-Large)</i>					<D>							R
<i>Final (BAR-Large)</i>					<D> [1]							R
<i>Staff-Processed Applications (BAR-Large) [3]</i>					<A>							D
Certificate of Appropriateness (BAR-Small) [2]												
<i>Demolition (BAR-Small)</i>						<D>						R
<i>Conceptual (BAR-Small)</i>						<D>						R
<i>Preliminary (BAR-Small)</i>						<D>						R



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Table II-2: Proposed Development Review Procedures												
D = Decision R = Review/Recommendation A = Appeal <> = Public Hearing												
Procedures	City Council	Planning Commission	Board of Zoning Appeals - Zoning	Board of Zoning Appeals - Site Design	Board of Architectural Review - Large	Board of Architectural Review - Small	Design Review Board	Technical Review Committee	Plat Review Committee	Planning Director	Zoning Administrator	Preservation & Urban Design Division
<i>Final (BAR-Small)</i>						<D> [4]					D [3]	R
<i>Staff-Processed Applications (BAR-Small) [3]</i>						<A>						D
Architectural & Site Plan Review for Design Review District												
<i>Design Review District Project [5]</i>												
<i>Demolition, Removal, or Relocation</i>							D					R
<i>Conceptual</i>							D					R
<i>Preliminary</i>							D					R
<i>Final</i>							<A>					D
<i>Staff-Processed Applications [6]</i>							<A>					D
Site Development												
Comprehensive Plan Compatibility Review		R								R		
Site Plan Review		A						D [7]			D [7]	
Subdivision												
Major Subdivision, including Conservation Development [8]												
<i>Concept Plan or PUD Master Plan</i>		<D>						R				
<i>Preliminary Plat</i>		A						R			D [10]	
<i>Construction Drawings</i>		A						D				
<i>Final Plat</i>		A							R		D [10]	
Minor Subdivision [9]												
<i>Final Plat</i>		A							D			
Property Line Abandonment		A							D			
Property Line Adjustment		A							D			



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Table II-2: Proposed Development Review Procedures												
D = Decision R = Review/Recommendation A = Appeal <> = Public Hearing												
Procedures	City Council	Planning Commission	Board of Zoning Appeals - Zoning	Board of Zoning Appeals - Site Design	Board of Architectural Review - Large	Board of Architectural Review - Small	Design Review Board	Technical Review Committee	Plat Review Committee	Planning Director	Zoning Administrator	Preservation & Urban Design Division
Street Name Change		<D>								R		
Permits & Administrative Review Procedures												
Bed & Breakfast Permit			<A>								D	
Short-Term Rental Permit			<A>								D	
Sidewalk Café Permit			<A>								D	
Temporary Special Event Permit for Agricultural Districts												
<i>Less than 25 acres</i>			<A>								D	
<i>25 acres or more</i>			<D>								R	
Zoning Compliance Review (NEW) [11]			<A> [12]	<A> [12]							D	
Signs												
Sign Permit (NEW)												
<i>Design Review District</i>							D					R
<i>Old & Historic District and Old City District</i>					D	D						R
<i>All Other Districts</i>			<A>								D	
Temporary Sign Permit			<A>								D	
Relief												
Administrative Adjustment (NEW)			<A> [12]	<A> [12]							D	
Appeals of Administrative Decisions (Subdivision & Site Design)				<D> [13]								



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Table II-2: Proposed Development Review Procedures												
D = Decision R = Review/Recommendation A = Appeal <> = Public Hearing												
Procedures	City Council	Planning Commission	Board of Zoning Appeals - Zoning	Board of Zoning Appeals - Site Design	Board of Architectural Review - Large	Board of Architectural Review - Small	Design Review Board	Technical Review Committee	Plat Review Committee	Planning Director	Zoning Administrator	Preservation & Urban Design Division
Appeals of Administrative Decisions (Zoning)			<D> [13]									
Official Road Plan Exemption	D	R								R		
Variance (Subdivision & Site Design)				<D> [13]							R	
Variance (Zoning)			<D> [13]								R	
Interpretations												
Development Code Interpretation (NEW)			<A> [12]	<A> [12]							D	
NOTES												
[1]	Final Review of BAR-Large projects is by the Board of Architectural Review-Large, unless the Board delegates the review to staff.											
[2]	The BAR-Small hears and decides applications for projects that are 10,000 square feet or less in size, and minor modifications to projects in excess of 10,000 square feet. The BAR-Large hears and decides applications for projects that exceed 10,000 square feet. Demolition applications are assigned to BAR-Small and BAR-Large by staff.											
[3]	See <u>Policy Statement on Applications to be Processed by Staff</u> (December 10, 2014). ¹⁵ These reviews may be conducted as part of the Building Permit review process.											
[4]	Final Review of BAR-Small projects is by staff; provided however, at its discretion, staff may require Final Review to be undertaken by the Board of Architectural Review-Small; and provided further that the Board of Architectural Review-Small, in its discretion, may request to undertake Final Review.											
[5]	Applies to development subject to Design Review District review. See Sec. 54-268 of the current Zoning Ordinance.											
[6]	See Sec. 54-268. Designation of Design Review District, review authority, scope of authority and exemptions.											
[7]	Site Plan review is conducted by the TRC and applies to most new construction excluding single-family or two-family dwelling, small storage structures or garages that do not exceed 500 square feet in area, and routine repairs or maintenance. Sec. 54-604.											

¹⁵ <https://www.charleston-sc.gov/DocumentCenter/View/32857/BAR-Policy-Statement-for-Staff-Reviews>



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Table II-2: Proposed Development Review Procedures												
D = Decision R = Review/Recommendation A = Appeal <> = Public Hearing												
Procedures	City Council	Planning Commission	Board of Zoning Appeals - Zoning	Board of Zoning Appeals - Site Design	Board of Architectural Review - Large	Board of Architectural Review - Small	Design Review Board	Technical Review Committee	Plat Review Committee	Planning Director	Zoning Administrator	Preservation & Urban Design Division
[8]	Major subdivision involves a division of land into five or more lots; a division of land that includes a new or extended public right of way; improvements within an existing street right-of-way that exceeds minor improvements necessary to serve lots; a subdivision for a future public school park, greenway corridor, or open space site; dedication of a right-of-way or easement for construction of a public water or sewer line; or dedications, reservations, improvements, or environmental conditions that the Administrator deems requires construction documents to be reviewed to insure the public health, safety, and welfare. Sec. 54-808.2.a.											
[9]	A minor subdivision is a division of land that does not meet the conditions for major subdivision review. Sec. 54-808.2.b.											
[10]	The Zoning Administrator may direct a development plan to the Planning Commission according to the procedures of Sec. 54-810.3.b. At the request of the applicant, a development plan shall be forwarded to the Planning Commission for decision, including reversal of the decision of the Administrator.											
[11]	Zoning Staff Permits include conditional uses; administrative tree removal requests, fences; zoning compliance reviews for business license applications, and zoning compliance reviews for building permit applications (e.g., review of site plans for new single-family residential dwellings, additions to existing buildings, and swimming pools).											
[12]	The applicable appeals body for appellate review from a decision on a zoning permit or an administrative adjustment or an interpretation of the Development Code depends on the nature of the decision appealed. The Board of Zoning Appeals—Site Design hears appeals relating to the regulations regarding off-street parking lot design; tree protection and landscaping standards (including requirements to keep the sight triangle clear), decisions regarding site plan review, and most subdivision design standards except for lot frontage requirements. The Board of Zoning Appeals—Zoning hears all other appeals. Therefore, the relevant appellate body will depend on the nature of the decision being appealed, or the interpretation being requested.											
[13]	In cases where a project may require appeals from the Zoning Administrator and/or variances from both the BZA—Zoning and BZA—Site Design, the Zoning Administrator has the authority to direct all variance requests to the BZA—Zoning, where, by reason of the complexity of the project, the interrelationship of the variances, or the minor nature of the site-design request, it would be appropriate for one Board to consider all variance requests.											



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1.7.2(c). Establish Common Steps of the Development Review Process

In any development code, different development review procedures share many common elements. A best practice is to establish common development review procedures in one place, to reduce redundancy and the risk of inconsistencies making their way into the code. One of the early parts of Article 2: Administration, should include provisions for common procedural elements, like those described below.

- ★ **Pre-Application Meetings:** The rewritten Development Code should continue to require applicants for certain types of applications, such as Zoning Map Amendments, Major Subdivisions, and Comprehensive Plan Map Amendments, to meet with staff before submitting an application. The pre-application meeting helps to ensure applicants understand the procedure and submittal requirements, gives staff an opportunity to provide valuable feedback about a proposed application early in the process, and helps identify site-specific opportunities and constraints. The rewritten Development Code should require pre-application meetings for other more complex applications as well, such as certain Special Exceptions.
- ★ **Neighborhood Meetings:** The rewritten Development Code should include a new provision that will allow the City to require a neighborhood meeting for certain types of applications (see further discussion below in Section 1.7.2(d), Consider Adding a Requirement for Neighborhood Meetings).
- ★ **Submittal Requirements:** This new section would describe general submittal requirements by reference to the City's application submittal checklists, which should be included as part of a Procedures Manual (see Section 1.6, Consider Using a Procedures Manual) and not within the text of the development regulations. Maintaining submittal requirements outside the Zoning Ordinance is a best practice that the City should continue.
- ★ **Completeness Review:** This section will specify what constitutes a complete application, the timeframe in which the Zoning Administrator makes this determination and notifies the applicant, and how applicants can rectify incomplete submittals. This is a critical component of the procedural section, as it ensures the reviewing, advisory, and decision-making bodies have the necessary information to act on the application and avoids additional rounds of review. This section will also clarify that any applicable timeframes for processing an application do not begin until the City receives a complete application, including payment of applicable fees.
- ★ **Notice Provisions:** This section will describe the types of public notice required for each type of development application. It will be drafted in tabular form and establish specific timeframes for public notice, if required



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for the particular application. To enhance the effectiveness of the notice requirements, the City should consider requiring new types of notice beyond the posting and publication methods used in the current Zoning Ordinance, as discussed in Section 1.7.2(f), Consider Expanding Traditional Notification Procedures for Development Applications.

- ★ **Public Hearings:** This section will clarify the purpose of public hearings and cross-reference the rules of procedure for the elected and appointed review and decision-making bodies.
- ★ **Modifications to Approved Applications:** This section will describe how applicants can make changes to approved applications.

1.7.2(d). Consider Adding a Requirement for Neighborhood Meetings

A neighborhood meeting is a procedure used by an increasing number of local governments to augment public participation in the development review process. The reason is the neighborhood meeting provides a framework for a development applicant to get together with neighbors and landowners surrounding a proposed development to (1) educate the neighbors about a proposed project, (2) hear neighbor concerns, and (3) attempt to resolve these concerns in an informal setting. These kinds of meetings provide an opportunity for neighbors and applicants to engage early in the development review process and inform each other of their perspectives.

The timing and requirements for neighborhood meetings vary from community to community. In some communities, the neighborhood meeting is optional. If the applicant decides to proceed with the neighborhood meeting, parameters are established in the code about how notice is to be given and how the meeting is conducted. In other communities, neighborhood meetings are required to be conducted prior to submission of an application. In still other communities, the neighborhood meeting is required prior to completion of staff review of the application.

The current Zoning Ordinance does not require a neighborhood meeting at any stage of the development process. It is recommended the City consider adding criteria in the rewritten Development Code that staff would use to determine whether an applicant is required to hold a neighborhood meeting prior to submission of certain types of applications. In addition, the rewritten code should also authorize the review or decision-making bodies to require an applicant to conduct a neighborhood meeting for a particular application that may have a significant impact on surrounding development or public facilities.

It is suggested that the neighborhood meeting provision include the following:

- ★ The applicant must provide written notification about the meeting to surrounding landowners and affected neighborhood organizations a reasonable period of time before the meeting;
- ★ All meetings must be held in person at an accessible location close to the project site, or virtually subject to approval of the Zoning Administrator, at a time when neighbors can reasonably attend (usually after 6:00 pm on a



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weekday). The timing and format of meetings should accommodate families;

- ★ The applicant must make specific types of information available to the public about the development proposal;
- ★ Ground rules for the meetings should be established to require the applicant to explain the development proposal and provide neighbors an opportunity to ask questions, provide comments, and voice concerns;
- ★ Staff is not required to but may attend, but only to provide general information about the development review process;
- ★ The applicant must submit a written summary of the neighborhood meeting(s). In addition, the rewritten Development Code could include a requirement that the applicant submit a narrative describing how the plan was modified to address neighborhood input;
- ★ Any person attending the meeting can respond in writing to the applicant's written summary of the meeting; and
- ★ The applicant's written summary and any written response submitted by a person who attends the neighborhood meeting shall become part of the record on the application.

1.7.2(e). Use a Standard Organization and Standard Elements for Individual Procedures

The rewritten Development Code should standardize the elements of application-specific procedures to provide clarity to readers. While details such as decision-making criteria may vary by application type, each development approval generally includes the following elements:

- ★ **Purpose Statement:** This section describes the reason for and purpose of the procedure;
- ★ **Applicability:** This section establishes the circumstances where the procedure applies;
- ★ **Application Submission:** This section establishes the requirements for filing an application, including who is entitled to file an application, how it is filed, and references a Procedures Manual or other material maintained by the Zoning Administrator which lists the types of information that needs to be included within the application;
- ★ **Determination of Application Completeness and Sufficiency:** This section establishes a requirement that the City staff review an application to make sure it includes all necessary information before beginning its review.
- ★ **Notice:** This section describes the type of public notice required, if any, for the application, and cross-references the details pertaining to the various



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types of notice (e.g., what “posted notice” means) in the section for common procedural elements.

- ★ **Staff Review:** This section establishes the responsibility of staff to review the application and, if applicable, either provide a recommendation to the decision-making body, or make a decision on an application. It makes reference to the decision-making standards that apply to the application.
- ★ **Advisory Board Review and Recommendation:** This section establishes the responsibility of an advisory board, if applicable, to review the application and provide a recommendation to a decision-making body. It makes reference to the decision-making standards that apply to the application type.
- ★ **Decision-Making Body Review:** This section designates the decision-making body that approves, approves with conditions, or disapproves the application. It establishes the type of hearing or process, makes clear whether the decision-making body has the authority to approve a modified version of the application (e.g., include conditions of approval), and specifies how a decision is reached. It makes reference to the decision-making standards that apply to the application.
- ★ **Decision-Making Standards:** This section establishes the decision-making standards for the particular application type that are the criteria the decision-making body uses when making a decision on an application.
- ★ **Post-Decision Limitation and Actions:** This section establishes different types of activity authorized by approval of the application, and how long the decision remains valid.
- ★ **Appeals:** This section establishes or cross-references the process applicants, or in some cases, other interested parties may use when they disagree with the City’s decision on an application.

1.7.2(f). Consider Expanding Traditional Notification Procedures for Development Applications

State law requires the City to provide notice of hearings or meetings of boards making decisions on development applications either (1) through publication in a “newspaper of general circulation” or (2) a posted sign placed along each public thoroughfare abutting the property with an application, and in some cases through both means.

These traditional means of public notification are becoming less effective. The reach of a “newspaper of general circulation” is shrinking continually. Advertisements in newspapers do not reach the growing number of people, especially younger generations, who get their news from social media and other digital outlets. Moreover, posted signs in English may not reach populations who may have limited English proficiency.

Publication and posting requirements should be carried forward in the rewritten Development Code, as they are required by state law. It is also suggested that the



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City consider different ways of providing notice of new development applications. The City could include additional notification techniques as requirements or options in the rewritten Development Code, such as the following:

- ★ Expanded digital public notice through the City’s various outlets, including its website, social media posts, and email lists.
- ★ Establishment of an opt-in electronic notification system. This can make notification more robust and effective by allowing citizens or neighborhood groups to easily register online for personalized notifications even if they do not own property or reside within the specified distance from the subject property. Some communities allow neighborhood organizations and individuals to sign up for notice of development applications filed throughout the City or in their area, which is an approach the City should consider.
- ★ Development of a website with a map of the City that shows pending development applications and provides easy access to information about each. Chesterfield County, Virginia maintains a [Pending Cases Map](#) that shows pending applications, with hyperlinks to detailed information about each project. Moreover, the signs used for posted notification include a three-digit number that community members can use to find the additional information about the application on the Pending Cases Map.¹⁶
- ★ Require that individual notice be sent to neighbors via first-class mail to property in a defined vicinity of the property (such as 500 feet). One option would be to require that the applicant be responsible for the mailed notice; the applicant would be required to file a statement or affidavit with the City attesting that the notice had been properly mailed. In appropriate areas, the rewritten Development Code should also require that the notice be provided not only in English but in other languages common in the area where the development is proposed.

It is also recommended that the City require that notice be given to rental tenants, who are often overlooked in the development review process. Since historically disadvantaged and vulnerable populations are disproportionately renters rather than owners of both housing and business locations, this omission has a significant equity impact.

Because there are still many people who cannot or prefer not to access information digitally, the notice requirements in the rewritten Development Code should cast a broad net and continue to provide traditional forms of notice, such as publication, posted notice, and mailing. Further, both online and printed notices should be accessible to visually impaired people.

¹⁶ The City could provide this type of notification even it is not required in the rewritten Development Code. In addition, the City should consider making all application materials, including staff reports, easily accessible online, either through an applications map or even on the meeting agendas that the City posts online. This is a simple way of providing transparency to the public regarding the development review process. It also allows staff to be more efficient in responding to requests for information on development applications, as staff can simply direct applicants to the meeting agenda.



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1.7.2(g). Consider Codifying the Priority Status Affordable Housing Program

The City recently implemented the Priority Status Affordable Housing Program, which provides special benefits during the development review process for residential and mixed-use developments that include affordable housing. The program offers priority agenda placement and TRC review timelines, as well as plan review and building permit fee waivers. The fee waivers are codified in City Code Chapter 2, but the other incentives are not. (See Section 4.2.6, Additional City Programs to Expedite Affordable Housing Development.)

This program demonstrates the City’s strong commitment to encouraging the production of affordable housing, and codifying the program would provide greater visibility and solidify the program’s place in the development review process. We recommend that the City do so in the rewritten Development Code. In addition, during the development of the rewritten Development Code, the City should consider additional ways to streamline the development review process for affordable housing projects. For example, certain application types that typically require review and action by an appointed board or commission could be changed to staff-level review and action.

1.7.3. Update the Individual Development Procedures to Improve Clarity and Transparency, and Add New Development Procedures

1.7.3(a). Add a Zoning Compliance Review Procedure

Many communities use a formal zoning permit procedure to consolidate zoning-related administrative review procedures, such as conditional and temporary use permits and sign permits, into a single process. The issuance of a zoning permit is often a prerequisite for issuance of a business license or building permit. This improves efficiency and inter-departmental coordination and provides clarity and reliable information for applicants because each approval—particularly those that may not include a structural change to a property—is associated with a permit category.

The current Zoning Ordinance uses the term “zoning permit” in several places, for example, in the context of short-term rentals, home occupations, day care facilities, signs, and special events in Agricultural Districts (though the Ordinance also refers to the required permit as a “temporary special events permit”).

Based on input from staff, the City does not use a formal zoning permit procedure. However, Zoning Division staff reviews proposals for activities such as conditional uses, administrative tree removal requests, and installation of fences, and also conducts zoning compliance reviews for business license applications and building permit applications (e.g., review of site plans for new single-family residential dwellings, additions to existing buildings, and swimming pools). Aside from the references to zoning permits, these administrative reviews are uncodified.

We recommend developing a formal Zoning Compliance Review procedure so that these reviews are handled in a consistent manner, which increases predictability



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for applicants. This procedure would be used for review and decision making of applications to commence conditional uses, for requests of administrative tree removal, approval of fences, and for zoning compliance reviews required for business license and building permit applications, but would be a specific component of these application reviews rather than a separate procedure or permitting process.

1.7.3(b). Add a Planned Development Procedure

It is recommended that the rewritten Development Code include a new procedure for approval of Planned Development (PD) districts, replacing the current PUD procedure. The new procedure should reinforce the notion that PDs require higher quality development that cannot be accommodated in one of the standard zone districts (see discussion in Section 2.2.9, Planned Development Districts).

Because a planned development approval allows an applicant flexibility from the strict application of the zone district regulations (dimensional and related standards), as well as specific development standards (off-street parking, landscaping, exterior lighting, signage, etc.), the recommended procedure will require an applicant to submit and have approved as part of the PD rezoning both a PD Plan and a PD Agreement. The PD Plan requires the applicant to prepare a comprehensive and integrated plan for development of the site subject to the PD; the PD Plan would specifically identify the development parameters for the project (the type and density and intensity of residential, mixed-use, or nonresidential development; its general location and layout; its phasing, etc.), as well as how the development proposes to vary from the development standards in the code. The PD Agreement would identify the conditions of approval for the project—such as the ways in which needed public facilities will be provided and coordinated with development, how environmentally sensitive lands will be protected and monitored, and other provisions important to the administration of project development.

The rewritten Development Code would also include an amendment process to allow staff to approve minor changes to the terms of a PD Plan. The list of changes that staff could authorize would be precisely defined and limited to those that address technical considerations that could not reasonably be anticipated during approval of the original PD and that have no material impact on the character of the district or on surrounding property. The regulations would make clear that more significant changes to a PD require an amendment in accordance with the procedures and standards for its original approval.

1.7.3(c). Revise the Procedure for Changes to Approved Major Subdivisions

The current Zoning Ordinance authorizes the TRC to review and the Planning Commission to act on Concept Plans, which are the first step in the major subdivision process. A Concept Plan is a high-level development plan that shows existing property conditions, the proposed subdivision layout, the right-of-way cross-sections, and identifies important components of the development such as open space and drainage.



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If there are minor revisions to the approved subdivision plan, the current Zoning Ordinance authorizes the Zoning Administrator to approve the next steps in the major subdivision process, Preliminary Plats and Construction Documents (the “Development Plan”), and Final Plats. Delegation of approval of preliminary and final plats to an administrative official is a common practice in many communities. However, if the applicant’s proposed Development Plan or Final Plat incorporates “major” revisions to the Concept Plan, the current Zoning Ordinance requires that the Planning Commission review and make a decision on the application. Sec. 54-809.5 defines “minor” and “major” revisions. We recommend a refinement to this process.

The Planning Commission should continue to have approval authority for Concept Plans, but the Zoning Administrator should have approval authority for Preliminary and Final Plats in all cases. We suggest that in the rewritten Development Code, the Planning Commission’s role is to review and act on a revised Concept Plan, which must be approved before the applicant submits Preliminary Plats and Construction Documents or Final Plats. Other changes to the proposed subdivision, major or minor, that are generally consistent with the approved Concept Plan should require review and action only by the Zoning Administrator.

With this approach, the Concept Plan process would continue to allow discretion or opportunities for the Planning Commission to require changes to the layout based on Comprehensive Plan policies and sound planning principles. The Development Plan and Final Plats would be administrative in nature—if they meet the Ordinance standards and are consistent with the approved Concept Plan, and the Zoning Administrator would be authorized to approve them. The Concept Plan would remain subject to Planning Commission review and reflect the high-level plan for the subdivision.

Finally, and to improve clarity for landowners and improve consistency in the review process, we also recommend that the rewritten Development Code use objective standards to define what constitutes a major change to the Concept Plan that requires review by the Planning Commission.

1.7.3(d). Add a New Annexation Procedure

The City has long encouraged annexation¹⁷ of unincorporated properties to improve service delivery and increase its tax base. Property owners receive a variety of benefits by annexing, including tax credits (in some areas), decreased water and sewer rates, and police and fire protection.

The City’s website includes a helpful infographic¹⁸ explaining the annexation process. However, the Zoning Ordinance does not specify how the City expands its municipal boundaries. We recommend codifying the City’s annexation procedure and cross-referencing S.C. Code Title 5, Chapter 3, which authorizes annexation. The procedure would clarify how and when zoning is applied to newly annexed property.

¹⁷ <https://www.charleston-sc.gov/283/Annexation>

¹⁸ <https://www.charleston-sc.gov/DocumentCenter/View/33529/City-of-Charleston-Annexation-Process>



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1.7.3(e). Add a New Procedure for Amendments to the Comprehensive Plan and Future Land Use Map

The *City Plan* describes the Future Land Use Map (FLUM) as “a major component of the City Plan which brings together various aspects of the plan into a visual guide for land use and development in the City. The map is an articulation of the community’s vision of how the city develops, where it is appropriate to expand, and where it should scale back. While not a zoning map, it helps the community make land use and growth management decisions now and into the future. Intended as a general guide rather than a regulatory tool, the map is not parcel-specific and boundaries not exact” (p. 105).

The City’s website includes an application form for requests to amend the FLUM, but this process is not codified in the Zoning Ordinance. Further, it does not specify how the City adopts a new comprehensive plan or amends the text of the current plan. While the City follows the comprehensive plan amendment process specified in the S.C. Local Government Comprehensive Planning Enabling Act of 1994 (the “S.C. Planning Act”), including the process in the regulations provides clarity to citizens and business owners. The rewritten Development Code should specify how the Comprehensive Plan is adopted and the criteria the City uses to assess changes to the Comprehensive Plan and FLUM.

1.7.3(f). Add a New Procedure for Changes to the Urban Growth Boundary

The *City Plan* states: “The Urban Growth Boundary [UGB] is a significant planning tool implemented in the 1990s and reinforced over time that reduces the increased spread of suburban development and ensures areas surrounding the City’s boundaries remain rural in character” (p. 134).

While the City discourages intensive development beyond the UGB, it recognizes there may be instances where it is appropriate to adjust the location of the UGB as the City develops over time. For this reason, the City has established a process to request such adjustments. The City’s website includes an application form¹⁹ for requests to move the Urban Growth Boundary. However, there is no associated procedure in the current Zoning Ordinance. For clarity and transparency, it is recommended that the existing procedure to adjust the Urban Growth Boundary be codified without substantive change in the rewritten Development Code.

1.7.3(g). Add a Formal Procedure for Zoning Ordinance Interpretations

While the current Zoning Ordinance includes rules for determining zone district boundaries and specifies that the Board of Zoning Appeals hears appeals of City staff interpretations, it does not specify how an applicant requests an interpretation from staff regarding an Ordinance provision. The current Zoning Ordinance also does not require the City to maintain a set of written interpretations, lacks any requirement that interpretations be made available to the public, and provides no guidance about when a staff interpretation should no

¹⁹ <https://www.charleston-sc.gov/DocumentCenter/View/231/Urban-Growth-Boundary-Move-Application>



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longer be binding on staff or an applicant (if, for example, provisions in the code related to the interpretation have changed).

The rewritten Development Code should include a clear process by which applicants can receive a written interpretation from the Zoning Administrator. In addition, we recommend staff maintain a written file of its interpretations to continue to ensure consistency in the application of City policy over time and make clear that the interpretations are only valid so long as the underlying regulations on which they are based have not changed.

1.7.3(h). Add an Administrative Adjustment Procedure

The Planning, Preservation & Sustainability 2022 Year-End Report²⁰ indicates the BZA—Zoning body reviewed 170 applications in 2022, which is an average of 14 applications per month. According to staff, many of these were variance applications for properties on the Lower Peninsula. The current Zoning Ordinance creates challenges for infill development and redevelopment, particularly in older parts of the City. The rewritten Development Code will implement zone district and development standards that are more appropriate to the City's various geographic and development contexts, but there will likely still be situations where the district requirements do not accommodate the idiosyncrasies of land use on the Lower Peninsula and elsewhere.

For this reason, the City should establish an administrative adjustment procedure. This would allow applicants to obtain a deviation from certain numerical standards that apply in the rewritten Development Code, without the need for a public hearing before the BZA—Zoning, and the requirement to demonstrate a hardship. The administrative adjustment procedure would authorize the Zoning Administrator to approve limited adjustments to numerical development standards (e.g., up to a 10% reduction in setbacks) based on clear criteria adopted in the rewritten Development Code.

Any administrative adjustment would be limited in scope. Unlike the consideration of variance requests, the applicant would not be required to demonstrate hardship; instead, they would need to meet certain criteria and demonstrate that the requested adjustment is reasonable and does not negatively impact surrounding properties. Because of the threshold requirements and other criteria, the administrative adjustment procedure would not be a "blank check" for landowners.

1.7.3(i). Add a New Procedure that Sets Out the Approval Procedure for Sign Applications

Depending on the proposed location, the Design Review Board (DRB), the Board of Architectural Review (BAR), or Zoning Division staff reviews and acts on applications for signs.

Sec. 54-402(a) requires a zoning permit for signs; however, as noted in Section 1.7.3(a), Add a Zoning Compliance Review Procedure, the City does not have a formal zoning permit procedure. Sec. 54-402(b) recognizes the jurisdiction of the

²⁰ <https://www.charleston-sc.gov/DocumentCenter/View/33471/pps2022yearendreportweb>



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DRB and BAR when reviewing and acting on applications for signs, but does not specifically define the review process. It also includes references to DRB and BAR sign design guidelines in two non-existent Zoning Ordinance appendices, which should be updated to cross-reference the boards' sign design guideline "policy statements" maintained outside the Zoning Ordinance.

As a result, the review process established in the current Zoning Ordinance is unclear, particularly when the proposed sign is located in the DRB's or BAR's jurisdiction. DRB and BAR applications typically require review by the TRC, but it appears the TRC does not review applications for signs.

We recommend establishing a formal Sign Permit procedure that incorporates, where applicable, DRB and BAR review as well as the Department of Public Service Encroachment Permit process. This would distinguish the review of signs from other DRB and BAR applications and provide clarity about the review process.²¹

1.7.3(j). Additional Minor Changes

Finally, during the drafting of the administrative section of the rewritten Development Code, we will closely review the text of the current Zoning Ordinance and make sure to clarify any ambiguities and ensure that the procedures are consistent with common practice. Identified below are some recommended minor revisions:

- ★ **Clarify BZA-Site Design Procedures:** Sec. 54-923 lists the powers of the Board of Zoning Appeals—Site Design (BZA-SD), which include hearing and deciding appeals on and requests for variances from certain specified Zoning Ordinance sections related to subdivision and site design. Although not listed in this section, the BZA-SD also grants special exceptions for a narrow set of development standards, such as removal of certain types of grand trees (Sec. 54-329) and exceptions to off-street parking requirements (Sec. 54-511). The Zoning Ordinance update should review this current practice to ensure consistency with the S.C. Planning Act.
- ★ **Shift Approval Authority for Temporary Special Events in Agricultural Districts:** Sec. 54-1023 authorizes the Planning Director to issue temporary special event permits for the Agricultural Districts. This decision-making authority should be shifted to the Zoning Administrator to align with other use-related procedures. Alternatively, the City might consider shifting this authority to the Special Events Committee, which is charged by City Code Sec. 2-185 *et seq.* with issuing special event and temporary use event permits.
- ★ **Rename Land Development Plans:** Article 6 establishes provisions for "Land Development Plans," which the TRC approves. Based on staff input, the rewritten Development Code should designate these land development

²¹ As discussed in Section 5.4, Provide More Measurable Form and Design Standards Outside the City's Historic Areas, it is proposed that the current vague and contextual standards that apply in in the Design Review District and that are administered by the DRB be replaced by more measurable and precise design standards that the City could choose to review and approve administratively. Therefore, references to the DRB in the context of signs may not be part of the rewritten Development Code.



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plans as “Site Plans” for consistency with the terminology used in the TRC Procedure Manual.²²

²² Recommendations to reorganize and update the provisions related to enforcement are included in the Annotated Outline, in Article 8: Enforcement. However, there are other miscellaneous recommendations relating to the enforcement and administrative procedures that are recommended to be revised. First, there should be updates to the various titles included in the rewritten Development Code to conform with current practice. Second, Sec. 54-908, Certificate of occupancy, authorizes the Administrative Officer to issue certificates of occupancy. However, in practice, this function appears to fall under the purview of the Building Inspections Division of the Public Services Department. Building Inspections now refers to this as a “Certificate of Construction Completion,” or CCC. Depending on the nature of the construction project, Planning, Preservation, & Sustainability Department staff may be involved in reviewing CCC applications. The City should consider relocating this section, perhaps to City Code Chapter 7: Buildings and Building Regulations, and updating it to conform with current positions and practices.



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Theme 2: Update the Zone District and Use Regulations to Simplify the Regulations, Enhance Resiliency, and Improve Development Form in Key Corridors

Theme 2: Update the Zone District and Use Regulations to Simplify the Regulations, Enhance Resiliency, and Improve Development Form in Key Corridors

The City of Charleston covers more than 156 square miles of land in the South Carolina Lowcountry. Most of the historic portions of the City, which are more than 350 years old, were developed before the first adoption of a zoning ordinance. The City's rapid growth both in population and (through annexation) land area over the last several decades has led to a burgeoning of zone districts designed to accommodate growth in different parts of the expanding City.

The implementation of zoning regulations in the City had several challenges. The historic peninsula developed for decades before the City's first zoning ordinance was adopted, and in some respects the development standards that applied to these historic properties did not conform with the existing form of development. In many cases, they required that development take on a more suburban form, with large front setbacks that are inconsistent with the historic context.

In the past few decades, the City has grown substantially in land area, and there has been extensive development outside of the historic core. As a result, the Zoning Ordinance has been subjected to multiple piecemeal revisions that were intended to support development in new contexts. This included the development of new zone districts to address development issues in new, specific contexts. As discussed in Section 1.1, Make the Structure More Logical and Intuitive, many of these changes were not well integrated into the organization of the ordinance and make it difficult to use.

As a result, the current set of zone districts is a patchwork quilt of regulations. In some respects they do support quality development, but in others they act counter to the City's goals for high-quality, resilient development.

This effort to rewrite the City's current Zoning Ordinance provides an opportunity to comprehensively evaluate the City's lineup of districts with the goal of establishing a more user-friendly set of districts, increasing resilience, and better supporting high-quality development throughout the City.

This Diagnosis proposes significant changes to the City's zone district makeup that better meet the City's development and resilience goals, while improving the clarity and transparency of the regulations. The first section below provides an overview of the City's current zone districts, and the second section below sets out the recommended revised zone district structure.

2.1. Overview of Current Zone Districts

The current Zoning Ordinance includes more than 100 zone districts, including base districts, overlay districts, and subdistricts. There are 48 base zoning districts in the existing code, a Planned Unit Development (PUD) district (with over 70 PUDs applied throughout the City), 21 overlay districts (some with subdistricts—the Old City Height



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district includes 23 subdistricts), 4 Neighborhood districts, and separate preservation and design districts.

The base zoning districts include:

- ★ One Conservation district;
- ★ Two Agricultural districts;
- ★ Nineteen (19) Residential districts, including
 - ★ One low-density Rural Residential district
 - ★ Four single-family detached districts;
 - ★ Four single-family detached or attached districts;
 - ★ One single-family and two-family (duplex) district;
 - ★ Nine “diverse residential” districts, including one for manufactured homes and one for elderly housing;
- ★ Two office districts;
- ★ Twelve (12) business/mixed-use districts, some of which include subdistricts;
- ★ Two light industrial districts;
- ★ Several PUD districts, including a general PUD district, and references to three established PUDs in the City (including subdistricts that apply in those PUDs); and
- ★ The Cainhoy district, which applies on the Cainhoy Peninsula.

There are 21 overlay districts as well. Some of those overlay districts have multiple subdistricts. For example, the Old City Height district has 23 subdistricts, and the FR: Folly Road overlay district has five separate subdistricts: The North Village Sub-Area, the Commercial Core Sub-Area, the South Village Sub-Area, the Neighborhood Preservation Sub-Area, and the Conservation Sub-Area. The current Zoning Ordinance’s lineup of overlay districts includes the following.

- ★ Five overlay districts that allow certain types of uses, including A: Accommodation; TB: Tour Boat; AR: Amusement and Recreation Service; S: School; and ST: Short Term Rental.
- ★ Seven districts that apply special development standards: JI: Johns Island; SH: Savannah Highway; TC: Tech Corridor; G: Gateway; N: Neighborhood; the Dupont Wappoo Planning Area and DuWap Overlay Zone; and the FR district.
- ★ Three historic districts—the Old and Historic district, the Old City District, and the Historic Corridor District.
- ★ A district for landmarked properties, LMK: Landmark.



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- ★ One overlay district, the Special Parking District, that exempts land from the City’s off-street parking standards.
- ★ One overlay district that applies design standards outside the City’s historic areas, the Design Review District.
- ★ One overlay district, the Old City Height district, that establishes maximum height standards for development in the Old City District.
- ★ Two districts that establish time limitations for uses on land in the district—the GBLN: General Business Late Night and LILN: Light Industrial Late Night districts.

The City’s existing zone districts, a description of their general character, and the amount of land assigned to each district on the Official Zoning Map are detailed in Table II-3: Existing Zone Districts.

Table II-3: Existing Zone Districts		
District	Description	Amount of Land Assigned to District [1]
Conservation District		
C: Conservation	Supports and encourages the protection of natural areas such as marshlands, forests, scenic areas, along with agricultural areas. These areas are not likely to be developed for urban purposes in the reasonable near future.	22.6% (15,806 acres) <ul style="list-style-type: none"> • 99% off Peninsula • 149 acres on Peninsula • 142 acres in historic district
Agricultural Districts		
AG-8	Supports agricultural and silvicultural uses, including crop and animal production, forestry, and related uses, along with resource extraction/mining and some manufacturing and production uses as allowed uses, conditional uses, or special exception uses depending on the specific type and size of use. The district also supports various types of residential, recreational, and related uses, as well as some commercial uses. This district is intended for rural agriculture areas.	6.53% (4,565 acres) <ul style="list-style-type: none"> • 100% off Peninsula
AG-S	Identical to the AG-8 district, except also supports asphalt and concrete recycling uses as a conditional use.	0.1% (84 acres) <ul style="list-style-type: none"> • 100% off Peninsula
Residential Districts		
RR-1: Rural Residential	The district allows agricultural and silvicultural uses as well as most uses allowed in the SR districts. RR-1 requires a minimum lot size of 12,500 square feet and limits density to 3.5 units per acre.	1,146 acres <ul style="list-style-type: none"> • 100% off Peninsula



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Table II-3: Existing Zone Districts

District	Description	Amount of Land Assigned to District [1]
SR-1: Single-family (detached)	The district allows for one-family detached dwellings with maximum densities of 4.8 units per acre with varying setback, height, and lot occupancy requirements.	14.0% (9,808 acres) <ul style="list-style-type: none"> • 97% off Peninsula • 312 acres on Peninsula • 0.1 acre in historic district
SR-2: Single-family (detached)	The district allows for one-family detached dwellings with maximum densities of 7.3 units per acre, with varying setback, height, and lot occupancy requirements.	2.6% (1,824 acres) <ul style="list-style-type: none"> • 97% off Peninsula • 345 acres on Peninsula • 344 acres in historic district
SR-3: Single-family	The district allows for one-family detached and attached dwellings with maximum densities of 7.3 units per acre, with varying setback, height, and lot occupancy requirements.	0.2% (122 acres) <ul style="list-style-type: none"> • 65% off Peninsula • 43 acres on Peninsula • 43 acres in historic district
SR-4: Single-family	The district allows for one-family detached and attached dwellings with maximum densities of 10.9 units per acre respectively, with varying setback, height, and lot occupancy requirements.	0.2% (124 acres) <ul style="list-style-type: none"> • 72% off Peninsula • 34.5 acres on Peninsula • 34.5 acres in historic district
SR-5: Single-family	The district allows for one-family detached and attached dwellings with maximum densities of 17.4 units per acre, with varying setback, height, and lot occupancy requirements.	0.05% (32 acres) <ul style="list-style-type: none"> • 0% off Peninsula • 32 acres on Peninsula • 32 acres in historic district
SR-6: Single-family	Supports single-family detached residential uses with a minimum lot area of 5,000 square feet	0.65% (451 acres) <ul style="list-style-type: none"> • 100% off Peninsula
SR-7: Single family (detached)	The district allows for one-family detached dwellings with maximum densities of 1 unit per acre, with varying setback, height, and lot occupancy requirements.	0.8% (568 acres) <ul style="list-style-type: none"> • 100% off Peninsula
SR-8: Single family (detached)	The district allows for one-family detached dwellings with maximum densities of 2.9 units per acre, with varying setback, height and lot occupancy requirements.	0.18% (129 acres) <ul style="list-style-type: none"> • 100% off Peninsula
STR: Single and Two-family	The district allows single- and two family dwellings and all uses permitted in the SR districts. The minimum lot size for a two-family dwelling is 9,000 square feet for a maximum density of 7.3 units per acre.	0.45% (129 acres) <ul style="list-style-type: none"> • 100% off Peninsula
DR-6: Diverse Residential 6	The district allows multifamily residential (3 or more) dwellings and one-family attached dwellings as well as single- and two-family dwellings. Density limitations are 6.0 units per acre.	1.1% (740 acres) <ul style="list-style-type: none"> • 100% off Peninsula



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Table II-3: Existing Zone Districts

District	Description	Amount of Land Assigned to District [1]
DR-9: Diverse Residential 9	The district allows multifamily residential (3 or more) dwellings and one-family attached dwellings as well as single- and two-family dwellings. Density limitations are 9.0 units per acre.	0.36% (252 acres) <ul style="list-style-type: none"> • 99% off Peninsula • 0.8 acres on Peninsula • 0 acres in historic district
DR-12: Diverse Residential 12	The district allows multifamily residential (3 or more) dwellings and one-family attached dwellings as well as single- and two-family dwellings. Density limitations are 12.0 units per acre.	0.3% (191 acres) <ul style="list-style-type: none"> • 98% off Peninsula • 3.4 acres on Peninsula • 3.4 acres in historic district
DR-1: Diverse Residential 1	The district allows multifamily residential (3 or more) dwellings and one-family attached dwellings as well as single- and two-family dwellings. Density limitations are 19.4 units per acre. The Board of Zoning Appeals (BZA) may approve, as a special exception, fraternity houses, sorority houses, dormitories, and homes for the elderly.	0.9% (646 acres) <ul style="list-style-type: none"> • 90% off Peninsula • 67 acres on Peninsula • 66.8 acres in historic district
DR-1F: Diverse Residential 1F	The district allows multifamily residential (3 or more) dwellings and one-family attached dwellings as well as single- and two-family dwellings. Density limitations are 19.4 units per acre. The BZA may approve, as a special exception, fraternity houses, sorority houses, dormitories, and homes for the elderly.	1.4% (963 acres) <ul style="list-style-type: none"> • 53% off Peninsula • 451 acres off Peninsula • 450.9 acres in historic district
DR-2: Diverse Residential 2	The district allows multifamily residential (3 or more) dwellings and one-family attached dwellings as well as single- and two-family dwellings. Density limitations are 26.4 units per acre. The BZA may approve, as a special exception, fraternity houses, sorority houses, dormitories, and homes for the elderly.	0.14% (96 acres) <ul style="list-style-type: none"> • 38% off Peninsula • 59 acres on Peninsula • 59 acres in historic district
DR-2F: Diverse Residential 2F	The district allows multifamily residential (3 or more) dwellings and one-family attached dwellings as well as single- and two-family dwellings. Density limitations are 26.4 units per acre. The BZA may approve, as a special exception, fraternity houses, sorority houses, dormitories, and homes for the elderly.	0.8% (547 acres) <ul style="list-style-type: none"> • 50% off Peninsula • 274 acres on Peninsula • 274 acres in historic district



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Table II-3: Existing Zone Districts

District	Description	Amount of Land Assigned to District [1]
DR-3: Diverse Residential 3	The district is intended to promote acceptable living environments for occupants of mobile home parks as well as occupants of mobile homes, and manufactured homes and non-mobile home residential dwellings on single lots outside of mobile home parks. Uses allowed in the SR and DR districts are also allowed in the DR-3 district. The minimum lot size for a mobile or manufactured home on its own lot is one acre.	0.13% (94 acres) <ul style="list-style-type: none"> • 79% off Peninsula • 19.2 acres on Peninsula • 19.2 acres in historic district
DR-4: Diverse Residential 4	The district allows multifamily dwellings of 20 or more units for the elderly. Such structures are subject to development standards relating to maximum lot area per living unit, height, lot coverage, as well as other development requirements.	0.2% (159 acres) <ul style="list-style-type: none"> • 92% off Peninsula • 13 acres on Peninsula • 1.4 acres in historic district
Office Districts		
RO: Residential Office	The district is intended to allow limited office uses within converted residential structures along major roadways. This district shall provide for the daily convenience and personal service needs of the surrounding community and shall be designed to mix compatibly and aid in the preservation and stabilization of the local neighborhood. The district is not intended to permit the loss of viable housing stock.	0.03% (21 acres) <ul style="list-style-type: none"> • 97% off Peninsula • 0.7 acres on Peninsula • 0.7 acres in historic district
GO: General Office	The district is intended to provide for professional, administrative, executive and government offices including, but not limited to, medical, insurance, real estate, attorney, engineering, and financial offices. Accessory uses intended to compliment office uses are allowed.	0.4% (297 acres) <ul style="list-style-type: none"> • 99% off Peninsula • 1 acres on Peninsula • 1 acre in historic district
Business Districts		
CT: Commercial Transitional	The district is intended to protect, preserve and enhance residential areas while allowing commercial uses which are compatible with the adjacent residential areas. In addition to allowing a limited number of commercial uses, the size and hours of operation of certain uses are restricted.	0.08% (54 acres) <ul style="list-style-type: none"> • 90% off Peninsula • 5.1 acres on Peninsula • 4.8 acres in historic district



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Table II-3: Existing Zone Districts

District	Description	Amount of Land Assigned to District [1]
LB: Limited Business	The district is intended to provide for a limited variety of commercial uses and services associated with neighborhood retail, financial and office activities which are compatible with residential areas. The hours of operation for most permitted commercial uses are restricted to between 7 a.m. and 11 p.m. Gasoline service stations are permitted as conditional uses. Prohibited uses include, but are not limited to bars, liquor stores, car washes as a principal use, bowling alleys, billiard parlors, dance halls, restaurants with drive-thru service windows, and automobile sales.	0.9% (596 acres) <ul style="list-style-type: none"> • 61% off Peninsula • 231 acres on Peninsula • 231 acres in historic district
GB: General Business	The district is intended to provide for a broad range of commercial uses and activities. It is the most intensive commercial zoning district. Prohibited uses include junk and salvage yards, and storage yards (except for vehicles and boats). Mini-warehouse/self-storage uses may be permitted as special exceptions. Automotive repair shops, communication towers, gas stations, short term lenders, veterinary clinics, and stables may be permitted as conditional uses.	3.1% (2,164 acres) <ul style="list-style-type: none"> • 80% off Peninsula • 439 acres on Peninsula • 364 acres in historic district
UC: Urban Commercial	The district is intended to allow high density residential development in a commercial zoning district that permits the same commercial uses as the General Business district.	0.0% (1.5 acres) <ul style="list-style-type: none"> • 0% off Peninsula • 1.5 acres on Peninsula • 1.5 acres in historic district
MU-1: Mixed Use 1	The district is intended to permit high density residential uses along with a limited variety of neighborhood commercial uses and services in urban areas of the City.	0.9 acres <ul style="list-style-type: none"> • 0% off Peninsula • 0.9 acres on Peninsula • 0.9 acres in historic district
MU-2: Mixed-Use 2	The district is intended to permit high density residential uses along with a broad range of commercial uses and activities in urban areas of the City.	0.04% (29 acres) <ul style="list-style-type: none"> • 19% off Peninsula • 23 acres on Peninsula • 23 acres in historic district



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Table II-3: Existing Zone Districts

District	Description	Amount of Land Assigned to District [1]
BP: Business Park	The district is intended to accommodate service type commercial, wholesale, storage, and light manufacturing uses with relatively limited external effects in a high quality environment. Uses which fit into this category are characterized by being low traffic generators, having no external environmental effects across property lines, and having all outdoor storage screened from adjoining rights-of-ways and properties by a minimum six-foot tall solid fence or wall and landscape buffer. Automotive repair shops and veterinary clinics are permitted only as special exceptions.	0.1% (81 acres) <ul style="list-style-type: none"> • 98% off Peninsula • 1.3 acres on Peninsula • 0 acres in historic district
GP: Gathering Place	The district is intended to promote mixed-use town, village, and neighborhood centers around the City at major intersections or along traditional commercial streets. Diverse housing, mixed-use, pedestrian oriented development are permitted within this district.	0.3% (213 acres) <ul style="list-style-type: none"> • 100% off Peninsula
MU-1/WH: Mixed Use 1, Workforce Housing	The district is incentive based and is intended to permit high density residential uses with a mixture of housing opportunities, along with limited neighborhood nonresidential uses and services in urban areas of the City.	0.04% (25.8 acres) <ul style="list-style-type: none"> • 20% off Peninsula • 20.6 acres on Peninsula • 20.6 acres in historic district
MU-2/WH: Mixed Use 2, Workforce Housing	The district is incentive based and is intended to permit high density nonresidential uses with a mixture of housing opportunities, along with a broad range of nonresidential uses in urban areas of the City.	0.16% (112 acres) <ul style="list-style-type: none"> • 0% off Peninsula • 112 acres on Peninsula • 112 acres in historic district
UP: Upper Peninsula	The district is intended to accommodate a mixture of dense residential and commercial uses and taller buildings in the upper portion of the Peninsula through the use of incentives designed to promote ecology, mobility, energy efficiency, diverse housing and privately maintained outdoor spaces accessible to the public.	0.2% (123 acres) <ul style="list-style-type: none"> • 0% off Peninsula • 123 acres on Peninsula • 60 acres in historic district



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Table II-3: Existing Zone Districts

District	Description	Amount of Land Assigned to District [1]
JC: Job Center	The district is intended to promote small entrepreneurial businesses and industries consisting of consumer, special trade, services, office/warehousing and limited business park uses. Uses that fit into this category are characterized by being incubators for new small and entrepreneurial business, are low traffic generators, and do not have external environmental effects.	0.06% (41.8 acres) <ul style="list-style-type: none"> • 100% off Peninsula
Industrial Districts		
LI: Light Industrial	The district is intended to permit most commercial uses and low impact industrial uses which are compatible with surrounding commercial districts. More intensive industrial and manufacturing uses are permitted as conditional uses if the uses satisfy specific performance standards. Storage yards are permitted only as special exceptions.	4.9% (3,387 acres) <ul style="list-style-type: none"> • 95% off Peninsula • 170 acres on Peninsula • 102 acres in historic district
HI: Heavy Industrial	The district is intended to provide for a broad range of industrial uses. It is the least restrictive industrial zoning district. Junk yards and storage yards are permitted only as special exceptions.	1.6% (1,149 acres) <ul style="list-style-type: none"> • 25% off Peninsula • 861 acres on Peninsula • 224 acres in historic district
PUD and Other Districts		
PUD: Planned Unit Development	This district is intended to accommodate innovation in neighborhood design with additional flexibility for development that incorporates open space, preserves natural features, provides opportunity for a mix of features, and insures compatibility with surrounding areas.	25.6% (17,888 acres) <ul style="list-style-type: none"> • 98% off Peninsula • 420 acres on Peninsula • 173 acres in historic district
DI-PUD: Daniel Island Planned United Development	This district is applied to the portion of Daniel Island subject to the Daniel Island Master Plan Zoning Text and corresponding development agreement. It includes eight subdistricts: DI-PZ: Park Zone; DI-CZ: Conservation Zone; DI-RZ: Residential Zone; DI-GO: General Office; DI-LI: Light Industrial; DI-TC: Town Center; DI-BP: Business Park; DI-RI: Residential Island.	6.6% (4,647 acres) <ul style="list-style-type: none"> • 100% off Peninsula



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Table II-3: Existing Zone Districts

District	Description	Amount of Land Assigned to District [1]
CW-PUD: Canterbury Woods Planned Unit Development	This district is applied to the Canterbury Woods development and incorporates the Canterbury Woods Development Guidelines and Master Plan in Appendix G of the current Zoning Ordinance.	0.15% (104 acres) <ul style="list-style-type: none"> • 100% off Peninsula
HW-PUD: Hemmingwood Planned Unit Development	This district is applied to the Hemmingwood development and incorporates the Hemmingwood Development Guidelines in Appendix K of the current Zoning Ordinance.	0.02% (12 acres) <ul style="list-style-type: none"> • 100% off Peninsula
CY: Cainho District	Establishes special regulations for the Cainho District	0.45% (308 acres) <ul style="list-style-type: none"> • 100% off Peninsula
Overlay Districts		
A: Accommodation	The overlay district is intended to identify those areas within the City where accommodation uses are allowed. Accommodation uses are prohibited except within the A district, with the exception of bed and breakfasts that are approved in accordance with the provisions of Sec. 54-208.	
TB: Tour Boat	The overlay district is used only on the Peninsula to identify waterfront areas suitable for the operation of tour boats.	
JI: Johns Island	The overlay district applies to all areas of Johns Island within the City limits in the district. Additional restrictions may apply depending on the underlying base zone district and the specific use. Regulations in the overlay district include street frontage buffers, buffers for industrial uses, sign regulations, and curb cut requirements.	
AR: Amusement and Recreation Service	The overlay district applies to all areas of the Peninsula as bounded by the Ashley River, the Cooper River and Charleston Harbor, and prohibits the rental of certain low-speed vehicles like mopeds, golf carts, and scooters.	



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Table II-3: Existing Zone Districts

District	Description	Amount of Land Assigned to District [1]
SH: Savannah Highway	The overlay district is intended to allow office and neighborhood service uses in addition to the uses allowed in the base zone district. Existing structures in the SH zone that are used for non-residential uses are required to retain their residential appearance. Building additions and new structures are required to be designed to look like the existing residential structures. Parking is restricted to the side or rear of the principal buildings and buffering from adjoining residential lots is required.	
S: School	The overlay district is intended to identify those areas within residential zone districts where school uses are allowed. School uses are prohibited within residential zone districts except within the S Overlay Zone.	
LMK: Landmark	The overlay district is intended to accomplish the protection, enhancement, and perpetuation of structures or other improvements that have a special character or special historical, cultural, or aesthetic interest or value as part of the development, heritage or cultural characteristics of the City, state, or nation, or that are associated with an event of importance to the history of the City, state or nation, or that reflect the environment in an era characterized by a distinctive architectural style or that embodies those distinguishing characteristics.	
ST: Short Term Rental	The overlay district is intended to permit commercial short-term rentals, as defined in the Zoning Ordinance, within the district.	
GBLN: General Business Late Night	The overlay district is intended to restrict certain uses to only operate between 7:00 a.m. and 11:00 p.m.	
LILN: Light Industrial Late Night	The overlay district is intended to restrict certain uses to only operate between 7:00 a.m. and 11:00 p.m.	
TC: Tech Corridor	The overlay district is intended to enable high technology and technology-related industries to anchor new development in the district.	



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Table II-3: Existing Zone Districts

District	Description	Amount of Land Assigned to District [1]
G: Gateway	The overlay district is intended for sites in the City that are located at primary entrances to specifically defined or colloquially known districts and areas of the City. The purpose of the district is to accommodate a more varied use matrix at these strategic locations by providing an opportunity for denser residential developments at commercially zoned properties by way of an optional set of development regulations that authorize higher residential density and impose lot coverage requirements and certain height restrictions.	
Dupont Wappoo Planning Area and DuWap Overlay Zone	The overlay district is intended to preserve the existing development patterns, while providing land use and design standards that allow new development that is attractive and appropriate in scale, and that builds upon existing entrepreneurial and other uses in the area.	
FR: Folly Road	The overlay district is intended to implement traffic safety measures, to improve the visual character of the corridor, and to create consistency between the City of Charleston and surrounding jurisdictions concerning land use and design standards.	
Special Parking District	Land in the Special Parking District is exempted from the City's off-street parking standards	
Old and Historic District, Old City District, and Historic Corridor District	These three overlay districts are applied to the older portions of the City and are intended to preserve the external appearance of structures and construction of new structures in the historic style, with general harmony with structures of more modern design.	
Design Review District	The intent of this district is to establish a review process that will protect and improve the visual and aesthetic character and economic value of development within the City, but outside of the Old and Historic District and Old City District	



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Table II-3: Existing Zone Districts

District	Description	Amount of Land Assigned to District [1]
Neighborhood District	A district that applies to any land developed in accordance with the Neighborhood District required to be at least 30 acres in size (or at least 10 acres in size if physically connected to an existing Neighborhood District) and allows increased density and intensity in a walkable urban form with a required mix of residential and nonresidential uses.	
Old City Height Districts	Regulate allowable height in the Old City District; which includes 23 subdistricts designed to direct tallest development to the spine streets of the Lower Peninsula, with height tapering down to the shore, and preserves view corridors towards the rivers.	

NOTES

[1] Land in the “historic district” category includes land in the Historic Corridor, land in the Historic Materials Demolition Purview area, land in the Old and Historic District, and land in the Old City District.

2.2. Proposed Revisions to Zone Districts

2.2.1. Overview of Proposed Changes

2.2.1(a). Streamline, Reorganize, and Modernize the Zone District Regulations

Based on this evaluation of the current zone district structure, the different development contexts within the historic Lower Peninsula and other parts of Charleston, the land-use policy direction in the *City Plan*, the focus on resilience in the face of rising water levels, feedback received during the project kickoff meetings, discussions with City staff, and a project goal of modernizing and improving the effectiveness, efficiency, and user-friendliness of the new UDC, it is recommended that the rewritten Development Code generally include the following revisions:

- ★ First, a streamlined set of separate residential and business/mixed-use districts should be established that distinguish between lands and development that apply on the Lower Peninsula versus outside the Lower Peninsula, and better support the City’s development and redevelopment goals. The “Lower Peninsula” districts would have different dimensional standards and allowed uses versus the districts that apply elsewhere in the City. This restructuring should better support the different development contexts in the different parts of the City.



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- ★ Second, provide mixed-use zone districts that allow for increased density of residential development and increased intensity of non-residential development that can be assigned to lands at higher elevations. The availability of these districts will support the City’s goal to encourage more intense development in areas that are at low risk of flooding. These districts could be assigned to lands assigned to the **Neighborhood**, **Neighborhood Edge**, or **City Center** land use categories in the Future Land Use Map in the *City Plan*.²³
- ★ Third, the PUD district option should be replaced with modernized Planned Development options that provide a high quality of development not available in the base zone districts.
- ★ Fourth, the existing lineup of overlay districts should be significantly streamlined—retaining key districts that support important City goals, deleting those that are not being used or whose purposes will be addressed through development standards or other means.

In addition to these changes, we have analyzed the current set of zone districts through an equity lens. As discussed in the introduction, in the Overview of Equity Analysis on page I-2, there is an extensive history of zoning regulations that were written and applied in ways that have a disproportionate impact on members of particular groups, such as people of color. Therefore, and in accordance with the goals of this project and the objectives in the *City Plan*, the proposed restructuring of the zone districts takes into accounts the ways in which the regulations that apply in each zone district may have disproportionate impacts on communities that have been historically disadvantaged and continue to be particularly vulnerable.

The proposed zone district lineup is set forth in several tables below. Each Table includes three columns. The first column lists the existing zone district, if any. The second column lists the zone district in the proposed rewritten Development Code. It also identifies if the district is new, results from a consolidation of several existing zone districts, or is a carry-forward of the existing district. Finally, the third column indicates the purpose behind the district and any proposed changes from existing districts.

2.2.1(b). Update the Zone District Dimensional Standards to Improve Equity and Increase Resilience

During the drafting of the rewritten Development Code, it is also recommended that modest adjustments be made to the dimensional standards in the zone districts to address the City’s goals of improving development resilience and further addressing equity concerns.

²³ The land use categories in the Future Land Use Map (FLUM) are described in Section 3.1, Understanding the Planning Context. In order to better meet the City’s desire to shift development from land in lower elevations to land in higher elevations, the City also may consider adjusting the intended intensities and densities for development in these land use categories. This would provide additional development opportunity and reduce development pressures at lower elevations.



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One of the key ways to address resilience, which is incorporated in the City's current flood damage prevention ordinance and recommended in this Assessment, is to elevate buildings so that living areas are above low-lying areas subject to flooding. The current Zoning Ordinance excludes ramps, platform lifts, and other accessibility aids from the definition of "building" for purposes of setback requirements and building lot occupancy. Sec. 54-120. To improve the rewritten Development Code's clarity, these standards should be consolidated with other exceptions to district dimensional requirements. In addition, features such as porches and elevated stoops are currently not permitted within all setbacks. It is recommended that the City expand these exceptions beyond just assistive technology for accessibility and permit access stairs, porches, ramps and platform lifts in structures elevated within the identified flood hazard areas to be located within setbacks. Stairs also should be permitted in side setbacks, where they are currently not permitted, in addition to front and rear setbacks where they are currently allowed. In addition, the setback regulations should also include provisions that require mechanical equipment to be raised and located either within the building's side and rear setbacks or over the built structure as a height encroachment.

Changes could also be made to the maximum lot coverage ratios, which apply to all of the residential districts and some of the business districts; the JC: Job Center and UP: Upper Peninsula districts, among others, do not have lot coverage maximums. The ratios provide that no more than a certain percentage of the lot may be occupied by buildings; for the districts with lot coverage maximums, 50% is the highest value. To incentivize development in low flood-risk areas, it is recommended that lot coverage maximums increase. In addition, increased lot coverage standards can help to create more flexibility for developers to provide a more diverse housing stock with additional types of housing.

In addition to the changes identified here and in the remainder of this Assessment, the detailed district dimensional and other standards also will be reviewed through this equity lens during the drafting of the rewritten Development Code.

2.2.2. Conservation and Agriculture Districts

The proposed new lineup of conservation and agriculture districts are shown in Table II-4: Proposed Conservation and Agriculture Districts That Apply in the Entire City. These districts can be applied throughout the entire City. The only proposed new district is **LI: Low Impact**, which is intended for lands in the Low Impact/Conserved future land use category on the Future Land Use Map in the *City Plan* where significant risks of flooding are anticipated and development should be discouraged. Another recommendation is a consolidation of the AG-8 and AG-S districts, which are largely identical.



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Table II-4: Proposed Conservation and Agriculture Districts That Apply in the Entire City		
Current District	New District	District Notes
	LI: Low Impact [New]	New district intended for land in the Low Impact/Conserved future land use category on the Future Land Use Map, where restrictions should be placed on development and redevelopment. Another option would be to make this an overlay district.
<i>C: Conservation</i>	C: Conservation	Carry forward current district for protection of marshlands, as well as other areas to be preserved such as scenic areas, including but not limited to land owned by public entities or conservation organizations. Continue to allow agricultural uses, mining (with a special exception), small utility uses, golf courses, and single-family detached and two-family dwellings.
AG-8	AG: Agriculture [Consolidated]	Carry forward and consolidate the two districts, modernize agricultural uses and definitions based on best practices, and limit AG-S asphalt recycling use to where it currently exists through use-specific standards.
AG-S		

2.2.3. Residential Districts Outside the Lower Peninsula

The character of development along Charleston’s Lower Peninsula, particularly in the Old and Historic District with buildings that are hundreds of years old, reflects the form of development that took place before the advent of the automobile. These historic areas include narrow streets, small lots, and development that is oriented towards the public realm, with a mix of housing types and nonresidential uses. Corner stores were a frequent feature of this part of the City, and some still exist today.

This form is very different from the development in the parts of the City north of the historic neighborhoods and particularly off the Peninsula, most of which became part of the City over just the last few decades and have been growing rapidly since then. These areas feature wider roads, greater separation of uses, increased open space, larger residential lots, and site features which prioritize automobile traffic, including larger parking lots and more limited facilities for bicycles and pedestrians.

As mentioned earlier, the City currently has a single set of residential zone districts that accommodate development in all parts of the City. It is recommended that the City establish one set of residential zone districts that apply to land on the Lower Peninsula, and another set that applies to land elsewhere in the City. These districts are proposed to be tailored for the different development contexts appropriate in these two different parts of the City, to better accommodate the desired forms of development with less reliance on variances or other exceptions.

In addition, significant consolidation of the districts is proposed to simplify the rewritten Development Code and better accommodate additional types of housing, a top priority of the *City Plan*. One of the key changes is the creation of three zone districts outside the Lower Peninsula that accommodate “missing middle” housing. The first is the **RM-L:**



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Residential Mixed Low district, which consolidates seven existing zone districts into one district applied only outside the Lower Peninsula that allows a variety of housing types at a modest density of nine units per acre. The second is the **RM-M: Residential Mixed Medium** district, which consolidates five of the DR districts into a medium-density off-Peninsula district that allows a variety of housing types at a density of between 12 or 16 units per acre. Finally, the three highest-density DR districts are consolidated into the **RM-H: Residential Mixed High** district that would allow housing at up to 25 units per acre, as well as moderate intensity retail uses, on land outside the Lower Peninsula.

The standards in these zone districts also have equity implications. While the introduction of regulations for minimum lot sizes, minimum setbacks from streets and other buildings, building coverage, and maximum building heights were largely successful in creating healthier and safer communities, they also increased the cost of developing property. Over time, the standards evolved far beyond what was needed for public health and acted to exclude those who could not afford to occupy properties or housing that met these higher standards.

Two of the policies in the Equity Policy Guide recommend removing limits on minimum lot size requirements (Form and Design Policy 1) and reducing or removing limits on development density (Form and Design Policy 2). The *City Plan* also recommends expanding incentives for affordable housing through such measures as density bonuses, reduction in setback and lot sizes, and reduced or eliminated parking minimums, some of which are included in the current Zoning Ordinance. (See Theme 4: Update Regulations to Encourage a More Diverse Array of Housing Types and Incentivize Affordable Housing, for additional recommendations about incentives for affordable housing and encouraging the development of additional types of housing.)

Full details of these recommended changes are included in Table II-5: Proposed Residential Districts That Apply Outside the Lower Peninsula.

Table II-5: Proposed Residential Districts That Apply Outside the Lower Peninsula		
Current District	New District	District Notes
<i>RR-1: Rural Res.</i>	Delete	Propose to reclassify land in the district to the LI or C districts or to another residential district, depending on classification on the Future Land Use Map and existing uses on individual sites.
<i>SR-7: SF, Res.</i>	RSF-1 ²⁴	Rename SR-7 to RSF-1, carry forward as a large lot single-family district. Generally carry forward existing uses (which are identical to permitted uses in RR-1 district) and dimensional standards; consider applying different zone district to some land currently assigned to this district. <i>Min SF lot size: 43,560 sf (1 acre)</i>

²⁴ Number for residential districts reflects approximate maximum residential density, in dwelling units per acre. The name change is recommended to provide a consistent naming structure. In addition, the current single-family



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Table II-5: Proposed Residential Districts That Apply Outside the Lower Peninsula		
Current District	New District	District Notes
SR-8: SF Res	RSF-2.5	Carry forward as a district for the existing Crescent community, could be applied elsewhere. Generally carry forward current uses and dimensional standards (uses are identical to permitted uses in RR-1 district). <i>Min SF lot size: 15,000 sf</i>
SR-1: SF Res	RSF-4	Carry forward with generally the same permitted uses (which are identical to permitted uses in RR-1 district) and dimensional standards. <i>Min SF lot size: 9,000 sf</i>
SR-2: SF Res.	RM-L: Residential Mixed Low [Consolidated]	In an effort to expand opportunities for a variety of housing types in the City, consolidate and rename seven existing zone districts (four single-family districts, one district that also allows duplexes, and two districts that additionally allow smaller multifamily development) and allow a mix of housing types (including buildings with one through four units, smaller multifamily development, and other missing middle housing types such as cottage homes, bungalows, and courtyard development), ²⁵ at up to 9 units per acre. Provide for increased walkability (through development standards). Consider permitting low intensity/small-scale personal service and limited retail uses at corners/intersections, as well as implementing basic form and design standards for development. In addition, standards will be developed for the new housing types such as cottage home developments or bungalows. To limit nonconformities (structures/lots), the least restrictive dimensional standards will generally be used (or in some instances, contextual dimensional standards will be considered). These will include: <i>SF: 4,000 sf (SR-4 standard)</i>
SR-3: SF Res		
SR-6: SF Res		
SR-4: SF Res		
STR: Single Two Family		
DR-6		

residential zone districts are denoted SR-1 through SR-8, but the numbers are not meaningful. For example, SR-1 has a maximum density of 4.8 dwelling units per acre and a minimum lot size of 9,000 square feet, and the maximum density generally increases per zoning district up through SR-5 at 17.4 dwelling units per acre (2,500 square foot minimum lot size), but then SR-6 has a maximum density of 8.7 units per acre and a minimum lot size of 5,000 square feet, and SR-7 has the lowest allowed density at 1 unit per acre and largest required minimum lot size of a acre, larger even than the RR-1 district. As part of the restructuring, we have renamed and reorganized the districts in a more consistent and logical manner.

²⁵ The City may consider also developing prototype housing designs. These can be helpful in assuaging fears that the development of new housing types may negatively impact existing neighborhoods.



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Table II-5: Proposed Residential Districts That Apply Outside the Lower Peninsula		
Current District	New District	District Notes
DR-9		<p><i>Duplex: 9,000 sf (STR standard)</i> <i>Triplex and Quadplex: None</i> <i>Townhome: 1,500 sf</i> <i>Multifamily: None</i> <i>Cottage homes, bungalows, and courtyard development options:</i> <i>Special rules</i></p> <p>This increase in development density and expansion in housing options is consistent with the City's equity goals and the guidance in the Equity Policy Guide.²⁶</p>
DR-12 ²⁷	RM-M: Residential Mixed Medium	<p>Carry forward as a separate district intended to be applied outside the Lower Peninsula and rename. Allow the mix of housing types allowed in RM-L (except for single-family detached and two-family uses which shall be prohibited) and include standards that provide for increased walkability. Consider allowing moderate-intensity retail uses in specific locations. Maximum density would be carried forward at 12 units per acre or increased to 16 units per acre.</p> <p>Dimensional standards would generally be carried forward. Like in the proposed RM-L district, provide for increased walkability (through development standards), Also consider the development of basic form and design standards for development in the district.</p>
DR-1	RM-H: Residential Mixed High [Consolidated]	<p>Consolidate to a single, high density residential mixed-use district intended to be applied outside the Lower Peninsula. Allow the mix of housing types allowed in RM-M (except for cottage homes, bungalows, and courtyard development options), along with retirement housing (including the multifamily dwellings for elderly in the DR-4 district). Include standards that provide for increased walkability, along with basic form and design standards. Consider allowing moderate-intensity retail uses. Maximum density of 25 units per acre.</p> <p>To limit nonconformities (structures/lots), the least restrictive dimensional standards from the DR-2/DR-2F districts will generally be used (or in some instances, contextual dimensional standards will be considered). These will include:</p> <p><i>SF: 2,500 sf</i> <i>Townhome: 1,500 sf</i> <i>Two-family: 4,000 sf</i> <i>Triplex, Quadplex, and multifamily: 1,650 sf per unit</i></p>
DR-1F		
DR-2		
DR-2F		

²⁶ See discussion in the Overview of Equity Analysis Section on page I-4, and further discussion of the equity implications of allowing additional housing types in Section 2.6.1(a), Increase Number and Availability of Household Residential Uses.

²⁷ There is 3.4 acres of land in the Old Historic District that is zoned DR-12; that land is proposed to be rezoned to another district.



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Table II-5: Proposed Residential Districts That Apply Outside the Lower Peninsula		
Current District	New District	District Notes
<i>DR-4</i>	<i>Delete</i>	Propose to reclassify land in this zone district to one of the new RM districts, and to allow elderly housing and retirement homes in multiple RM districts. Will include standards to limit replacement of existing elderly housing with other uses.

2.2.4. Residential Districts on the Lower Peninsula

The proposed residential district lineup for lands on the Lower Peninsula includes four districts, which are described in detail in Table II-6: Proposed Residential Districts That Apply on the Lower Peninsula. One of the key characteristics of these new zone districts is the use of contextual dimensional standards, in place of the fixed dimensional standards included in the existing zone districts. This is suggested because of the goal of maintaining and preserving the existing development form within the City’s historic Lower Peninsula and to reduce the current need for landowners in the area to go through the variance process with just small adjustments to setbacks and other development standards that are clearly consistent with the current and desired development form.²⁸ The new contextual development standards proposed for the Lower Peninsula districts would provide flexibility for redevelopment and infill development to fit the unique character of the Lower Peninsula, and would be consistent with the historic preservation rules applied in the City.²⁹

²⁸ Unlike regular dimensional standards, which establish fixed numerical standards such as the number of feet any building is required to be set back from the front, side, and rear property lines, contextual dimensional standards establish standards based on the existing built environment near the property. For example, a contextual dimensional standard may state that a principal building on an infill lot must be setback within a range equal to the average setbacks of principal buildings on the adjoining properties within 100 feet on either side of the proposed development, plus or minus five feet. This helps ensure that new development fits in with and continues the existing development pattern. These types of standards are used in locations such as the historic section of the City, where any new development will be infilled within an existing built environment and the existing development patterns are not easy to capture using strict numerical requirements. During the drafting of the rewritten Development Code, we will work with staff to identify appropriate contextual standards in these districts. It is important to note that contextual standards will not be applied to building height.

²⁹ The City has undertaken an effort to identify appropriate heights for buildings throughout the historic districts and established specific height requirements in 23 subdistricts in the Old City Height district (Art. 3, Part 2 of the current Zoning Ordinance). Because there is community consensus that these height limits are appropriate, the Old City Height district will be carried forward in the rewritten Development Code.



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Table II-6: Proposed Residential Districts That Apply on the Lower Peninsula		
Current District	New District	District Notes
SR-3	LP-SFR: Lower Peninsula–Single Family Residential	The Lower Peninsula–Single Family Residential district carries forward lands in the current SR-3 district and its allowable uses—single-family detached dwellings as a permitted use and single-family attached dwellings as a conditional use, with ADUs also allowed. The current SR-3 dimensional standards will be replaced with contextual dimensional standards to ensure redevelopment mimics existing development patterns and minimizes nonconformities. The proposed district may also be applied to other lands on the Lower Peninsula.
SR-4	LP-RL: Lower Peninsula–Residential Low District [Consolidated]	The proposed Lower Peninsula–Residential Low district consolidates three existing districts (all three allow single-family detached dwellings as a permitted use and single-family attached dwellings as a conditional use, and one (STR) also allows two-family dwellings as a permitted use). One of the districts (SR-5) is only applied on the Lower Peninsula. The PR-L district will allow the residential uses that are allowed in the three districts being consolidated. Low-intensity commercial uses may be allowed, particularly on corners at major intersections. Contextual dimensional standards will be applied in the district to ensure dimensional standards mimic existing development patterns to minimize nonconformities.
SR-5		
STR		
DR-1	LP-RM: Lower Peninsula–Residential Medium Density [Consolidated]	The proposed Lower Peninsula–Residential Medium district consolidates the two medium-density DR districts. The existing districts allow a range of housing types from single-family detached structures up through duplexes and multifamily dwellings, as well as townhouses and multifamily dwellings for the elderly as conditional uses. These uses are generally proposed to be carried forward; it is also suggested the City consider allowing additional residential retirement/elderly uses, and moderate intensity commercial and office development. Contextual dimensional standards will be applied in the district to ensure dimensional standards mimic existing development patterns and to minimize nonconformities.
DR-1F		
DR-2	LP-RH: Lower Peninsula–Residential High Density [Consolidated]	The proposed Lower Peninsula–Residential High district consolidates the two highest-density DR districts that are currently mapped on the Lower Peninsula, DR-2 and DR-2F. These uses are generally proposed to be carried forward. It is also suggested that the City consider allowing retirement/elderly uses and commercial and office development. Contextual dimensional standards will be applied in the district to ensure dimensional standards mimic existing development patterns and to minimize nonconformities.
DR-2F		



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2.2.5. Business and Mixed-Use Districts Outside the Lower Peninsula

As with the residential districts, the business and mixed-use districts in the rewritten Development Code are proposed to be divided into two sets of districts—one set of districts that is intended to be applied to land outside the Lower Peninsula, and a separate set of districts that is intended to be applied to land on the Lower Peninsula.

Modest revisions are proposed for the districts applied to land outside the Lower Peninsula. They are set out in Table II-7: Proposed Business and Mixed Use Districts That Apply Outside the Lower Peninsula. Most of the existing districts are proposed to be carried forward with updated names. The 54 acres of land zoned to the CT: Commercial Transitional district is proposed to be rezoned to the **CL: Commercial Limited** district (renamed from LB: Limited Business). New standards to provide compatibility between the commercial uses on those lands and nearby residential uses will be included, as discussed in Section 5.5, Establish Neighborhood Compatibility Standards Outside of Historic Areas. In addition, it is suggested that the City consider deleting the BP: Business Park district and accommodating the uses in other districts, such as LI: Light Industrial for light industrial uses, and GB: General Business for other uses, with new use-specific standards as needed to mitigate impacts on nearby properties. Multifamily residential uses will be allowed in most of these other districts, but single-family uses may not be allowed, in keeping with best practices.

Table II-7: Proposed Business and Mixed Use Districts That Apply Outside the Lower Peninsula

Current District	New District	District Notes
<i>RO: Residential Office</i>	OR: Office Residential	This RO district is proposed to be carried forward. It is intended to reflect office development that has occurred in single family structures. The current set of limited office uses, such as real estate offices and offices for insurance agents, is proposed to be carried forward and modernized. Dimensional standards will be carried forward.
<i>GO: General Office</i>	Delete	Consistent with modern trends, it is proposed that the GO district be deleted and offices uses be integrated into other business and mixed-use districts, The current GO district lands would be reclassified to districts that allow the uses in the current GO district to minimize nonconformities.
<i>CT: Commercial Transitional</i>	Delete (rezone to CL: Commercial Limited)	The CT district, which serves as a transitional district between residential neighborhoods and lands in other business districts, is proposed to be deleted. To address the need for a transition, it is suggested the current CT classified lands be classified CL: Commercial Limited district, and additional transition/compatibility standards be incorporated into the CL district regulations. These regulations would include new residential compatibility standards that would apply when multifamily and nonresidential development occurs adjacent to single-family areas.



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Table II-7: Proposed Business and Mixed Use Districts That Apply Outside the Lower Peninsula		
Current District	New District	District Notes
<i>LB: Limited Business</i>	CL: Commercial Limited	The LB district is proposed to be carried forward and renamed, and the current set of uses modernized. The district will continue to support a variety of multifamily residential and commercial uses. As noted above, transitional standards will be added that address compatibility between the commercial uses in the district, which will include lands formerly in the CT district, and adjoining residential properties, and limit the impacts of these commercial uses. New standards will also be added to improve pedestrian access to and within the site and connectivity within the district. Most auto-oriented uses such as vehicle sales and service and uses with drive-throughs will be prohibited; existing drive-through uses in the district (banks and gas stations) may be allowed with restrictions on location and to ensure safety. The City should consider eliminating single-family residential uses in the district.
<i>GB: General Business</i>	CG: Commercial General	The GB district is proposed to be carried forward and renamed, and the broad set of multifamily residential and commercial uses that are allowed will be carried forward and modernized. The dimensional standards will generally be carried forward. The City should consider eliminating single-family residential uses in the district.
<i>BP: Business Park</i>	Delete or BP: Business Park	Consider deleting district. Land with light industrial uses such as contractor’s yards would be reclassified to the LI district, which is proposed to not allow residential uses. Other lands with more general office uses could be reclassified to other business districts.
<i>JC: Job Center</i>	CJC: Commercial Job Center	Carry forward existing district and set of permitted uses. Refine district standards.
<i>UP: Upper Peninsula</i>	UP: Upper Peninsula	Carry forward existing district with moderate base densities and incentive-based requirements for additional development density and intensity.

2.2.6. Business and Mixed-Use Districts on the Lower Peninsula

The changes to the zone district lineup for business and mixed-use districts intended to be applied to land on the Lower Peninsula are minor and similar to the changes proposed for the districts intended to be applied to land outside the Lower Peninsula. The LB: Limited Business and GB: General Business districts are proposed to be carried forward as two new Lower Peninsula-specific districts, with new names—**LP-CL: Lower Peninsula—Commercial Limited** and **LP-CG: Lower Peninsula—Commercial General**, respectively. The CT: Commercial Transition district is proposed to be deleted, and land currently in that district will be rezoned to LP-CL with standards to provide for compatibility with nearby residential uses. See Table II-8: Proposed Business and Mixed Use Districts That Apply on the Lower Peninsula. Multifamily



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residential uses will be allowed in all of these districts, but single-family uses may not be allowed.

Table II-8: Proposed Business and Mixed Use Districts That Apply on the Lower Peninsula		
Current District	New District	District Notes
<i>CT: Commercial Transitional</i>	Delete (rezone to LP-CL: Lower Peninsula—Commercial Limited)	Consistent with the recommendations regarding the CT district outside the Lower Peninsula, delete the district on the Lower Peninsula and reclassify land to the new LP-CL: Lower Peninsula—Commercial Limited district. As with the new CL district that applies outside the Lower Peninsula, the LP-CL district will incorporate standards that limit the types of uses permitted adjacent to certain types of residential uses. Contextual dimensional standards will be applied in the district to ensure dimensional standards mimic existing development patterns to minimize nonconformities. This district would allow multifamily development.
<i>LB: Limited Business</i>	LP-CL: Lower Peninsula—Commercial Limited	The LP-CL district would support small- to moderate-scale commercial uses in the historic district that are consistent with the scale of residential development in the area, with a modernized set of uses similar to those permitted in the new CL district outside the Lower Peninsula. As part of this restructuring, it is proposed to reclassify the medical area to INST-PQ as the current LB zoning is not consistent with that intensity of use. Contextual dimensional standards will be applied in the district to ensure dimensional standards mimic existing development patterns and to minimize nonconformities. This district would allow multifamily development.
<i>GB: General Business</i>	LP-CG: Lower Peninsula—Commercial General	This is a business district intended to be applied on the Lower Peninsula that would support general business uses in the historic district that are consistent with the form and scale of development in the area, with contextual standards to provide compatibility in case of redevelopment. In addition, standards will be added requiring a stepping down of height and intensity near residential neighborhoods. Uses allowed in the district would be consistent with those permitted in the new CG district outside the Lower Peninsula. This district would allow multifamily development.

2.2.7. Industrial Districts

The City’s two industrial districts are proposed to be carried forward with new names. It is recommended that residential uses not be allowed in the industrial districts to better allow the City to preserve limited industrial land and direct residential development to appropriate locations that are not near active industrial uses. See Table II-9: Proposed Industrial Districts That Apply in the Entire City.



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Table II-9: Proposed Industrial Districts That Apply in the Entire City		
Current District	New District	District Notes
<i>LI: Light Industrial</i>	IL: Industrial Light	Carry forward district and modernize uses. We recommend that this district not allow residential uses.
<i>HI: Heavy Industrial</i>	IH: Industrial Heavy	Carry forward district and modernize uses. We recommend that this district not allow residential uses.

2.2.8. Institutional Districts

It is proposed that the City establish two new institutional districts that can accommodate certain types of institutional uses that have different impacts from other nonresidential uses. See Table II-10: Proposed Institutional Districts That Apply in the Entire City.

First, it is proposed that the rewritten Development Code include a new **INST-S: Institutional School** district. This new district would replace the S: School overlay district, and would be the only district where schools are allowed. Alternatively, the size of allowed schools in other base districts could be limited.

Second, it is proposed that a new **INST-PQ: Institutional Public/Quasi-Public** district be established. This new district would accommodate substantial institutional uses such as government facilities and major medical centers including the City’s Medical District west of Ashley Avenue.

Table II-10: Proposed Institutional Districts That Apply in the Entire City		
Current District	New District	District Notes
	INST-S: Institutional School [New]	Replaces S: School overlay district; in addition, remove schools as a permitted use from other districts (or impose limitations such as size, etc. in lieu of the overlay provision).
	INST-PQ: Institutional Public/Quasi-Public [New]	Institutional district for public and quasi-public entities such as government buildings and major medical centers

2.2.9. Planned Development Districts

Planned development (PD) districts are designed to offer flexibility to modify the base zone district regulations and development standards in return for mixed-use development options, innovative design, greater development quality, and in some instances community benefits. It is recommended that the existing Planned Unit Development District be replaced by a modernized Planned Development (PD) district option. The intention of the updated PD district is that it be used only in specific situations or locations to support higher quality development that offers public benefits that is not achievable with the base zone districts.



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Currently, more than 30 percent of the City’s land is zoned as PUD, the highest percentage of any zone district.³⁰ The fact that most development has occurred as a PUD district despite the higher cost of rezoning implies the base districts do not accommodate the type of development that the market responds to, or perhaps does not provide adequate development flexibility.

This excessive reliance on PUD districts has several negative impacts. First, it raises the cost of development because of the need to craft specific regulations for each planned unit development, since it involves discretionary review and negotiation with the Planning Commission and City Council. Second, because general changes to the development code typically do not apply to land that is within a PUD district (for example, incentives or bonuses to encourage additional affordable housing), it makes it more difficult to encourage redevelopment or incentivize change over time in a particular area. Third, it reduces certainty for neighboring property owners due to the limitless possibilities available under PUD districts. Finally, it makes for a much more complex set of regulations to administer as there is a unique set of PUD regulations for each individual PUD adopted.

To address some of these concerns, the intention is that the rewritten PD district be used more sparingly. This will be achieved in two ways. First, by updating the base zone districts to provide development options that, while consistent with the City’s planning and development goals, also accommodate the types of development that is responsive to market demands, thereby reducing demand for PD districts. Second, by requiring, in the procedure for amending the zoning map to a PD district, that applicants demonstrate the project provides higher quality development than could be achieved under a base district, along with public benefits.

It is suggested that the rewritten PD district include two key components—a PD Plan and PD Agreement which together establish the regulations that apply to the proposed district development. The PD Plan sets forth the standards that apply in the district, including permitted uses, project density and intensity, dimensional and development standards (including elements such as parking, open space, and public infrastructure), the general location of each development area in the district, and phasing plans, if applicable. The PD Plan will also provide detail about which development standards may be varied and which may not (for example, many PDs do not allow variation in open space, environmental protection, resiliency, and development form standards, which it is suggested should be the case in the rewritten Development Code).

The PD Agreement supports implementation of the PD Plan by spelling out specific conditions of approval like how development will be phased, how sensitive environmental conditions will be mitigated, and how public facilities will be provided and timed to serve the proposed development in the PD.

The PD districts will be supported by a new Planned Development procedure, as discussed in Section 1.7.3(b), Add a Planned Development Procedure.

³⁰ This includes land assigned to all PUDs, including HW-PUD: Hemmingwood PUD, CW-PUD: Canterbury Woods PUD, and the eight zone districts in the Daniel Island PUD which are subject to a development agreement with the City regulated by the Daniel Island Master Plan Zoning Text.



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Following adoption of the new Development Code, each existing PUD will continue to be subject to the standards of that PUD, and may be amended in accordance with the procedures in the new Development Code.

The proposed PD district is described in Table II-11: Proposed Planned Development District that Applies in the Entire City.

Table II-11: Proposed Planned Development District that Applies in the Entire City		
Current District	New District	District Notes
<i>PUD: Planned Unit Development</i>	PD: Planned Development	Carry forward, modernize, and restructure as a flexible planned district that accommodates mixed-use development that is innovative, incorporates open space and natural features, and provides a high quality of development in a form that is not available under the traditional base zone districts.

2.2.10. Overlay Districts

As noted earlier, substantial revisions are proposed for the City's existing set of 17 overlay districts. A number of the current overlay districts are proposed to be deleted, although some of their regulations will be incorporated into other sections of the rewritten Development Code, primarily as development standards or use-specific standards. The complete proposed set of changes is listed in Table II-12: Proposed Overlay Districts.

The key elements of the proposed new overlay district structure include elimination of the following overlay districts:

- ★ The LMK: Landmark district;
- ★ The AR: Amusement and Recreation Service district;
- ★ The GBLN: General Business Late Night district;
- ★ The LILN: Light Industrial Late Night district;
- ★ The JI: Johns Island district;
- ★ The S: School district;
- ★ The TB: Tour Boat district;
- ★ The TC: Tech Corridor district;
- ★ The G: Gateway district;
- ★ The SPD: Special Parking district; and
- ★ The Dupont Wappoo Planning Area and DuWap Overlay Zone districts.

The rationale behind the elimination of each of these districts is provided in the *District Notes* column of Table II-12. In the case of the LMK, AR, GBLN, LILN, and TB overlay



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districts, some of the existing regulations, such as the hour of operations limitations in GBLN and LILN, may be updated and incorporated into the rewritten Development Code through development standards, use-specific standards, and design standards that may be limited geographically.

Certain overlay districts are proposed to be retained, including:

- ★ Those districts that contain design and dimensional standards that apply in the historic parts of the City, such as the Old City District, the Old and Historic District, and the Old City Height District.
- ★ Districts that apply standards that play a critical role in mitigating potential negative impacts on residents and businesses that may result from the City’s status as one of the premier tourist destinations in the country. These include the A: Accommodation and STR: Short-Term Rental overlay districts.

Table II-12: Proposed Overlay Districts		
Current District	New District	District Notes
<i>A: Accommodation</i>	A-O: Accommodations Overlay	Retain due to high tourist demand and the City’s experience with impacts of accommodations uses.
<i>FR: Folly Road</i>	FR-O: Folly Road Overlay	Carry forward, including the five subdistricts and standards regarding site access, commercial floor-space requirements, development of a multi-use path, and adjustments to permitted uses and transitional buffers.
<i>SH: Savannah Highway</i>	SH-O: Savannah Highway Overlay	Carry forward. Continue existing regulations, which limit allowable uses (including short-term rentals and accessory commercial development), and require that principal buildings that are residential structures be retained, if possible, even if used for commercial purposes.
<i>STR: Short Term Rental</i>	STR-O: Short Term Rental Overlay	Carry forward City’s assignment of areas where commercial short-term rentals are permitted, which is not well mapped to underlying base zone districts, with revisions to limit the ability in nonresidential districts to transition dwellings from long-term residences to commercial short-term rentals.
<i>Old City District</i>	OCD-O: Old City District Overlay	Carry forward the Old City District in Sec. 54-230.
<i>Old and Historic District</i>	OHD-O: Old and Historic District Overlay	Carry forward the Old and Historic District in Sec. 54-230.
<i>Old City Height Districts</i>	HD-O-#: Height District Overlay # [representing maximum height in stories]	Carry forward the Old City Height Districts and View Corridor Protection regulations in Article 3, Part 2, including each of the subdistricts in Sections 54-306.A through .X.



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Table II-12: Proposed Overlay Districts		
Current District	New District	District Notes
<i>DRD: Design Review District</i>	Delete or DRD-O: Design Review District Overlay	Recommend removing district and replacing with updated form and design standards that apply outside the Old City District and Old and Historic District. See discussion in Section 5.4, Provide More Measurable Form and Design Standards Outside the City’s Historic Areas.
<i>LMK: Landmark</i>	Delete or LMK-O: Landmark Overlay	Either 1) carry forward the existing Landmark Overlay or 2) remove the Landmark Overlay and maintain a separate list of properties to which the landmark regulations apply. In both cases, make no changes to the substantive regulations that protect landmarked buildings and structures.
	FBO-RSH: Form-Based Overlay—Rittenberg and Savannah Highway [New]	This would be a new form-based district with context-sensitive regulations prepared for a specific area of Rittenburg and Savannah Highway. Two new form-based districts will be prepared, from the three identified here, at the direction of the City. See more specific discussion and the geographic boundaries of the proposed district in Section 2.3, Prepare Form-Based Overlay Districts Along Several Key City Corridors to Provide More Context-Sensitive Regulations.
	FBO-MH: Form-Based Overlay—Maybank Highway [New]	This is a new form-based district with context-sensitive regulations prepared for a specific area of Maybank Highway. Two new form-based districts will be prepared, from the three identified here, at the direction of the City. See more specific discussion and the geographic boundaries of the proposed district in Section 2.3, Prepare Form-Based Overlay Districts Along Several Key City Corridors to Provide More Context-Sensitive Regulations.
	FBO-FR: Form-Based Overlay—Folly Road [New]	This is a new form-based district with context-sensitive regulations prepared for a specific area of Folly Road on James Island. Two new form-based districts will be prepared, from the three identified here, at the direction of the City. See more specific discussion and the geographic boundaries of the proposed district in Section 2.3, Prepare Form-Based Overlay Districts Along Several Key City Corridors to Provide More Context-Sensitive Regulations.
<i>AR: Amusement and Recreation Service</i>	Delete	Recommend replacing with use-specific standards for appropriate uses.
<i>GBLN/LILN: General Business/Light Industrial Late Night (two districts)</i>	Delete	Replace districts with use-specific standards that implement similar operational hour limitations in appropriate locations. If retaining the geographical limitations is desired, consolidate these two districts into a single overlay district, as both districts impose the same limitations on the same uses.



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Table II-12: Proposed Overlay Districts		
Current District	New District	District Notes
<i>Jl: Johns Island</i>	Delete	Delete district. Development standards for street frontage, transitional buffers, and signs can be carried forward as general development standards, as appropriate.
<i>S: School</i>	Delete	Delete district. It will be replaced by the INST-S district.
<i>TB: Tour Boat</i>	Delete	Delete and replace with a use-specific standard for tour-boat uses that restrict them to specific locations.
<i>TC: Tech Corridor</i>	Delete	Delete district, subject to a review by staff to ensure that unintended consequences will not result.
<i>G: Gateway</i>	Delete	Delete district, which is intended “for sites in the City that are located at primary entrances to specifically defined or colloquially known districts and areas of the City” but is applied to only one lot in town.
<i>SPD: Special Parking Overlay Zone</i>	Delete	Delete district. The exemption from off-street parking standards for properties along a defined stretch of King Street will be retained as an exception in the off-street parking standards, as applicable.
<i>Dupont Wappoo Planning Area and DuWap Overlay Zone</i>	Delete	Delete district; some of the standards including access management, sidewalk and pedestrian access requirements, buffer standards, street trees, design standards, stormwater requirements, and use limitations can be incorporated generally in the rewritten Development Code and applied in the area.

2.2.11. Legacy Districts

There are certain zone districts in the current Zoning Ordinance that for a variety of reasons are recommended not to be applied to additional or new lands in the City. On the other hand, there is also a desire to allow the landowners with lands in these districts to continue developing their property in accordance with the current zone district regulations. To achieve both goals, it is proposed that these districts be carried forward as “Legacy districts,” with a clear direction that they not be applied to additional or new lands. Because the intention is that these districts no longer be applied to new lands and stop being used over time, it is suggested that the Legacy districts, while being carried forward, be included as an appendix to the rewritten Development Code. The proposed Legacy districts are identified in Table II-13: Proposed Legacy Districts.

Table II-13: Proposed Legacy Districts		
Current District	New District	District Notes
<i>CY: Cainhoy District</i>	LCY: Legacy Cainhoy District	Carry forward as a legacy district, including the Cainhoy District Development Guidelines in Appendix J of the current Zoning Ordinance.



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Table II-13: Proposed Legacy Districts		
Current District	New District	District Notes
<i>DR-3: Diverse Residential-3</i>	LDR-3: Legacy Diverse Residential-3	Carry forward as a legacy district, and limit uses to mobile home parks. Land that is assigned to the DR-3 district with non-mobile home uses will be remapped to a zone district that conforms with the existing development on the site.
<i>GP: Gathering Place</i>	LGP: Legacy Gathering Place	Carry forward as a legacy district. Certain elements of the district, such as the block length requirements in Sec. 54-278 and the street connectivity requirements in Sec. 54-279, may be updated and included as general development standards that apply throughout the City.
<i>MU-1: Mixed Use 1</i>	LMU-1: Legacy Mixed Use 1	Carry forward as a legacy district.
<i>MU-1/WH: Mixed Use 1 Workforce Housing</i>	LMU-1/WH: Legacy Mixed Use 1 Workforce Housing	Carry forward as a legacy district. Incentives for workforce housing will be carried forward in the rewritten Development Code.
<i>MU-2: Mixed Use 2</i>	LMU-2: Legacy Mixed Use 2	Carry forward as a legacy district.
<i>MU-2/WH: Mixed Use 2 Workforce Housing</i>	LMU-2/WH: Legacy Mixed Use 2 Workforce Housing	Carry forward as a legacy district. Incentives for workforce housing will be carried forward in the rewritten Development Code.
<i>UC: Urban Commercial</i>	LUC: Legacy Urban Commercial	Carry forward as a legacy district. District is identical to GB: General Business except that it allows higher-density residential uses.
<i>CW-PUD: Canterbury Woods PUD</i>	CW-PUD ³¹	Carry forward as a legacy district.
<i>DI-PUD: Daniel Island PUD</i>	DI-PUD	Carry forward as a legacy district.
<i>HW-PUD: Hemmingwood PUD</i>	HW-PUD	Carry forward as a legacy district.

³¹ The CW-PUD, DI-PUD, and HW-PUD districts are unique PUDs that are established on specific lands and are not intended to be applied elsewhere in the City. They are in a different category from the other Legacy districts, which in the current Zoning Ordinance are districts of general applicability that could be applied to new lands. Nevertheless, we think it is a best practice to remove PUDs from the text of a zoning ordinance to reduce confusion and streamline the text of the Zoning Ordinance. Other communities do not reference established PUDs in the Zoning Ordinance at all (most of the City's established PUDs are not referenced in the current Zoning Ordinance). The regulations that apply to the CW-PUD and the HW-PUD are currently included as Appendix G and L respectively of the current Zoning Ordinance, while the Daniel Island Master Plan Zoning Test is available by searching the City's website. To streamline the rewritten Development Code, it is suggested that these PUD regulations be listed separately on a City web page and not included as appendices.



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2.3. Prepare Form-Based Overlay Districts Along Several Key City Corridors to Provide More Context-Sensitive Regulations

As noted in Section 2.2.10, Overlay Districts, it may be appropriate to implement special context-sensitive regulations that more closely establish the future form of development in certain areas of the City. These context-sensitive regulations can prescribe key metrics of the City's desired urban form for future development in these areas. These include standards that regulate fundamental development form, such as height, setbacks, and massing, as well as basic building and site design standards such as façade composition, the arrangement of doors and windows, the inclusion of elements to activate the street, and the location of parking. These standards can be utilized for historic districts where the goal is for such regulations to protect and reinforce the existing context; or alternatively for districts and corridors where there is a community vision for a different future context, such as retrofitting a portion of a suburban corridor into a walkable neighborhood center.

A common way to integrate context-based standards into the rewritten Development Code is to create new form-based code districts. Form-based zoning prioritizes context and urban form over land use and can achieve more predictable results in the physical form of new development. Typically, a public workshop or charrette is held to confirm the community vision, and then form-based standards are drafted to implement that vision.

As part of this Code Assessment, the project team worked closely with City staff to identify potential study areas for a form-based zoning approach within City limits, using the following criteria:

- ★ **Areas of Higher Elevation:** Focusing on areas of higher elevation supports the City's long-term growth for strategic investments in development and related infrastructure in areas less susceptible to flooding, storm surge impacts, and other longer-term risks associated with sea-level rise. The Elevation Risk Zones map in the City Plan was referenced as part of this exercise.
- ★ **Future Land Use Designations:** The Future Land Use Map in the *City Plan* is a visual guide for desired future land use and development. The map is an articulation of the community's vision, and helps the City make land use and growth management decisions. For this exercise, the team prioritized areas designated as City Center (areas that are envisioned to have greater density/intensity and mix of uses, and where the most infill and redevelopment may occur over time to accommodate growth) or Neighborhood Edge (areas along major roads, envisioned to transition to more urban compact design patterns, with more residential uses).
- ★ **Commercial Corridors:** The City has several corridors where existing zoning permits a general mix of commercial development. These corridors were evaluated for their potential to include a greater mix of uses. Increasing the permitted mix of uses on already-developed corridors can help to meet the



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City's goals to increase housing options, shorten commutes between home and work, and preserve other environmentally-sensitive lands. Use of a form-based district can ensure that the future mix is designed and configured in a way that is consistent with the community vision.

- ★ **TIF District:** Parcels in the West Ashley Redevelopment Project Area and Tax Increment Financing (TIF) District, along the Sam Rittenberg and Savannah Highway corridors, were identified as one area where the City is seeking investment and new development, making it a primary candidate for a form-based district.
- ★ **Recent Studies/Plans:** In addition to the *City Plan*, the City has recent small area plans that identify a community vision for future development in strategic areas; a form-based district can help to implement these recommendations. Specifically, Rethink Folly Road (2016) and Plan West Ashley (2018) were referenced.

Three potential study areas for evaluation are described on the following pages. The boundaries of the study areas generally are located at the rear lot line, rather than down the center of a street, so that development encompasses both sides of the street. Generally, single-family residential areas are not included. Following City and community review and input on the Code Assessment, the project team (led by Dover, Kohl & Partners) will move forward with hosting community input sessions/charettes and drafting form-based provisions for up to two form-based districts in different study areas. In addition to supporting high-quality, well-designed mixed-use development within the form-based areas, these districts are also intended to be "pilot" areas, to test use of this zoning approach. If successful, form-based districts could be established in other parts of the City.



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Theme 2: Update the Zone District and Use Regulations to Simplify the Regulations, Enhance Resiliency, and Improve Development Form in Key Corridors

2.3.1. Proposed Form-Based District in West Ashley

West Ashley contains many of the City’s great residential neighborhoods, spanning from the earliest dates of city settlement to today. These neighborhoods are connected by commercial corridors, several of which are located on the highest land in the City. Some include dated buildings in need of new investment. These areas are also within the West Ashley Redevelopment Area TIF District. Plan West Ashley, which was created through an extensive public engagement process, identified several commercial corridors and gateways as prime opportunities for new mixed-use development, including Sam Rittenberg and Savannah Highway. That plan recommends adopting mixed-use regulatory standards and incentives to realize the community vision.

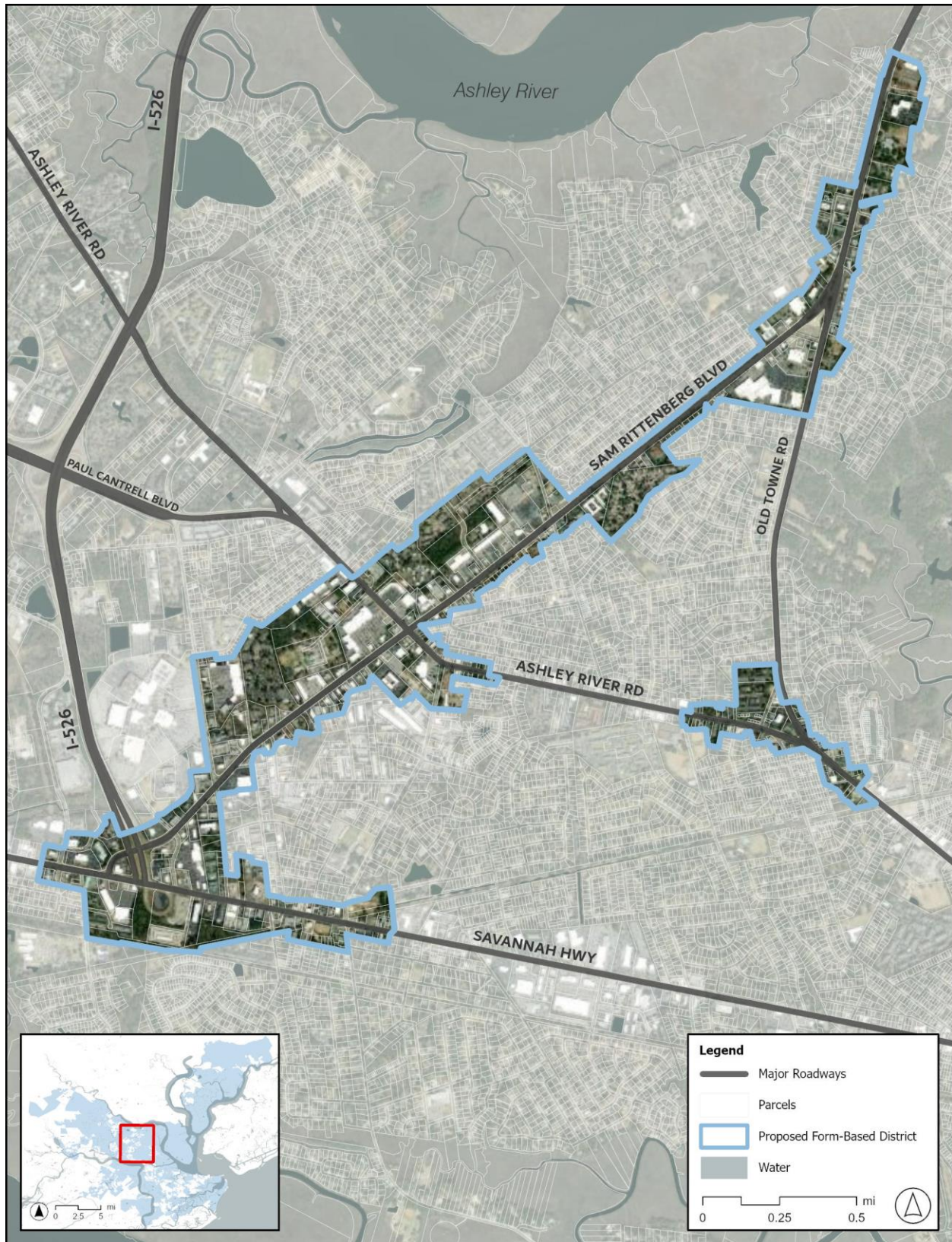
The map in Figure II-7: Proposed Form-Based District in West Ashley, on the next page identifies areas that fall within the City Center and Neighborhood Edge future land use categories, are within the TIF District, and are primarily assigned to the GB: General Business zone district; it establishes the approximate boundaries for a proposed **FBO-RSH: Form-Based Overlay—Rittenberg and Savannah Highway** district. The potential study areas include portions of Savannah Highway and Sam Rittenburg Boulevard, as well as a neighborhood center near the intersection of Saint Andrews Boulevard and Ashley River Road.



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Figure II-7: Proposed Form-Based District in West Ashley



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2.3.2. Proposed Form-Based District on Johns Island

Johns Island is one of the fastest growing areas in the City, with the *City Plan* noting that growth trends suggest “the potential for 2,000 new residential units over the next ten years but developed at the lowest density of all city areas.” Higher land in the area is predominantly along Maybank Highway, where the form-based district study area boundary is proposed.

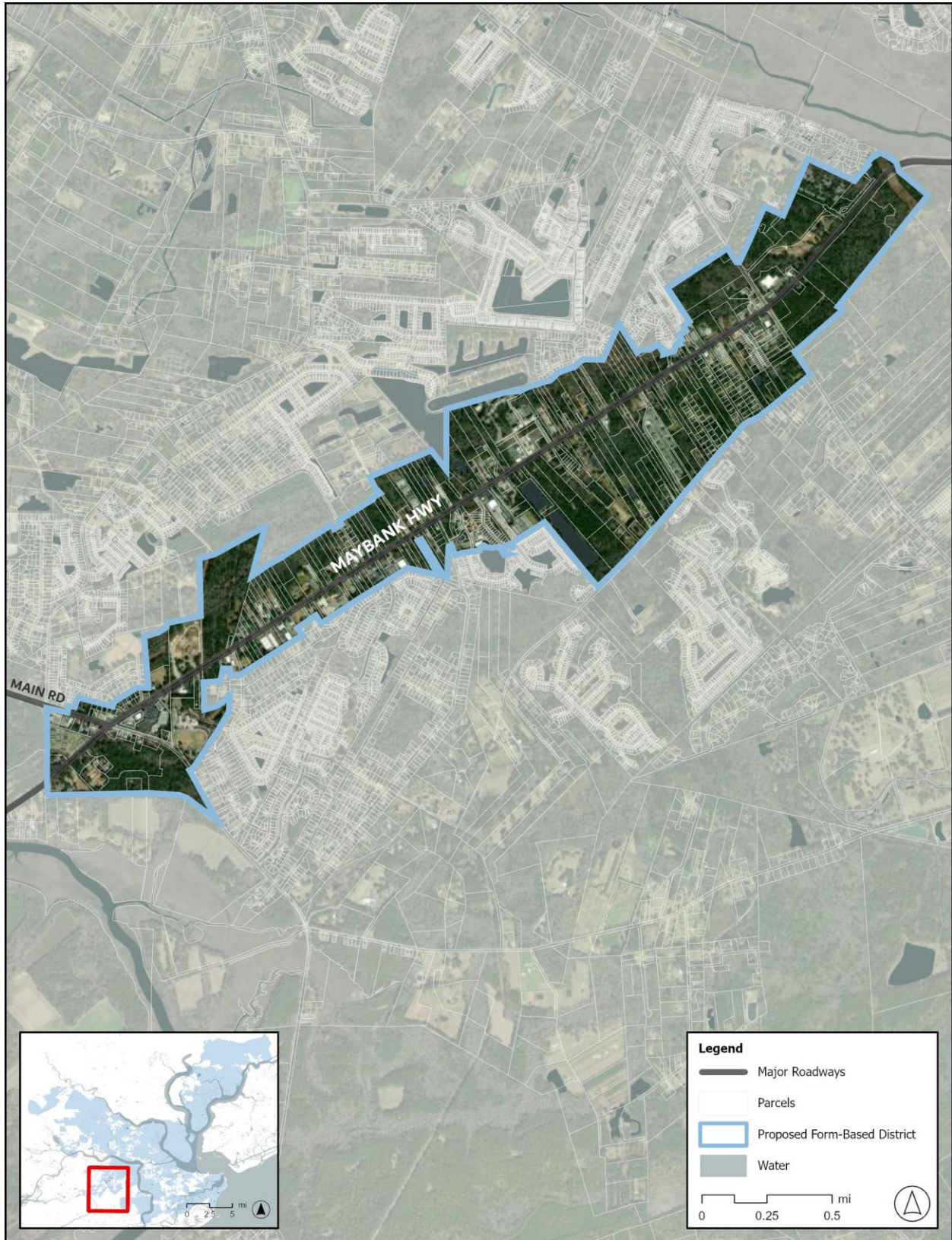
The Future Land Use Map identifies a corridor with three distinct nodes identified as City Centers that are connected by less intense development. The *City Plan* notes that “it is here that most of the development on Johns Island will occur over the next few decades.” Existing zoning designations in the area include GO: General Office, GB: General Business, BP: Business Park, LB: Limited Business, DR: Diverse Residential, along with a number of PUDs. The study area, indicated on Figure II-8: Proposed Form-Based District on Johns Island on the next page, includes a mix of parcels that are not currently within City limits, but that could be annexed over time. Future standards that prescribe the community vision can ensure that future development happens with greater predictability in a pedestrian-oriented, sustainable form that the City and community would like to see, reducing the need for future planned developments. Figure II-8 establishes the proposed boundaries of the **FBO-MH: Form Based Overlay—Maybank Highway** district.



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Figure II-8: Proposed Form-Based District on Johns Island



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2.3.3. Proposed Form-Based District on James Island

A substantial portion of James Island is within lower-lying areas identified in the Future Land Use Map designed as Low Impact/Conserved, which is envisioned for limited development. The *City Plan* recognizes that growth will be directed along parts of Maybank Highway and Folly Road that “not only have higher elevations but carry the only transit routes on James Island.”

Consistent with this, the potential study area for James Island is located on the northern portion of the Folly Road corridor and includes portions of Maybank Highway. This area has the only City Center designation on James Island in addition to Neighborhood Edge and Neighborhood designations. Zoning in the potential study area primarily includes GO: General Office and GB: General Business, and also some BP: Business Park, LB: Limited Business, DR: Diverse Residential, RO: Residential Office, PUDs, and GP: Gathering Place. Figure II-9: Proposed Form-Based District on James Island on the next page, identifies the proposed boundaries of the **FBO-FR: Form-Based Overlay—Folly Road** district. There is potential in this area to realize part of the Rethink Folly Road vision for a greater mix of uses that will support enhancements to the streetscape, making it more feasible to walk, bike, and take transit in this part of the City.



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Figure II-9: Proposed Form-Based District on James Island



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Theme 2: Update the Zone District and Use Regulations to Simplify the Regulations, Enhance Resiliency, and Improve Development Form in Key Corridors

2.4. Improve the Formatting of Zone District Regulations

Along with restructuring the zone districts, changes are also recommend to improve the user friendliness of the zone district regulations. Currently, the basic regulations that apply to the different zone districts are scattered throughout the regulations. Many base zone districts are described in Article 2, Part 1, Sections 54-201 (base districts) and 54-202 (overlay zones). The next several Parts of Article 2 identify permitted uses (Part 3), accessory uses (Part 4), permitted uses for overlay districts (Part 5), and regulations that apply to the Old and Historic District and Old City District, including the establishment of the Board of Architectural Review (Part 6). The code then returns to definitions of zone districts, including Planned United Development districts(PUD) in Part 7, two existing PUDs for Daniel Island and Canterbury Woods (Parts 8 and 9), followed by the Cainhoy district (Part 10). After that comes another overlay district, the Design Review District in Part 11. Along with additional district definitions, Article 2 contains cluster development regulations (Part 16) and conservation district regulations (Part 19).

Meanwhile, the AG-8 and AG-S agricultural districts are established in Article 10, and the Old City Height Districts, overlay districts that apply on parts of the Lower Peninsula, are defined in Article 3, Part 2.

Finally, the key dimensional standards that apply to most of the zone districts are located in Article 3, Part 1, except for those that apply to the AG-8 and AG-S district, which are in Article 10.

Modern approaches to the layout of zone district regulations include an attractive layout, consistent structure, and effective use of tables and graphics. We recommend each district in the rewritten Development Code be consolidated or referenced in one location. For each district, the code will include a purpose statement, a reference to the use table and use-specific standards, applicable intensity and dimensional standards, and form and design standards, where appropriate. In addition, graphics and photos should depict the desired character of development within the district, typical lot patterns, and the application of dimensional standards. An example of this suggested zone district layout from another community's code is shown in Figure II-10: Sample Zone District Layout. A full-size version is included in Appendix B. Sample Zone District Layout.



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Figure II-10: Sample Zone District Layout

Article 3 Zoning Districts
Division 3. Residential Districts



Sec. 24-3306. R-1A One-Family Residence District

A. Purpose

The purpose of the R-1A One-Family Residence District is to provide and protect residential areas wherein the predominant pattern of residential development is the one-family dwelling. Allowed uses include:

- One-family dwellings on lots of 21,500 sq. ft.; and
- Supporting institutional, recreational, and public facilities and uses.

B. Concept

C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

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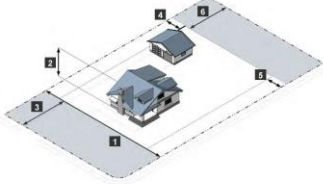
Article 3 Zoning Districts
Division 3. Residential Districts

D. R-1A District Dimensional Standards

Standard	Dwellings	All other uses
1 Lot area, minimum	21,500 sf	1 ac
2 Lot width, minimum (feet)	125	150
3 Structure height, maximum (feet)	40	45
4 Front yard, minimum (feet)	45 ^[1]	50
5 Interior side yard, minimum (feet)	15	40
6 Street side yard, minimum (feet)	25 ^[1]	40
7 Rear yard, minimum (feet)	45 ^[1]	50

NOTES:

[1] Additional minimum yard requirements apply if a yard is adjacent to a road identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



E. Reference to Other Standards

Article 4 Use Regulations	Article 5, Division 6 Neighborhood Compatibility
Article 5, Division 1 Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7 Signs
Article 5, Division 2 Required Open Space	Article 5, Division 8 Chesapeake Bay Preservation
Article 5, Division 3 Landscaping and Tree Protection	Article 5, Division 9 Environmentally Friendly Design Incentives
Article 5, Division 4 Fences and Walls	Article 6 Nonconformities
Article 5, Division 5 Exterior Lighting and Crime Prevention	Article 8 Definitions

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2.5. Update and Clarify Uses and Present Them in a More Logical and Functional Framework

The current Zoning Ordinance consolidates all the permitted uses that apply in the base zone district in a single table in Article 2, Part 3, with the exception of the AG-8 and AG-S districts, which have their own use table at Sec. 54-1002. However, other use-related regulations are scattered throughout the current Zoning Ordinance:

- ★ Use-specific standards are those standards that apply to specific uses, in one or more zone districts or throughout the City. Some use-specific standards are included directly before the permitted use table, in Article 2, Part 2, Permitted Uses by Base Zoning District. A number of special exception uses are consolidated in Sec. 54-206, Special exception uses, in alphabetical order with some exceptions. Standards for one-family attached dwellings, a conditional use in several districts, are in Sec. 54-352. Standards for “large retail centers” are in Sec. 54-204.1 (although the use table does not list a “large retail centers” use, and Sec. 54-204.1 is not referenced anywhere in the use table)
- ★ Permitted uses and use regulations that apply to overlay zones are listed in Article 2, Part 5, not by use but by overlay district. There is no consolidated list or table of permitted uses in the different overlay districts.

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In addition, the organization and list of uses in the principal use table can be improved. As mentioned in Section 1.5, Modernize, Refine, and Consolidate Definitions the organization of the permitted use table and the different uses are based on the Standard Industrial Classification (SIC) system, a system developed to facilitate analysis of different industries across multiple agency domains. Last updated in 1987, the organization of the SIC system does not necessarily group together different uses that serve similar purpose and have similar impacts.

In addition, the uses are not defined in the document. Instead, code users are required to find copies of the definitions of uses and use groups last updated more than 35 years ago. Some of the uses do not appear to be defined at all, such as *Massage parlors and spas*, while other uses, such as *Advertising*, are not defined but do have four sub-industries that are defined.

Finally, since the SIC system was last updated, new types of uses have occurred that are not reflected in the code. In 1987, data centers did not exist, and the rise of online shopping has resulted in new types of warehouses and distribution points.

We recommend that the list of uses in the current Zoning Ordinance be thoroughly updated and modernized reorganized in accordance with the following principles.

First, we recommend that principal uses be organized using a three-tiered use classification system that adds text descriptions to clarify use groups at three different levels:

- ★ **Use Classifications** (broad general classifications such as Residential, Commercial, and Public/Civic/Institutional);
- ★ **Use Categories** (major subgroups within Use Classifications that are based on common characteristics, such as Group Living and Household Living under the Residential classification); and
- ★ **Uses** (specific uses within the Use Categories, such as single-family detached dwelling, duplex, townhouse, triplex, and multifamily dwelling under the Household Living category and the Residential classification).

This approach is roughly similar to the organization of the permitted use table in the current Zoning Ordinance, except that the classifications and use categories will be designed to group uses that have similar characteristics. Because these uses will not be linked to the SIC system, the City will retain the flexibility to reorganize and reclassify uses over time as circumstances change.

Within the table, uses would be identified as permitted by right, permitted following approval of a special exception permit, permitted following conditional use approval, or prohibited in each zone district.

Third, we recommend that the principal use table include a separate column at the right end of each row that serves as a cross-reference to all applicable use-specific standards. These use-specific standards would be organized together in a single section for ease of reference, after the use table.



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Theme 2: Update the Zone District and Use Regulations to Simplify the Regulations, Enhance Resiliency, and Improve Development Form in Key Corridors

Many communities use a similar classification system due to its more robust structure and flexibility. A portion of a use table from another community’s code is included in Figure II-11: Sample Use Table. In Figure II-11, the use classification is listed in white text on the dark blue background and the use category is shown in black text on the light blue background.

In addition, we suggest the rewritten use regulations define use categories broadly and list specific uses only if they sufficiently differ from similar broad use categories to justify allowing them in different zone districts. This allows staff more flexibility in determining whether a proposed use is allowed and reduces the number of developments that must go through a lengthy and uncertain rezoning or text amendment process just because the proposed use is not expressly listed.

Figure II-11: Sample Use Table

Table 7.3.2-A Base and NNA-O District Use Table		P = Permitted C = Conditional use										A = Accessory to primary use T = Temporary use					R = Allowed pursuant to regulating plan			Use-Specific Standards								
Zone District →		Residential										Mixed-Use					Indus.				Spec P.			NNA-O				
Land Use ↓		A	R-E	R-19	R-16	R-2	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-T	MX-M	MX-L	MX-I	FBZ	BP	LI		GI	APD	PF	PK	South	Central	North	
Library, Museum, or Cultural Facility												C	P	P	P	P	R		C	C	P	P	P	P	P	P		
Park		P	P	P	P	P	P	P	P	P	P	P	P	P	P	R					P			P	P	P		
Public Safety Services			C	C	C	C	C	C	C	C	C	C	P	P	P	P	R	P	P	P	P	P			P	P	P	
Religious Institution		P	C	C	C	C	P	P	P	P	P	P	P	P	P	R	P	C	C	C	P			P	P	P	7.3.302B	
School, Elementary or Secondary		P	C	C	C	C	C	C	C	C	P	C	P	P	P	P	R	C	C	C				P	P	P	7.3.302B	
School, Higher Education		P										C	P	P	P	P	R	P	C	C	C			P	P	P		
COMMERCIAL AND INDUSTRIAL USES																												
Agriculture and Animal-Related Uses																												
Agricultural Production		P															R											
Agricultural Sales and Service		C												P	P		R		C	C								
Animal Care Facility		P															R		C	C								7.3.303A.1
Commercial Feedlot		C															R											

2.6. Consolidate and Update Uses and Use-Specific Standards

2.6.1. Review, Add, and Refine Uses

In conjunction with the changes in the classification and organization of uses discussed above, we also suggest a thorough review of uses to identify specific uses that should be added or revised. We also suggest that new use-specific standards be added as appropriate for new uses and that existing use-specific standards be evaluated and updated as appropriate. This evaluation should be informed by input from City staff and stakeholders, as well as current best practices.



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2.6.1(a). Increase Number and Availability of Household Residential Uses

As part of the drafting of the rewritten Development Code and to support the goal of making the code more equitable, we recommend that the types of housing allowed in the City be expanded, and that different types of housing be allowed in more locations.³² The current Charleston permitted use regulations are relatively dated and narrow in terms of the types of housing they permit, the number of zone districts in which they are permitted, and whether they require conditional use approval. While the list of permitted housing types was recently broadened somewhat with the adoption of the Agricultural Zoning District regulations, Article 10 of the current Zoning Ordinance, in 2018, they only apply in these new districts. In addition, it is unusual for a modern code to list affordable housing or elderly housing (currently addressed in the DR-4 district) as separately listed uses or to require conditional use approval for those types of residential uses. It is more common to allow both affordable and elderly housing on the same basis (preferably as a permitted use) in those zone districts where similarly-scaled market rate, age-neutral housing is allowed—or in an even broader range of zone districts, given the social benefits and low impacts of these facilities—even if minimum parking rates are adjusted downward to reflect lower auto ownership and use in these two groups.

Specific recommendations in relation to the issue of increasing the number and availability of residential uses to improve equity outcomes include the following:

- ★ Add and define new group and supportive residential use types (currently only allowed in the AG-8 and AG-S districts) and allow them in appropriate districts;
- ★ Delete the special category of “elderly housing” and allow in all zone districts where similarly sized housing is permitted.
- ★ Allow manufactured homes that meet residential building code requirements to be installed anywhere a single-family dwelling is permitted, subject to the same design and development standards as single-family dwellings.
- ★ Explicitly allow three-family (triplex) and four-family (fourplex) uses in appropriate districts, by right.
- ★ Add a live-work residential use in appropriate districts; these are uses which combine a ground-floor commercial use with an upper-story residential use.

³² Permitted Use Policy 1 in the Equity Policy Guide states: “Where supported by historically disadvantaged and vulnerable populations, expand the list of residential use types permitted in those neighborhoods to include one or more of the following forms of non-traditional and “missing middle” housing that is more available to America’s diverse, aging population. Types of housing that are missing from many zoning ordinances—or only available following a public hearing—include cottage or courtyard dwellings, duplexes, triplexes, fourplexes, attached single-household homes (townhouses or stacked townhouses), co-housing, tiny houses, live-work dwellings, single-room occupancy (SRO), manufactured/modular housing, and both attached and detached accessory dwelling units (ADUs).”



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- ★ Continue the City’s best practice of allowing accessory dwelling units by right (consistent with the Equity Policy Guide Permitted Use Policy 2).³³

As we draft the rewritten Development Code, we also will review the standards that apply to each household residential use for evaluation of the objectivity of the standard and its potential exclusionary impacts of historically disadvantaged or vulnerable communities.

2.6.1(b). Define New Uses to Provide Additional Residential Opportunities for Persons with Physical or Mental Disabilities

Improving equity for persons experiencing physical or mental disabilities is another key goal of the Equity Policy Guide, and is strongly supported by over 50 years of experience and court decisions enforcing the federal Fair Housing Act (FFHA, or Act). The Act requires that local government not make housing “unavailable” to persons with mental or physical disabilities, or with a history of physical or mental disabilities, or who are regarded by the community as having mental or physical disabilities. The courts have generally interpreted this provision as requiring that housing be made available to such persons on the same basis that it is available to persons who are not experiencing disabilities. The best practice to achieve this goal is to allow group living facilities for up to eight individuals on the same basis that applies to single-family homes, and to allow larger group living facilities on the same basis that similarly sized apartment or condominium buildings are permitted. Although many state laws have fair housing requirements that parallel some of the federal requirement, many offer a narrower range of protection, and compliance with state law does not protect communities from failure to comply with the federal Act.

Although not protected by the FFHA, the City may also want to consider defining domestic violence shelters/homes and allowing them as permitted uses in all zone districts that allow similarly sized single-family detached or multifamily dwellings. These facilities are generally small and have a need for confidentiality as to their location in order to avoid visits or threats from those perpetrating domestic abuse. Because the victims of domestic violence often have children with them, they should be allowed to locate in most residential areas. The best practice is to allow them where they match the scale of the surrounding neighborhood through an administrative approval process that does not require a public hearing or other public exposure.

We suggest that the need for group living uses, and the requirement for compliance with the FFHA could be, in most cases, addressed through four uses distinguished by (1) the size of the facility, and (2) whether the residents are included in a group whose right to live together as a single household on the same terms as other households is protected by the FFHA. The four proposed simpler

³³ Permitted Use Policy 2 states: “Allow accessory dwelling units (ADUs) without the need for a public hearing, subject to only those conditions needed to mitigate potential impacts on neighboring properties.”



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uses are listed below, and the definitions of each use could incorporate all relevant South Carolina state licensing and regulatory definitions:

- ★ Federal Fair Housing Act (FFHA) Group Living, Small (Less than 9 residents). Permitted by right in all districts where single-family dwellings are permitted.
- ★ FHAA Group Living, Large (9 or more residents). Permitted by right in all districts where dwellings with 9 or more residents are permitted.
- ★ Congregate Living, Small (Less than 9 residents). Permitted as a conditional use in the RM-H and certain mixed use districts.
- ★ Congregate Living, Large (9 or more residents). Permitted as a conditional use in certain mixed-use districts.

2.6.2. Review and Update Use Definitions and Use-Specific Standards

An important aspect of a user-friendly Zoning Ordinance is the integration of clear and precise definitions. As discussed in Section 2.5, Update and Clarify Uses and Present Them in a More Logical and Functional Framework, the definitions for the current principal uses are not included in the current Zoning Ordinance, and some are not defined at all. As part of our reorganization of the use tables and update of the uses, we will give each use a precise, modern, and easy-to-understand definition.

As noted earlier, use-specific standards are those that apply to specific uses. In some cases, use-specific standards apply to all uses throughout a jurisdiction, while other use-specific standards only apply in certain zone districts. The current Zoning Ordinance lacks many use-specific standards that apply outside of special exception uses or conditional uses. In the rewrite, we will identify uses where use-specific standards may improve the quality of development and address potential impacts between neighboring uses.³⁴ As part of updating the use-specific standards, we also recommend uses requiring a special exception be evaluated to determine whether additional standards or limiting the uses to particular districts would allow some to become uses permitted by-right rather than requiring approval by one of the decision-making bodies. This would improve the predictability and efficiency of the development review process for these uses.

Furthermore, during the drafting of the rewritten Development Code we suggest taking a close look from an equity perspective at use-specific standards to ensure that any limitations in the regulations are based on real impacts that uses may have on neighboring properties, not on speculation or disfavor.³⁵ Many development regulations restrict businesses such as laundromats, beauty salons, nail salons, plasma clinics, tattoo parlors, short-term lenders, and day labor halls, from some commercial and mixed use districts. These restrictions often stem from negative stereotypes about the

³⁴ This will work hand-in-hand with the recommendation to streamline the existing commercial districts, by mitigating the impacts that commercial uses permitted by right may have on nearby residential properties.

³⁵ In the Equity Policy Guide, Permitted Use Policy 9 states: "Evaluate the permitted uses regulations applied to small-scale commercial uses and eliminate restrictions and standards that are not based on documented public health, safety, economic, or other land use impacts on surrounding areas."



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operators or clientele of the use rather than the land use or public health or safety impacts on the surrounding area. Restricting these uses not only limits employment and entrepreneurial opportunities for historically marginalized and vulnerable communities but in some cases reduces the ability for residents to access key goods and services.

One example concerns the regulations around day care facilities. Sec. 54-210 of the current Zoning Ordinance allows family day care homes, group day care homes, or overnight day care facilities subject to a permit. Typically, the Zoning Administrator issues the permit. However, the Zoning Administrator is required to post on the property subject to the permit for 10 days a notice that the application was submitted and a phone number for additional information. If within that 10 day period, the majority of owners within 200 feet of the property present a petition, the application is referred to the Board of Zoning Appeals for a final decision.

While the requirements to obtain a permit are appropriate, the provision allowing neighbors within 200 feet of the property to force a higher-level review of a daycare permit can be a significant source of inequity. These types of procedures provide an opportunity to block often much-needed facilities for a variety of reasons, some of which may have to do with the identity of the operator or assumptions about the nature of the clientele rather than the objective land use impacts of the proposed use. Discretionary approval disproportionately impacts residents from historically disadvantaged communities who have less financial capacity and time for participating in these processes, and may have a chilling impact on applicants that do not want to risk the public scrutiny that comes with a public hearing. We recommend the City consider that procedures allowing neighbors to force a higher level of review be removed and that these uses instead be listed as conditional uses in all residential districts subject to objective standards reviewed by the Zoning Administrator.

2.6.3. Review and Update Accessory Uses and Structures

2.6.3(a). General Recommendations

Accessory uses and structures are uses or structures that are subordinate to the principal use on a site. The Zoning Ordinance allows accessory uses and structures in Article 2, Part 4. There are no general accessory use or structure standards.

Similar to our recommendation for a unified principal use table in Section 2.4 above, we suggest that the City include an accessory use table in the rewritten Development Code. The accessory use table will list specific accessory uses and structures that are allowed in each district and include any use-specific standards that might apply. The list of accessory uses will include some of the current accessory uses, such as short-term rentals and accessory dwelling units, with definitions and standards as appropriate. It will also include additional accessory uses or structures that may be appropriate, such as automated teller machines or solar panels.

2.6.3(b). Ease Restrictions on Home Occupations

Home occupations are permitted as an accessory use to a principal residential use in any zone district. Sec. 54-211. The regulations contain several restrictions, including a limitation on outdoor activity and outdoor storage, limitations on the



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amount of the principal building (33 percent) or accessory building (650 square feet) that can be used for the home occupation, and allows only one on-site employee who is not a resident.

The ability of historically disadvantaged and vulnerable groups to earn a living is just as important as the availability of affordable housing, and the most efficient way for many households to make ends meet is through one or more home occupations. Home occupation regulations can either help expand opportunities for residents of historically marginalized communities or create significant barriers to small-business creation and success. Because the range of home-based activities that can earn income without creating negative impacts on neighbors is constantly expanding, most recent zoning regulations do not try to list specific types of professions or crafts that are permitted. Instead, they regulate home occupations based on potential impacts on neighbors and include a short list of activities that are prohibited (such as cafes or restaurants) based on foreseeable neighborhood impacts.

We recommend generalizing the list of permitted home occupations to cover modern, internet-based occupations such as those common in the “gig” economy and do not require shipping materials or regular customer visits or deliveries. We also recommend removing size limitations on the amount of a primary dwelling that can be used for home occupations as long as the operator of the business lives on the premises, as enforcement of those limits is often inconsistent, non-existent, or subject to neighborhood bias against the operator. Similarly, we recommend that prohibitions or size limits on operation of a home occupation in a permitted enclosed accessory structure (such as a garage or shed) be removed.³⁶

2.6.4. Review and Update Temporary Uses and Structures

Temporary uses and structures are uses or structures that are proposed to be located in a zone district only for a limited duration. They include special or temporary events, which typically last for a short duration and are intended to attract large numbers of people at one time (e.g., concerts, fairs, large receptions or parties, and community festivals). Temporary uses generally do not include private parties attracting less than a certain number of persons, nor events normally associated with a permitted principal or accessory use (such as a wedding reception at a reception hall or a funeral at a funeral home).

There is no list of temporary uses in the current Zoning Ordinance. There are some temporary uses permitted, for example the temporary display of shrubs and other plantings for sale in a parking lot (those regulations are included within the off-street parking requirements, not with the use regulations. Sec. 54-318.1). Portable storage units can be placed on a site for a short period of time, but those regulations are bundled in with the regulations that apply to principal uses in Article 2, Part 2, Sec. 54-204.2

³⁶ This recommendation is based on the guidance from Permitted Use Policy 16 in the Equity Policy Guide: “Update home occupation regulations to broaden the types of activities allowed to be conducted from dwelling units of all types.”



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As with the principal and accessory uses and structures, we recommend that all temporary uses and structures be consolidated into a single temporary use table. All use-specific standards that apply to temporary uses in the current Zoning Ordinance will be reviewed, updated, and consolidated, and unneeded duplication will be eliminated to the extent practical. In addition, and where appropriate, when new temporary uses are added, use-specific standards will be added (if appropriate) based on best practices.



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Charleston, like many other coastal communities, is facing a serious threat due to accelerating sea level rise. Over the past several decades, rising water levels have resulted in increasing amounts of tidal flooding, which is projected to continue and become even more frequent. This has led the City to embrace a multi-pronged approach to improving the City's resilience to tidal flooding, flooding from major storm events, and the impacts to development that is caused by flooding and this rising water environment. One key effort is this project. A principal goal of the rewritten Development Code is to improve development practices and the zoning framework so development in the City is more resilient to flooding events and the rising water environment the City now faces.

In undertaking this effort to improve development practices and the zoning framework so development is more resilient to flooding events and a rising water environment, several analyses were conducted and are described below. The first section looks at and summarizes the City's planning and analyses that identify the challenges and risks posed by a rising water environment, and provide policy direction to address the challenges. The second summarizes the City's existing regulations related to resilience, while the third section identifies the City's recent efforts to update its regulations to improve the resilience of new development/redevelopment. Based on this analyses, the final section makes recommendations for changes in the rewritten Development Code to improve development practices and the zoning framework so development in the City is more resilient to flooding events and a rising water environment.

3.1. Understanding the Planning Context

Over the past eight years, Charleston has conducted or closely participated in eight studies or planning efforts related to flooding and sea level rise.³⁷ Another project, the *City's Comprehensive, Integrated Water Plan*, is underway now. Because the National Oceanic and Atmospheric Administration (NOAA) and other scientific groups are continually doing research that updates their future sea level rise projections, these studies have included a range of anticipated impacts. Based on the most recent analysis incorporated into *City Plan*, it is projected that there will be 36 inches of additional sea level rise by 2080, which will have significant impacts for flooding in Charleston, compared to the 13 inches of sea level rise over the last 100 years. The *2023 Flooding and Sea Level Rise Strategy Update* projects 14 inches of sea level rise by 2050; this is the measure being used in the City's ongoing *Comprehensive, Integrated Water Plan*. As sea levels rise, the risk of flooding increases. Areas that are occasionally subject to

³⁷ These include the *Sea Level Rise Strategy* (2015, updated in 2019 and 2023); the *Dutch Dialogues* (2019); the *All Hazards Vulnerability and Risk Assessment* report (2020); the *City Plan Land and Water Analysis* (2020); the *Perimeter Protection Analysis Discovery Report* (2021); and the *US Army Corps of Engineers Peninsula Flood Risk Management Study* (2022). Other relevant studies that are related to flood issues include the City's updated *Stormwater Design Standards Manual* (2020), which implements stormwater management techniques to reduce the impact of stormwater runoff for development and chances of flooding, and the *Climate Action Plan* (2021), which focuses on reducing the carbon emissions that are a cause of sea level rise.



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tidal flooding today will flood more frequently, while areas that are today dry may face flooding in the future.³⁸

3.1.1. City Plan (2021)

Given these circumstances, in the *City Plan*, resilience is a core principle that runs throughout the document. The current impacts of sea level rise and the critical importance of planning for a rising water environment inform many of the *Plan's* policies, and the *Plan* is clear that the future economic viability of Charleston is tied to how well the City manages and adapts to anticipated sea level rise.

Many of the *City Plan's* key recommendations related to resilience and rising water levels are based on the conclusions of the *City Plan Land and Water Analysis* (2020), which establishes four elevation zones in the City:

- ★ **High Ground** includes land that is outside the 100-year floodplain defined in the Federal Emergency Management Agency's (FEMA's) Flood Insurance Rate Maps (FIRM), and thus not subject to the flood damage protection regulations (it is above the projected storm surge of a Category 3 hurricane). This land has the lowest flood risk.
- ★ **Adapt Zone** includes land outside the 100-year floodplain but within the projected Category 3 hurricane storm surge.
- ★ **Compound Flood Risk Zone** includes land within the 100-year floodplain, but above the Tidal Flood Risk Zone. There is flood risk from a combination of rainfall, stormwater runoff, and tidal conditions.
- ★ **Tidal Flood Risk Zone** includes the land at the highest risk of flooding. Almost all of the land is within the 100-year floodplain, and flooding can occur even without rainfall. This is also the area where, with sea level rise, marshes can be expected to migrate toward higher ground through extension, as lower land where marshes currently exist become part of the sea. Generally, this zone includes land at seven feet elevation (NAVD 88) and below, which *City Plan* notes "is the point where tidal flooding of land can occur and where marsh migration is likely to occur with 3 feet of sea level rise."

One of the *City Plan's* key recommendations, which is integrated into this Assessment, is that the City develop a rewritten Development Code based on elevation and that is tied to the dynamic nature of sea level rise and other implications of climate change. The *City Plan* sets out four key strategies that should be used to guide the City's future development:

- ★ **Grow:** Focus development and increased population density in areas with low sensitivity to rising water levels and low risk of negative impacts from flooding. This generally includes land in the **High Ground**. The *City Plan* notes development on higher lands should include stormwater measures that minimize

³⁸ With this said, however, it is important to emphasize that this projection might change over time, for better or worse—increasing or decreasing in the amount of projected sea level rise—based on changed conditions, climate research advances, and the impacts of policies intended to slow sea level rise through the reduction of greenhouse gas emissions. For this reason, it is important for the City to regularly monitor estimates of sea level rise, and update the development regulations accordingly.



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the amount of water that may impact land at lower elevations during periods of heavy rainfall.

- ★ **Defend:** Protect buildings and infrastructure with engineered measures such as berms, flood walls and pumps. Defensive measures should be reserved for areas with the highest risk (for example, where there already is significant existing development) and lowest sensitivity (where efforts to displace floodwater will not exacerbate flood risks elsewhere).³⁹ This includes land in both the **Adapt Zone** as well as land that may in the future be in the **Compound Flood Risk Zone**. Some land in the **Tidal Flood Risk Zone** that is already developed may need to be defended as well.⁴⁰
- ★ **Adapt:** Retrofit vulnerable existing infrastructure to be resilient to water risks, in all zones.⁴¹
- ★ **Reserve:** Restore and preserve natural ecosystems. Reserve is applicable to all zones and should factor future change.

The *City Plan* takes the elevation zones from the *City Plan Land and Water Analysis*, along with the grow/defend/adapt/reserve strategies, and integrates them into 12 different land use categories that are used in the *City Plan's* Future Land Use Map. These 12 land use categories identify the City's vision for future growth.

One land use category (**Rural**) is generally assigned to land outside the City's Urban Growth Boundary, which marks the point beyond which no urban or suburban development is planned.

Areas at highest risk of flooding are assigned to the **Low Impact/Conserved** land use category. This land use category is generally applied to lands within the Tidal Flood Risk Zone. The *City Plan* notes that in the **Low Impact/Conserved** category, allowed uses should be limited, residential densities should not exceed one unit per acre, and any structures would likely be elevated to limit impacts to natural systems.⁴²

At the other end of the elevation spectrum, the **City Center** land use category is applied to land at high ground. This land use category is intended to accommodate a mix of uses at the highest intensity in the City. The *City Plan* notes: "These areas occur on the highest ground elevations in the City allowing for best opportunities for new or infill development. Densities range from 10 dwelling units per acre and up. Development in City Centers is dependent on the surrounding context." The **Neighborhood Edge** land use category, which accommodates neighborhood-serving

³⁹ This action is addressed more through the provision of infrastructure than through regulatory initiatives. The City is working on a perimeter barrier plan with the U.S. Army Corps of Engineers (USACE) to protect the historic Charleston peninsula. See <https://www.charleston-sc.gov/2426/Peninsula-Perimeter-Protection-Project>.

⁴⁰ This includes land on the Lower Peninsula, including the City's historic areas and the Peninsula medical center, which is proposed to be defended by the USACE perimeter barrier.

⁴¹ This action also focus more on investment and the provision of infrastructure, such as the City's multiyear effort to improve drainage on the Peninsula.

⁴² The **Natural/Wetland** land use category is defined to include "Marsh, wetlands, small water bodies or other lands that cannot be developed due to their geography or topography." It is not described in the plan by reference to any particular elevation, but it can be assumed that many of these lands are low lying. Lands in the **Natural/Wetland** land use category constitute 38 percent of the area within the UGB.



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commercial uses and residential uses at densities from 6 to 20 units per acre, is also applied to land in the **High Ground** zone.

Other land use categories are not explicitly tied to the elevation categories enumerated in the *City Plan Land and Water Analysis*. The *City Plan* notes that a variety of defend, adapt, and reserve strategies will apply in these areas, depending on where they lie in the **Adapt Zone** and **Compound Flood Risk Zone**. These other land use categories include:

- ★ **Neighborhood**, which accommodates residential densities of 6 to 12 dwelling units per acre;
- ★ **Suburban**, which accommodates residential densities of 4 to 8 dwelling units per acre; and
- ★ **Suburban Edge**, which accommodates residential densities of between 1 and 4 dwelling units per acre, and is located near low-lying neighborhoods.⁴³

3.2. Existing Resilience Requirements and Incentives in Charleston Zoning Code

The City's current Zoning Ordinance includes a number of regulations that are designed to protect natural resources and limit impacts on property from flooding and other natural hazards. Some have been adopted in recent years and represent a more comprehensive approach to incorporating resilience into development practices. They include the following:

3.2.1. Current Standards for Stormwater Management and Flood Control

Many of the provisions that seek to mitigate the flooding impacts caused by development are located in Chapter 27, Stormwater Management and Flood Control, of the City Code. The City's standards appear to meet state and federal requirements, including but not limited to the NPDES General Permit for Stormwater Discharges, the Coastal Zone Consistency Certification (required by the state's Ocean and Coastal Resource Management program), and the federal Clean Water Act.

3.2.2. Upper Peninsula District Incentive Point System

The Upper Peninsula zone district is applied to land in the City's upper peninsula that is on higher ground, making it well suited for greater density and intensity of development that can accommodate the City's growth. The City currently has an incentive point system, which facilitates the incorporation of community-identified benefits into projects. Applicants can receive additional height and density for their developments as bonuses if they agree to incorporate one or more of the seven incentive options into their projects. A project with no incentive options can build up to a maximum of four stories in height, at a maximum residential density of 26.4 dwelling

⁴³ There are four additional, more specialized land use categories. **Campus** (for education, medical, or office uses, including College of Charleston and the Peninsula medical district); **Job Center** (for light manufacturing, warehousing, and similar uses); **Industrial**; and **Park**.



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units per highland acre (1 dwelling unit per 1,650 square feet). A project with at least 12 incentive points can build up to 12 stories in height, with no maximum residential density.⁴⁴

The Upper Peninsula District's incentive point system includes the following provisions related to resilience from a rising water environment:

- ★ Stormwater management: Two points are awarded for decreasing stormwater runoff and impervious surfaces through low impact development.
- ★ Vegetated green roof: One to two points are awarded for maintaining a vegetated green roof.
- ★ There are other options available through certifications such as LEED and Charleston RISES. Achievement of these certifications may include floodproofing activities.

Other incentive options available to developers within the Upper Peninsula district do not address the specific resilience impacts of a particular site, although they may impact overall resilience (e.g., an incentive option for providing a renewable energy system on site).

Because the point system provides flexibility in which benefits will be provided, it is not guaranteed that any of the water resilience options will be selected by the developer. In addition, the Upper Peninsula district is intended to be assigned to lands on higher ground along the Upper Peninsula. Sec. 54-299.21. Therefore, while the incentive system includes water resilience measures, these would primarily mitigate impacts on development downstream and not improve the resilience of development that might itself be subject to flooding.

3.3. Recent Policy Changes

The City has taken further steps in recent years to strengthen its policies to exceed minimum federal and state requirements related to resilience.

3.3.1. Freeboard Policy in Special Flood Hazard Areas

The Federal Emergency Management Agency (FEMA) identifies areas that are currently at risk of flooding with the designation of Special Flood Hazard Area (SFHA). A SFHA is an area with a 1-percent annual chance of flooding, also known as the 100-year floodplain. Federal law establishes baseline resilience requirements for land within the SFHA which must be incorporated into local government ordinances. In the City, the Flood Hazard Prevention and Control ordinance, which complies with the federal and similar state requirements, is located at Chapter 27, Article II, Division 3 of the City Code.

Local governments are allowed to impose requirements on development in SFHAs which exceed federal requirements. In Charleston, the City recently adopted requirements

⁴⁴ All residential projects greater than four stories in height are also required to provide 10 percent of the dwelling units as workforce housing that is limited to households below a certain area median income (AMI). See discussion in Section 4.2.4, Upper Peninsula District Workforce Housing Requirements.



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that the bottom level of all new construction or substantial improvements to non-residential construction in SFHAs be elevated two feet above Base Flood Elevation (BFE), also known as two feet of freeboard. Residential substantial improvement only requires one foot of freeboard.

3.3.2. Stormwater Design Standards Manual

The current Stormwater Design Standards Manual was developed in 2020 to replace the 2013 manual. It provides a standardized process for how stormwater elements in a project are designed, submitted, approved, and inspected. The 2020 updated manual includes stronger performance standards for construction and post-construction stormwater management practices. It also provides more context about the types of flooding experienced in Charleston and strategies for mitigation, such as green infrastructure. Finally, it requires that redevelopment projects meet certain performance standards to increase the site's resilience.

3.3.3. Prohibition of Slab-on-Grade Foundations within Special Flood Hazard Areas or 100-year Floodplain

Slab on grade is a common form of construction where a building sits on a concrete foundation that rests directly on the ground. In flood-prone areas, slab-on-grade construction can be problematic if fill is used to flatten or elevate the ground for a building foundation. Large quantities of fill can alter drainage sites, lessen rainfall infiltration, and accelerate runoff or displace water onto neighboring properties and downstream communities. In 2023, the City updated its regulations to prohibit the use of slab-on-grade for single-family residential construction in the 100-year floodplain or Special Flood Hazard Areas. This policy becomes effective in 2024.

3.4. Strengthen Development Regulations That Apply to Development in Areas at Higher Risk of Current or Future Flooding

Additional regulations are also proposed to be included in the rewritten Development Code to address rising sea levels in a more comprehensive way, building on the City's recent efforts described in Section 3.3 above. These additional regulatory initiatives include the following:

3.4.1. Allow Higher Density Development on Lands with Higher Elevations and Adopt a New Zone District for Lands with High Flood Risks

It is proposed that the zone district structure be modified to increase opportunities for more dense and intense development at higher elevations, while reducing development density and intensity in areas of the City on lands at higher risk of flooding currently and in the future. This is proposed to be done in several ways.

The first approach is through the establishment of a new district, **LI: Low Impact**, that is intended for lands that face the highest future risk of flooding due to the rising water environment. In particular, the LI district is to be assigned to lands within the **Low**



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Impacted/Conserved land use category on the Future Land Use Map in the *City Plan*, where limited development intensity is preferred. See Section 2.2, Proposed Revisions to Zone Districts.⁴⁵ This new district will reduce the types of new uses that are allowed in the district (focusing on low density residential development and other uses that are adaptable to a rising water environment), reduce densities/intensities, support flexibility provisions that allow for enhancement of the natural systems in the district, and limit what type of development can be built back when existing development in the district is damaged by flooding. District regulations might also include the following additional measures:

- ★ Requiring parking areas to allow for stormwater infiltration, through use of permeable pavement or alternative surfaces such as gravel or grass;
- ★ Reducing amounts of impervious surface;
- ★ Limiting the ability to rebuild buildings or structures that suffer significant flood damage unless resilience features are added; and
- ★ Incorporating protective insulating chambers into the design of development for sensitive equipment.

The second approach is updating the zone district structure and zone map to allow increased development in appropriate parts of the City. This includes the application of some of the proposed revised zone districts like the higher density residential, mixed-use, and form-based districts to the **Higher Ground** areas and those areas designated **City Center** and **Neighborhood Edge** on the *City Plan* Land Use Map. See Section 2.2.3, Residential Districts Outside the Lower Peninsula, and Section 2.2.5, Business and Mixed-Use Districts Outside the Lower Peninsula.

The third approach is the design of an incentive based Density Index, building on the incentives that have worked well in the UP: Upper Peninsula district, that allows for increased development density/intensity and development rights on lands in the identified **Higher Ground** areas. It is contemplated that the Density Index would establish a point-based system that offers as incentives increased height, increased density/intensity, and increased lot coverage, and possibly reduced parking, in return for accumulating a certain number of points. Points can be achieved through achievement of certain sustainable development practices, the provision of affordable housing (see Section 4.4.2, Streamline and Calibrate the City's Affordable Housing Incentive Programs), and reducing flood risks.

3.4.2. Establish a Resilience Index for New Development in Appropriate Locations in the City

The City should also include in the rewritten Development Code a Resilience Index that all development would have to comply. The Resilience Index would be based on a point-

⁴⁵ As an alternative, the City could implement a new overlay district. We do note that much of this land is already protected from development with conservation easements or other protections and is included in the C: Conservation district. If the development intensity currently allowed on some land in the Low Impact/Conserved land use category is significantly decreased, implementing these changes could be challenging, so the district will need to be carefully crafted.



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based menu of resilient development practice options that would make the development more resilient to a rising water environment.

The core component of this approach would be a menu of optional development standards that would increase the resilience of development to the effects of rising sea level and future flooding. Each option would include a point value that is based on the 1) additional expense of incorporating the development practice and 2) its benefit to addressing resilience in a rising water environment. The development applicant would have to achieve a certain minimum total number of points to comply, as well as a certain minimum number of points in at least two component areas to comply. The two component areas are proposed to be:

- ★ **Risk reduction:** Actions to reduce the development from flooding risk like through building elevation or integration of a backup power system that could keep a development powered during a grid disruption; and
- ★ **Stormwater management:** Implementation of stormwater practices that exceed the requirements of the Stormwater Design Standards Manual.

It is recommended that the point system be structured so that areas at lower risk of flooding, such as land in the high ground areas (lands in the **City Center** and **Neighborhood Edge** land use categories on the *City Plan* Future Land Use Map) generally require fewer resiliency points, while areas at higher risk of flooding due to being at lower elevations, such as lands in the **Low Impact/Conserved** land use category or other categories assigned to lower elevations, such **Suburban Edge**, generally require a higher number of points to comply. The resiliency point requirements may also vary based on the impact that development may have on flooding off the site. Different standards will also apply in the City’s historic areas on the Lower Peninsula, given the character of development in that area.

One of the benefits of the point system is its flexibility. It provides a straightforward way for the City to establish and implement resiliency objectives, and to modify them over time as circumstances change. The system gives developers more options than a straightforward regulatory requirement, by allowing them to mix and match resilience options that best fit the characteristics of their particular development.

Specific resilience options and point totals will be developed during the drafting process, in coordination with the

Figure II-12. Example Resilience Point System

TABLE 5.12.7: RESILIENT POINT SYSTEM FOR NON-RESIDENTIAL DEVELOPMENT	
Resilient Development Activity	Points Earned
Component 1: Risk Reduction	
Construct building to meet 110-mile wind load design requirements of the VUSBC	2.00
Equip the project with at least one alternative, independent source of electricity supply so that the project is fully capable of operating if a primary source of power experiences an interruption	1.50
If the project involves a critical facility that is intended to remain operational in the event of a flood, or whose function is critical for post-flood recovery, design the facility to be protected and operable at the water levels represented by a 0.2% annual chance (500-year) flood	1.00
Elevate the ground story finished floor and all significant electrical and mechanical equipment no less than 3 feet above highest adjacent grade or to an elevation of 11 (NAVD '88)	1.00, plus 0.50 per ft. above 3 ft.
Install a generator for power generation in the event of power failure sufficient to keep critical operations functional	0.50
Establish operating procedures for how the project will handle loss of off-site or grid power, transition to a backup source of power, and transition back to normal operation	0.50



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consultant team and the City's in-house experts. Part of an example table from a point-based system in another community is shown in Figure II-12. Example Resilience Point System.

3.4.3. Implement Design Standards to Improve Visual Compatibility Between Existing Development and New Elevated Development

Experience has taught that elevating buildings many times requires a set of design standards to control the construction and appearance of the primary façade of a structure, to help it “fit in” with existing development that is not elevated. It is recommended that the City include design standards that specifically address the compatibility of newly elevated buildings in areas with existing buildings that do not meet the new elevation standards. These standards would apply to all elevated buildings, including the high flood risk areas.

The design standards would address elements that help to maintain character and ensure the newly elevated building is consistent with the neighborhood's context. In particular, these standards should address ways to ensure the visual and architectural consistency of the streetscape, to the maximum extent practicable. Organizing these standards by how high a building is to be elevated helps to visualize the design impact and how it needs to be addressed.

An example of guidelines developed by the Cape Code Commission in Massachusetts for infill

development on lands at elevated risk of flooding is shown in Figure II-13. Example Design Standards for Elevated Infill Development.

Elements that these updated elevated building design standards would incorporate might include:

- ★ Reducing the appearance of building bulk.
- ★ Using design details and proportions from the local context.
- ★ Requiring façade articulation for elevated interior floors.
- ★ Incorporating elements of visual interest at the street level.

These standards would supplement the general form and design standards that would apply to new development and development in areas of higher elevation. See Section

Figure II-13. Example Design Standards for Elevated Infill Development



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5.4, Provide More Measurable Form and Design Standards Outside the City's Historic Areas.

3.4.4. Consider Implementing a Transfer of Development Rights Program

An option that relies on the real estate market to steer development away from areas at high risk of flooding and increase development in higher elevation areas is a system that allows the right to transfer development from one area of the City to another (from a sending to a receiving area). These Transferable Development Rights (TDR) programs can be a way to support the limitation of development in high-risk flood areas while allowing owners of property in these areas to receive compensation for the loss of certain development rights. This is an option that was discussed in the *Dutch Dialogues*, and one that the City might consider using.

In a TDR program, the City designates areas where it does not want intense development (in this instance lands classified in the proposed **LI: Low Impact** district (the **Low Impact/Conserved** land use category on the Future Land Use Map), and areas where it is willing to see higher development density or intensity development (in this instance, lands classified in the **City Center, Neighborhood Edge, and Neighborhood** categories on the Future Land Use Map). The areas where less development is preferred are designated "sending" areas. Landowners in those areas are authorized (subject to restrictions) to transfer (as part of a sell) their development rights to landowners in the receiving areas. After the development rights are transferred, the landowner in the sending area permanently loses the ability to develop the transferred development rights. The landowner in the receiving area can use the transferred development rights and develop at a higher density/intensity than is normally allowed in the district where the receiving area is located.

Even though the concept is straightforward, it must be recognized that in practice, TDRs are very challenging to effectively implement. The reason is that in any TDR program, it is critical that the development rights in the sending and receiving areas be appropriately calibrated to encourage the development of a functioning market in development rights. If too much intensity by right is offered landowners in the receiving area, they may not take advantage of the TDR program. In the sending area, if the value of the development rights is higher than the market assigns to the development rights, a functional market may also not develop and the goals of the TDR program may not be met. This is particularly challenging in a place like Charleston where it is a priority to incentivize other key development goals, such as affordable housing.



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4.1. The City Plan Identifies the Need for Additional Housing Options, Including More Affordable Housing

The City of Charleston’s population has been growing at a brisk rate, increasing by 10 percent in the decade leading up to the release of the *City Plan* in 2021. While the number of housing units has increased as well, the price of housing has exploded. According to the *City Plan*, while population grew by 13 percent, median rent and median home sales prices grew by 51 percent and 54 percent, respectively (even though household income only increased by 31 percent). The result is that today, a large number of Charleston residents and workers are “cost burdened,” meaning they spend more than 30 percent of their annual gross income on housing costs.

Housing challenges are most difficult for those with limited household income.⁴⁶ The *City Plan* reports that the City needs to produce more than 10,000 new affordable housing units by 2023 to meet the City’s needs; many of those units would need to be produced to accommodate the neediest households—those whose household income is less than 30 percent of the Area Median Income (AMI).⁴⁷ The *City Plan* also notes that some of the City’s most affordable housing is located in areas furthest from job centers and lack adequate transit,⁴⁸ making the overall cost of living higher due to higher transportation costs.

In part to address this housing affordability problem, the *City Plan* states the current zoning regulations should be updated to allow and encourage a greater diversity of housing types. As the *Plan* notes, the “diversity of housing types historically encouraged in all neighborhoods helped to increase the amount of affordable housing options in desirable areas and also provided right-sized housing units for different stages of life in the same neighborhood. For example, a young person entering the workforce could rent a smaller unit in a fourplex, a family with children could buy a single-family home, and empty nesters could downsize into a duplex, all on the same street.” These are types of housing that have not been permitted or encouraged in many zoning ordinances since the 1950’s. To address this problem, the *Plan* suggests allowing more “missing middle” housing by right, and adjusting setback and lot coverage percentages in the zone districts to facilitate their construction.

⁴⁶ For purposes of this Assessment, we have adopted the definition of the term “affordable housing” from page 91 of *City Plan*. *City Plan* states: “**Affordable Housing** is used in a variety of contexts with various definitions. Affordability is a relative term dependent on income. For the purposes of this analysis, the blanket term “affordable housing” refers to all housing affordable (priced at or under 30% pre-tax household income) to households making from 0% to 120% of the Area Median Income. This includes housing across the spectrum of affordability, from low-income to workforce housing.”

⁴⁷ The *City Plan* defines **Area Median Income** as “a number determined by the U.S. Department of Housing and Urban Development (HUD) that represents the median household income for a specific region. *City Plan* uses the AMI for the Greater Charleston Region because HUD does not provide an AMI for the City of Charleston itself. That figure is \$81,000 per year for a family of four.” The AMI has increased somewhat since the *City Plan* was published.

⁴⁸ Such as on Johns Island.



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The *City Plan* includes multiple specific recommendations relating to housing and affordable housing. Key recommendations relevant to this project include:

- ★ “Strongly encourage and create incentives for a **diversity of housing types** within neighborhoods citywide, including attached-style housing, such as townhomes, condominiums, flats, duplexes, triplexes and fourplexes and allow by right in more base zoning districts” (Housing Recommendation 2);
- ★ “Any future increases to maximum residential densities within the zoning code should be conditional on the basis that a **certain percentage of new units be reserved for affordable housing**” (Housing Recommendation 3);
- ★ “Strongly encourage development of housing in **compatible mixed-use and mixed-income (market rate and subsidized units mixed together within the same development) neighborhoods** and in close proximity to parks, bicycle and pedestrian facilities, public transit, schools, grocery stores, job centers and civic uses. Incentivize **transit-oriented development** and affordable housing development along the future Low Country Rapid Transit route and other key public transit corridors” (Housing Recommendation 4);
- ★ “**Expand incentives for affordable housing developments in more base zone districts**, including unit density bonuses, reduced setbacks and lot sizes, and reduced or eliminated parking minimums when located in proximity to public transit. Incorporate a tiered incentive structure for affordable housing projects based on type and level of affordability provided and geographic location, prioritizing City-funded projects” (Housing Recommendation 5);
- ★ “Implement policies and allocate resources to **reduce regulatory barriers that hinder development of affordable housing** and disproportionately burden lower-income and vulnerable communities, including: expedited review and permitting, reduced fees, affordable materials standards, flexibility for design and architectural standards when appropriate, and allocating staff devoted to shepherding projects through the development process” (Housing Recommendation 9);
- ★ “Create a **dedicated funding stream** for affordable housing development through zoning and other planning tools” (Housing Recommendation 11);⁴⁹
- ★ “Create incentives and policies to increase available housing stock, especially affordable housing stock, through **reuse and rehabilitation of existing buildings**” (Housing Recommendation 14); and
- ★ “Continue to support **creation of senior and affordable senior housing** in all areas of the city” (Housing Recommendation 15).

⁴⁹ Development regulations are typically not well situated to establish dedicated funding streams. Therefore, we have not made any recommendations relating to this goal in the *City Plan*. In addition, we note that staff reports the payment-in-lieu option available for development in the WH district has provided a somewhat consistent funding stream for affordable housing, but the result is that the developments have constructed fewer affordable housing units within market-rate developments which may not be a preferred scenario.



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4.2. The City's Current Regulations and Policies Include Numerous Programs to Encourage the Development of Dedicated Affordable Housing

The City has undertaken a number of efforts, many implemented through the current Zoning Ordinance, intended to incentivize housing that is affordable to lower-income households.⁵⁰

4.2.1. Conditional Multifamily Affordable Housing

In the DR-1, DR-1F, DR-2, DR-2F, LB, GB, LI, MU-1, MU-1/WH, MU-2, and MU-2/WH districts, housing is permitted on lots of record platted as of August 21, 2018 if the housing is proposed to be affordable, the minimum lot size standards are met,⁵¹ and lot occupancy maximum standards are met.⁵² Sec. 54-207.p.

The development is required to meet the following affordability restrictions:

- ★ Owner-occupied units may be sold to households earning no more than 120 percent of AMI, and included as resale restrictions for at least 10 years in the property's deeds;
- ★ Rental units may be rented to households earning no more than 80 percent of AMI and shall be subject to rental restrictions for at least 20 years in the property's deeds.

4.2.2. Conditional Affordable Housing for Single-Family Detached and Attached Dwellings

In 2020, the City adopted an ordinance incentivizing affordable housing development in the SR-1, SR-2, and SR-6 districts (for single-family detached dwellings only) and the STR, DR-1, DR-1F, DR-2, and DR-2F zone districts (for single-family detached and attached dwellings). These standards, at Sec. 54-207.z of the current Zoning Ordinance, allow affordable housing as a conditional use subject to the following:

- ★ The lots in a proposed subdivision must be restricted to the provision of affordable housing.

⁵⁰ There are two types of affordable housing. Naturally Occurring Affordable Housing (NOAH) is housing that, due to its location, size, and/or condition, is affordable to households earning 120 percent or less of the AMI. By contrast, deed-restricted affordable housing is housing that is purpose-built to be used as affordable housing, and the affordability of the housing is secured by restrictions on the property's deed that limit the use of the housing based on family income. Typically, the deed restrictions are obtained through federal, state, or local government funding or through private funding, and residents must demonstrate that they meet income restrictions before they are entitled to purchase or lease a unit. In many cases, the deed restrictions are time-limited, meaning that after some number of years the restrictions will expire and the rental or sale of the unit is subject to the market (unless another entity such as the local government provides resources to extend the deed restriction).

⁵¹ For an affordable housing development with 22 bedrooms, the maximum allowed, the lot size is required to be 10,780 square feet in DR-1, DR-1F, LB, and LI, and 7,700 sf in DR-2, DR-2F, and GB; there is no minimum lot size in the MU districts.

⁵² In The DR-1, DR-2, LB, LI, and GB districts, the lot occupancy maximum is the lot occupancy existing on September 26, 2006 or 50 percent, whichever is greater. For DR-1F and DR-2F, the lot occupancy maximum is the lot occupancy existing on September 26, 2006 or 65 percent, whichever is greater.



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- ★ Owner-occupied units may be sold to households earning no more than 120 percent of AMI, and included as resale restrictions for at least 90 years in the property's deeds;
- ★ Rental units may be rented to households earning no more than 80 percent of AMI and shall be subject to rental restrictions for at least 90 years in the property's deeds.

Development projects that qualify can take advantage of reduced dimensional requirements.⁵³ The maximum building lot occupancy remains at 50 percent, and setbacks are similarly reduced for single-family attached dwellings in districts where they are allowed. Additional standards are provided to encourage the development of "Charleston Courts" with homes fronting on a newly developed street.⁵⁴

4.2.3. Workforce Housing Districts

The MU-1/WH and MU-2/WH zone districts are also incentive districts that are only available to applicants that agree to provide adequate deed-restricted affordable ("workforce") housing following the rezoning. Art. 2, Part 15. A development in a WH district is required to provide deed-restricted affordable housing equal to at least 20 percent of the total number of units in development, with a minimum of one, rounded up to the nearest whole number. Sec. 54-299.2.a-b. These affordable units are required to be integrated and intermixed within the overall development and comparable in size to the market-rate dwelling units included in the development. Sec. 54-299.2.c. Applicants may exempt themselves from the requirement to provide affordable housing by paying into the City's Affordable/Workforce Housing Account an amount that is calculated by the gross square footage of the development, based on a scaled system that assesses lower per-unit in-lieu payments for larger developments. The affordability restrictions are required to remain in place for 30 years for both owner-occupied and rental affordable housing. Sec. 54-299.2.h.⁵⁵

4.2.4. Upper Peninsula District Workforce Housing Requirements

As discussed earlier, the UP: Upper Peninsula district is an incentive-based zone district that allows for greater building height and intensity for development projects that meet incentive goals. Affordable "workforce" housing is required to be provided for all residential development in the district, so providing additional affordable housing is one of the incentive options offered to applicants.

The UP district allows, as a base entitlement, the ability to develop up to four stories in height at up to 26.4 dwelling units per highland acre. Sec. 54-299.29-299.30. No affordable housing is required for a project that meets those height and density thresholds. However, a development with residential uses that takes advantages of incentives to exceed the four-story height limit, is required to provide ten percent of the

⁵³ For example, the typical dimensional standards in the SR-2 district requires a minimum lot size of 6,000 square feet, a 25 foot front setback, a 25 foot rear setback, and a nine foot setback on the south or west of the property, and a nine foot setback on the north or east of property. For affordable housing, the minimum lot area is reduced to 4,000 square feet, the minimum rear setback to 15 feet, and the side setbacks to 6 feet.

⁵⁴ Two parking spaces are required for each affordable housing unit.

⁵⁵ Slightly different regulations apply to "first-generation" developments, which are those that were submitted before an ordinance update in January 2017, and second-generation developments, which are those which were submitted before an ordinance update in March 2021.



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units as owner-occupied or rental units that are limited to qualified households whose incomes do not exceed 120 percent of AMI (for owner-occupied units) or 80 percent of AMI (for rental units). Sec. 54-299.32(i). Owner-occupied units are required to be subject to resale restrictions for at least 90 years, and rental units must remain affordable for at least 30 years. Sec. 54-299.32(i)-7(f)-(g).⁵⁶

4.2.5. Affordable Accessory Dwelling Unit Program

In 2020, the City updated the Zoning Ordinance to allow accessory dwelling units (ADUs) as permitted uses that are accessory to a principal single-family dwelling on the same site, in any base zone district. Sec. 54-214.⁵⁷

4.2.6. Additional City Programs to Expedite Affordable Housing Development

In early 2023, the City adopted a Priority Status Affordable Housing Program that provides preferred treatment in the development review process to development applications for eligible affordable housing projects. Qualifying projects are authorized to receive a waiver of application, plan review, and permitting fees. Sec. 2-274(c) (updated January 2024). They also are assigned the same member of the City planning staff throughout the development review process, are given priority in the TRC process, and have priority placement on the agenda for all public review boards. Eligible projects are those development projects that provide housing limited to qualified households whose incomes do not exceed 120 percent of AMI (for owner-occupied units) or 80 percent of AMI (for rental units), and where:

- ★ More than 50 percent of the units in the development qualify as affordable housing;
- ★ The project receives funding for affordable housing from a public agency; or
- ★ The City contracts directly with the contractor or subcontractor, or uses City employees, to complete the project.

In addition, the City has recently hired an affordable housing development coordinator to assist affordable housing developers in the development process.

4.3. Current Development Regulations Support Limited Types of Housing

Unfortunately, the current Zoning Ordinance does not do a good job in providing a diversity of housing options. In sum, instead, the current regulations place a strong emphasis on single-family detached housing, and only provides limited options for a

⁵⁶ Additional incentive points are available for developments that provide additional affordable units above the baseline requirement. (A minimum of five incentive points is required to obtain unlimited residential density and a five story height limit; for each additional point up to 12 points, an additional story of height is permitted, up to 12 stories. Sec. 54-299.32, Table 2: Building Height and Density Bonuses.) The affordable housing incentives can be stacked for a total of nine points; without any additional incentives, this would allow development up to nine stories in height. Sec. 54-299.32(i)-7.

⁵⁷ If the applicant for an ADU receives a financial subsidy from the City to build the ADU and the ADU is rented to a third party, it is subject to a restriction that it only be rented to households whose incomes do not exceed 80 percent of AMI for a period of at least 30 years. Sec. 54-214.g.3-4.



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diverse range of housing options—especially mid-range or “missing middle” type housing options that support smaller units (with fewer bedrooms) at densities of six to nine units an acre.⁵⁸ More specifically, the current regulations allow:

- ★ Single-family detached dwellings by right in almost all zone districts, while not allowing single-family attached dwellings by right in any district (they are permitted as a conditional use in the SR-3, SR-4, SR-5, SR-6, DR, and some of the business/mixed-use districts).
- ★ Two-family dwellings by right in the C, STR, and DR districts, as well as in some of the nonresidential districts; and
- ★ Multifamily dwellings by right in the DR districts (although multifamily housing intended for the elderly is only allowed as a conditional use).

This result is there is currently limited land available in the City for by-right residential uses other than single-family detached homes. In addition, there are few regulations that explicitly support “missing middle” housing types. One example is the affordable housing conditional use at Sec. 54-207.z of the current Zoning Ordinance, which includes standards to support development of “a traditional ‘Charleston Court.’”⁵⁹ However, this is listed as an option only for dedicated affordable housing, and as we learned during the kickoff meeting, the regulations do not clearly support development of this type of housing court elsewhere in the City without significant negotiation with City staff.



Example of a mansion apartment

⁵⁸ Which also can result in an increase supply of housing (potentially dampening increases in rent prices and housing cost).

⁵⁹ These developments are required to be served by a new street, and lots are required to have at least 15 feet of frontage on the new street (even though they can be as small as 1,024 square feet, and have minimal side setbacks).

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There are no provisions that allow two-, three- or four-unit buildings by right in the most prevalent zone districts. Alternate housing types that could be compatible with existing residential development, such as developments built around a common court, are also not authorized or defined. Types of housing that are not explicitly defined include:



Example of a cottage court home development

- ★ Triplexes;⁶⁰
- ★ Fourplexes;⁶¹
- ★ Mansion apartments;⁶²
- ★ Live/work units;⁶³
- ★ Cottage homes;
- ★ Cottage court units;⁶⁴ and
- ★ Courtyard apartments.⁶⁵

4.4. Provide for a Broad and Diverse Array of Housing Types in the Rewritten Development Code and Streamline and Strengthen the Affordable Housing Incentives in Ways that Do Not Undercut the City's Resilience Goals

As outlined earlier in this section, there are two keys housing goals related to this code update project in *City Plan*:

⁶⁰ A triplex consists of three units within a single building, and which can be arranged in a variety of configurations.

⁶¹ A fourplex consists of two side-by-side units on the ground floor, with two more units stacked directly above. The building can be designed to look like a single-family home.

⁶² A mansion apartment maintains the form and scale of a larger house, while accommodating multiple units, typically more than four. Six units is a typical number of units included in a mansion apartment.

⁶³ A live/work unit combines a conventional dwelling unit, usually located upstairs, with a ground-floor flex space that can accommodate a range of nonresidential uses. The building is well suited for a street-level retail shop, office, or business. Live/work units are typically clustered. They can be used as a transition between residential areas and more intense commercial areas.

⁶⁴ Single-unit, cottage court houses are typically one to one and one-half stories tall and are oriented around a courtyard that serves as an outdoor community space in lieu-of rear yards. Cottage (or bungalow) communities typically have shared parking areas. Many include a common building that can be used for community gatherings or reserved for private parties. Since the homes are small, the developments sometimes offer shared laundry facilities, storage spaces, and secondary housing units that can accommodate guests.

⁶⁵ A courtyard apartment is a medium-sized structure that consists of multiple side-by-side and/or stacked dwelling units oriented around a courtyard or series of courtyards. Often, each unit has its own exterior entrance, although up to four units may share a common stoop, staircase or entryway. The courtyard-accessed entries—and the views into the courtyard from upper-story living spaces—are important. The building itself is composed of wings that define the courtyard. Because the wings are no deeper than an individual house, a courtyard building can appear to be house-scale despite typically occupying a larger lot than what's needed for a single-family home. The wings surrounding the courtyard (or courtyards) can take various configurations: L-shaped, C-shaped, and O-shaped courtyard buildings are all common. Open-air passages through the wings can provide access into the courtyard or between courtyards.

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- ★ Increase the opportunities for a broader and diverse range of housing options in the City’s development regulations—especially “missing middle” housing options;⁶⁶ and
- ★ Develop stronger and more effective incentives for the construction of affordable housing, in ways that do not undercut the City’s resilience goals.⁶⁷

4.4.1. Allow a Broader and More Diverse Array of Housing Types in the City

Establishing a broader and more diverse array of housing types in the rewritten Development Code, by right and in appropriate locations, is not an issue that is unique to Charleston. It is an issue that many communities across the country are currently facing. In many places it is characterized as a need to provide a diversity of mid-range or “missing-middle” housing, by right, that allows for maximum densities of six to nine units an acre, or even housing units at higher densities. In its recent guide encouraging the development of new housing options, *Discovering and Developing Missing Middle Housing*, the American Association of Retired Persons (AARP) advocates allowing these types of housing options throughout communities, noting that “they provide the size and affordability options that people of all ages — including older adults — very much need but often don’t find,” and that “the design and size of the buildings fit comfortably among detached single-family homes.” As discussed in Section 2.6.1(a), Increase Number and Availability of Household Residential Uses, allowing a greater diversity of housing options is also important from an equity perspective, and the recommendations in this section build on the suggestions in Section 2.6.1(a).

To accomplish this goal, it is recommended the rewritten Development Code allow for the following, by right:

- ★ A much broader diversity of “missing middle” and higher density residential housing types in a number of the updated zone districts—both residential and mixed-use districts;
- ★ Senior housing options in an increasing number of districts; and
- ★ The establishment of an expedited review process for those seeking to add qualified affordable accessory dwelling units.

Specifically, and as outlined in detail in Section 2.2, Proposed Revisions to Zone Districts, it is proposed that this broad range of “missing middle” and higher density housing types be included in a number of the revised and restructured zone districts, including: the consolidated RM-L: Residential Mixed-Low district; the RM-M: Residential Mixed Medium district; the RM-H: Residential Mixed-High district; the LP-RM: Lower Peninsula-Residential Medium Density district; the LP-RH: Lower Peninsula-Residential

⁶⁶ The *City Plan* states that updated development regulations should support a “diversity of housing types within neighborhoods citywide, including attached-style housing, such as townhomes, condominiums, flats, duplexes, triplexes and fourplexes and allow by right in more base zoning districts.”

⁶⁷ Ensuring the incentives for affordable housing are effective is especially important, since the current efforts have only been modestly effective, to date. *City Plan* reports that over the last 20 years, an average 94 units of deed-restricted affordable housing have been produced or preserved a year, far below the City’s need for affordable housing.



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High Density district; the CL: Commercial Limited district; the LP-CL: Lower Peninsula Commercial Limited district; and the proposed form based districts (see Section 2.3, Prepare Form-Based Overlay Districts Along Several Key City Corridors to Provide More Context-Sensitive Regulations).

The types of housing that the City might consider including in the appropriate districts (in addition to duplexes, detached units, and condominiums which are currently allowed), include triplexes and fourplexes (see example to the right), mansion apartments, live/work units, cottage homes, cottage court units, courtyard apartments, and other moderate-density types of housing.



Example of a fourplex with a design similar to single-family detached homes

Each of the mid-range or “missing-middle” housing types permitted, should be subject to basic form and design standards to ensure they are consistent with the type of development and unit proposed, and are designed in ways to fit in with the district character where they are located.⁶⁸ If built, these types of housing units often are smaller than single-family homes on their own lot, and therefore may be less expensive. In addition, they provide opportunities to introduce “gentle density” in existing residential neighborhoods. Overall, allowing a broader and more diverse range of housing types in the rewritten Development Code is an important step in offering a diverse range of housing options in the City, and expanding the potential supply of housing.

4.4.2. Streamline and Calibrate the City’s Affordable Housing Incentive Programs

The current Zoning Ordinance includes a number of incentive provisions to encourage the development of deed-restricted affordable housing. However, a key drawback of the current provisions is that they do not establish consistent requirements or necessarily support each other. Terms are defined with respect to some affordable housing provisions (e.g., for the WH districts in Sec. 54-299.1), but not others (e.g., for the UP districts in Sec. 54-299.32). Required affordability terms differ. In the UP district and for single-family detached and attached dwellings in the SR-1, SR-2, SR-6, STR, DR-1, DR-1F, DR-2, and DR-2F, owner-occupied units are required to remain affordable for at least 90 years, while in the WH district owner occupied units only are required to be affordable for 30 years. While there may be circumstances in which it is appropriate to have different affordability terms for affordable housing developments in different areas, that does not appear to be the case here. Moreover, because the affordable

⁶⁸ It is important to be clear that “missing-middle housing” is not “affordable housing.” New construction is costly, and it is not proposed that these types of housing be subject to affordability requirements (unless they are developed in conjunction with the affordable housing incentives discussed in Section 4.4.1, Streamline and Calibrate the City’s Affordable Housing Incentive Programs).

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housing requirements and incentives are scattered throughout the current Zoning Ordinance in different sections (e.g., listed as a conditional use in certain base zone districts, Sec. 54-207, and listed within the district regulations in the WH and UP districts), they are difficult to understand and do not effectively make a clear or strong statement that the provision of affordable housing is important.

In addition, and more importantly, they have not been effective—falling short of meeting the City’s goals to develop more affordable housing, particularly for households with very low incomes (below 30 percent AMI).⁶⁹

With this said, it is also important to recognize that effectively addressing affordable housing needs—especially through incentivizing the provision of affordable housing in development regulations—is a very challenging and complex issue. There is no silver bullet answer. In fact, no local government in the country has effectively addressed the problem. Experience teaches several things. First, the most effective efforts have been multi-pronged—in other words, initiatives that use a variety of approaches to tackle the issue. Second, the best incentive programs are ones that are generally simple and straightforward, and offer the development community incentives that help them reduce unit costs the most; generally (but not always) this has been increased density and height, increased lot coverage, reduced parking, the ability to reduce building material costs, and an expedited or more certain development approval process.

Finally, when rethinking the affordable housing incentives in the rewritten Development Code, it is also important to recognize that supporting the resilience goals of the community is also key. What this means is that while the rewritten code should aggressively support and incentivize the provision of affordable housing, it should do so only in areas at lower risk of flooding—the **Higher Ground** areas where the City Plan directs higher density and greater development activity, the zone districts in the **City Center, Neighborhood, and Neighborhood Edge** land use categories, and the form-based districts proposed to be included in the rewritten Development Code (see Section 2.3, Prepare Form-Based Overlay Districts Along Several Key City Corridors to Provide More Context-Sensitive Regulations).

With these considerations in mind, it is recommended that the rewritten Development Code include affordable housing incentives that are revised and carried forward, as follows:

- ★ Be applied only in the zone districts in the **City Center, Neighborhood, and Neighborhood Edge** land use categories, and the proposed form-based districts, all districts which are in the **Higher Ground** areas at lower risk of flooding where development activity is encouraged.
- ★ Be consolidated in one section. To the extent additional incentives or special requirements are desired for certain districts, integrating these standards into

⁶⁹ The *City Plan* identifies a particular shortage of housing units available to very low income households that makes no more than 30 percent of the AMI. *City Plan* at 95. It is very difficult to incentivize these units through development regulations because adding these types of units does not pencil out financially since increased density is an inadequate incentive to overcome the very small amount of rental income those units produce, or the high cost of constructing owner-occupied units. In general, public or private subsidies are required to produce affordable housing units that serve this very-low-income population. See Urban Institute, The cost of affordable housing: Does it pencil out? <https://apps.urban.org/features/cost-of-affordable-housing/>.



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one affordable housing section will make the regulations easier to understand and provide a comprehensive regulatory framework.

- ★ Be updated to conform with best practices, and be calibrated based on the economics of development in the City today. This means that City staff and the consultant team will work closely together (and if possible, with members of the development community) to identify the types of incentives that best encourage the provision of affordable housing (e.g., increased density and height, increased lot coverage, reduced parking, the ability to reduce building material costs, an expedited or more certain development approval process, and reduced application fees), and determine if an in-lieu fee option is workable or not.

In addition, we also suggest that as part of this effort, the City consider whether to allow affordable housing units to use modular or manufactured building materials (to reduce building costs).

Finally, and given the difficulty in appropriately calibrating the level of incentives needed to truly incentivize affordable housing production, particularly within mixed-income development, the City may consider establishing a working group including City staff, affordable housing professionals, and members of the development community to determine what level of development should be permitted by right, what sorts of incentives make sense, and how and when the City might offer financial subsidies (or work with public or semi-public partners to offer financial subsidies) to help affordable housing developments bridge funding gaps.



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Theme 5: Modernize, Consolidate, and Make the Development Standards Consistent with the Policy Direction in the City Plan

5.1. Refine and Modernize the Off-Street Parking and Loading Standards, Add Bicycle Standards, and Refine Street Cross Sections

5.1.1. Current Off-Street Parking and Loading, Street Design, Connectivity, Pedestrian, and Bicycle Parking Standards

5.1.1(a). Off-Street Parking Standards

The current off-street parking standards are located in several places within the current Zoning Ordinance. They are broadly established in Article 3, Part 4, Sections 54-317 through 54-319, and are cross referenced in multiple districts. They establish a minimum number of spaces required for various land uses, define dimensions of parking spaces, include design elements (e.g. space dimensions, screening, and so forth), and set bicycle parking requirements.

Opportunities to apply for a reduction in the amount of required off-street parking were added to the Zoning Ordinance in 2022, but remain limited. Citywide, each use (including uses in a mixed-use development) is required to provide the full amount of parking to accommodate the minimum requirements, except that off-street parking for places of worship can be counted towards required off-street parking for other uses. Sec. 54-317.a. In the GB district, the TRC can allow an applicant to provide reduced parking based on the results of a shared parking study which uses the Urban Land Institute (ULI) shared parking model. Sec. 54-319.1. An applicant in any district may seek approval to place required parking on a different site, subject to approval by and execution of an agreement with the City. Sec. 54-54-319, 54-319.2

Certain districts have unique parking standards. Section 54-280, the Gathering Place District does not establish off-street parking standards, and Section 54-294.f, the Neighborhood District, does not require parking minimums. In Part 17, Upper Peninsula District, Sec. 54-299.32, the regulations allow height and density bonus incentive points for alternative transportation parking spaces (e.g.: EV charging stations, car share), along with accessibility and exceptional bike parking facilities (by reducing vehicle parking and replacing them with bike parking, enclosed bike parking with fix-it station, showers, and e-bike chargers).

Section 54-511 establishes exceptions to off-street parking requirements within the Special Parking District (SPD) overlay district along King Street in the Old and Historic District. Development in the SPD is exempt from minimum off-street parking requirements. City staff indicated that this has been a successful initiative and that there may be other areas where this approach should be utilized.

Limited requirements to provide bicycle parking only apply for college dormitories, schools, libraries, larger grocery stores, and shopping centers. Sec. 54-320.



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5.1.1(b). Off-Street Loading Standards

Off-street loading is currently regulated under Article 3, Part 5, Off-Street Loading Requirements. It establishes access points via a public alley or public street and requires loading spaces. Requirements apply to retail businesses, wholesale and industry, bus and truck terminals, and accommodation land uses; they do not apply within the Old & Historic District and the Old City District. Additionally, loading space is not required for nonresidential uses in Workforce Housing Districts. Sec. 54-299.3. Only the Board of Zoning Appeals is authorized to make exceptions to loading requirements. Sec. 54-512. These standards are not thorough and do not clearly establish loading space requirements for all appropriate uses, such as medical/hospital or multifamily uses.

5.1.1(c). Street Type Standards

Multiple street types are identified in the Zoning Ordinance in multiple locations/districts—22 unique street types in total.

- ★ There are six functional street types defined in Sec. 54-821 of the subdivision ordinance in Table 8.1: Minimum Street Widths and Table 8.2.1: Street Design Requirements (an excerpt is provided in Appendix C. Example of Street Design Requirements in Current Zoning Ordinance).
- ★ There are six street types assigned to development in the Neighborhood District, also in Sec. 54-821 and classified in Table 8-2.1: Street Design Requirements.
- ★ A third set of three street types are found in Table 8-2.2: Town and Country Street Design Requirements, in Sec. 54-821. Table 8.2.2 establishes three types of streets—Town, Secondary Town, and Country, but it is not clear where these streets apply.
- ★ In addition, seven additional street types are identified in Section 54-280 that only apply to the GP district. Table 12-1: Throughfare and Right-of-Way Design Requirements⁷⁰ describes each street type.

In all cases, the street types and recommended cross sections are articulated only through tables; no graphical street cross sections are included.

5.1.1(d). Connectivity Standards

The subdivision design standards include connectivity requirements and generally require connections to adjoining streets and stub streets to neighboring undeveloped tracts “according to appropriate land planning practices for the type of development proposed and the characteristics of adjoining properties,” Sec. 54-821.s. In addition, the Gathering Place district requires connectivity both within the district and to streets in adjoining neighborhoods, Sec. 54-279, but does not include any specific metrics to measure whether adequate connectivity has been provided. The Neighborhood district includes Sec. 54-293, Street connectivity, classifications and design standards, but these regulations essentially only

⁷⁰ As another example of the need for a comprehensive restructuring of the City’s development regulations, Table 12-1 is included in Article 3 and Table 8.1 is included in Article 8.



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reference the subdivision design standards. Additionally, the Gathering Place district does not allow cul-de-sacs and other forms of dead-end streets.

5.1.1(e). Transit and Active Transportation

Standards for pedestrian and bicycle parking are located in multiple places of the existing Zoning Ordinance. Sidewalks are required in accordance with Sec. 54-361 of the current Zoning Ordinance for all development or redevelopment that requires approval by the TRC. Sidewalks are also required in conjunction with new subdivisions and developments in Sec. 54-831 and are required to be at least five feet in width. They are required to be constructed of the type and quality of materials on adjacent sidewalks or made of concrete if there are no contiguous sidewalks. Sidewalks are required on:

- ★ The frontage of properties along arterial, collector, and local commercial streets.
- ★ Along all local residential streets with abutting residential lots.
- ★ Along all streets adjacent to multifamily uses, with a sidewalk connecting each building in the development to the street.

Sidewalks are generally not required in subdivisions where the smallest lots are 40,000 square feet or larger, or in subdivisions that are physically isolated from other developments due to water, marsh, or similar conditions.

Requirements for a planted buffer and street trees along with updated sidewalk width standards are included in some of the street design standards. For example, in Table 8.2.1, which establishes the street cross-sections for the six types of streets in the Neighborhood district, sidewalks are required to be eight feet wide along a Type 1: ND Mixed Use Street, and five feet wide on both sides of a Type 2: ND Residential Street or Type 3: ND One Way Street. They are required on both sides of the Type 1, 2, or 3 street unless it is single loaded (only serving uses on one side), in which case only a sidewalk on one side of the road is required. Tree wells or a planting strip with trees planted between 20 and 50 feet on center are required. The other street types do not establish specific sidewalk or street tree requirements.

Two of the Town & Country street types in Table 8-2.2 (which, as noted in Sec. 5.1.1(c) above, do not clearly apply anywhere) require seven foot sidewalks with street trees, while the third requires an eight-foot-wide tree lawn and a ten-foot-wide multiuse path on one side.

There are limited requirements to build bicycle facilities. One of the Town & Country street types requires an unprotected bike lane four feet in width on both sides of the street, in addition to a multiuse path 10 feet in width along one side. In the FR overlay district, development is required to install a multi-use path at least 12 feet wide along a parcel's frontage. Sec. 54-229.4.b.1(g). In the GP district, Type 7 GP Avenue streets are required to have a path at least eight feet in width. Sec. 54-280.



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There are no site requirements for transit, even though there are specific requirements for pedestrian and bicycle parking facilities found in Article 8, Part 3 (Subdivision Design Standards).

5.1.2. Restructure and Modernize the Transportation Standards in the Rewritten Development Code

5.1.2(a). Modernize the Off-Street Parking and Loading Standards in Accordance with Best Practices

Even though the current parking standards vary by land use, and by district in some cases, they should be modernized and brought into conformity with best practices. This would involve comparing the City's parking requirements to peer cities with significant historic cores, such as Norfolk, VA; Savannah, GA; Alexandria, VA; Boston, MA; and Buffalo, NY. In addition, the City should consider implementing the following additional changes to the parking standards:

- ★ Establish modern parking standards in a consolidated parking table that establishes minimum off-street parking requirements for each use in the updated consolidated use table (see Section 2.5, Update and Clarify Uses and Present Them in a More Logical and Functional Framework).
- ★ Establish a maximum number of parking spaces for some uses (e.g.: mixed use, retail, office, and multifamily), either City-wide or in particular zone districts.
- ★ Establish different parking standards for the Lower Peninsula and other parts of the City, as appropriate.
- ★ Require for all uses or some uses that a minimum percentage of off-street parking spaces include electric vehicle (EV) charging stations, and that additional spaces be made "EV-ready" with infrastructure such as conduits that would facilitate installation of additional electric vehicle charging stations in the future.
- ★ Expand and modernize the parking flexibility standards to allow additional opportunities for applicants to reduce the amount of parking they are required to provide, through expanding the shared parking and off-site parking standards and including other options such as:
 - ★ Deferred parking, which allows applicants to set aside space for off-street parking, but not immediately build it if they can demonstrate it may not be needed;
 - ★ Valet parking; and
 - ★ Transportation demand management programs, which provide incentives for tenants and visitors to access the site using alternative modes of transportation, including carpooling and transit.
- ★ Expand to other parts of the City the bonus provisions in the UP: Upper Peninsula district that create incentives for dedicated space to electric



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vehicles, car share, and substantial bicycle parking. Consider expanding these incentives to other districts and contexts within the City.

- ★ Add requirements for parking lots to ensure safe pedestrian circulation, incremental improvements over time as sites redevelop, and continue to focus on screening standards.
- ★ Consider expansion of the Special Parking District regulations to other parts of the City (e.g., Upper King and areas of West Ashley).
- ★ Correct on-street parking space dimensions to include the gutter pan in the parking width in Table 8.1.
- ★ Update and modernize the off-street loading standards to ensure they require the appropriate amount of off-street loading for different uses, and require all maneuvering incidental to off-street loading take place on the site and not on a public street.
- ★ Expand the exceptions to required off-street loading that apply within the Old and Historic District and the Old City District on the Lower Peninsula to additional areas of the City where land is limited, to better support redevelopment of existing properties.

5.1.2(b). Update and Modernize the Street and Connectivity Standards to Better Support Multimodal Transportation, Complete Streets Principles, and High-Quality Placemaking

Update and modernize the street and connectivity standards to better support multimodal transportation, complete streets, and high quality placemaking, as follows:

- ★ Comprehensively revise the street classifications and establish 8-10 distinct street types that espouse complete streets principles and correlate them to the zone districts in an applicability table.⁷¹
- ★ Add a comprehensive set of bicycle parking standards, based on best practices, and apply them in appropriate districts in the City.
- ★ Consider including new street connectivity requirements, perhaps using metrics that allow administrators to track changes over time. Modern codes have approached this in different ways; some use calculation tools such as a connectivity index or ratio (see illustration in Figure II-14. Example Connectivity Index Illustration, from another community's code), an intersection density standard, or shorter block lengths allowed as a maximum approach. Some of these approaches may be difficult to implement due to the City's natural topography and the prevalence of low-lying areas that are susceptible to flooding.

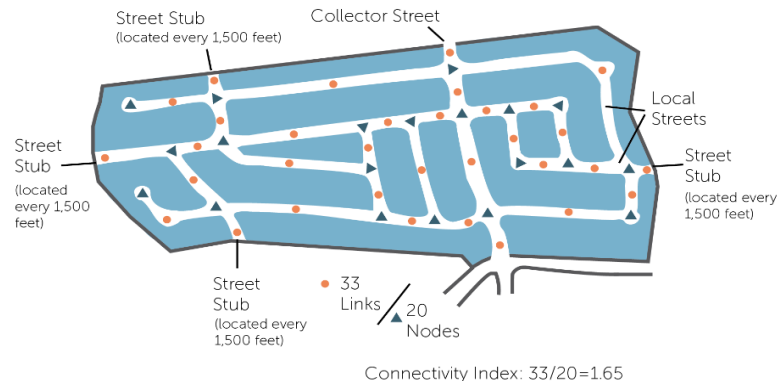
⁷¹ As part of this effort, the City may consider creating flexibility in design of the street type cross sections by using dimension ranges and graphical cross sections to illustrate the elements, geometrics, dimension ranges, and other required elements, including number of travel lanes, parking, planting strip/hardscape, tree wells, sidewalks, bike facilities and type.



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Figure II-14. Example Connectivity Index Illustration



- ★ At a minimum, set more clearly defined conditions and standards for stub-out connections in subdivisions and organize these requirements clearly in the other sections on street design.
- ★ Consolidate into one section the sidewalk standards so they can be addressed in a comprehensive way consistent with best practices throughout the City.⁷²

5.1.2(c). Consider Incorporating Additional Active Transportation Measures Into the Rewritten Development Code

Finally, and in light of the Charleston Area Regional Transportation Authority's (CARTA's) existing broad service area, and the increase in transit ridership anticipated through the implementation of the Lowcountry Rapid Transit project that will run through the middle of the Peninsula, the City should consider a tiered set of requirements for transit access that vary based on the proposed use and density or intensity of the development. Depending on the type of development, a development may be required to provide safe pedestrian access to a transit stop, a bus shelter, or street furniture (e.g. a bench) and other passenger amenities, building on the existing requirements added to the current Zoning Ordinance in 2019. Sec. 54-363 *et seq.*

In addition, the City should consider incorporating the following changes in the rewritten Development Code to better support non-automobile travel:

- ★ Update all Americans with Disabilities Act (ADA) references to incorporate the most up-to-date accessibility standards defined in the Public Rights of Way Accessibility Guidelines (PROWAG), which were adopted by the federal government in August 2023.

⁷² These recommended changes also support the City's equity goals to connect more schools and job centers to neighborhoods with facilities such as sidewalks and multi-use pathways, and encourage the development of connected, walkable, and efficient neighborhood patterns that support connectivity, mobility, and health. These provisions also support related goals in the Equity Policy Guide, including:

- **Form and Design Policy 4:** Add standards to allow those with reduced mobility or without access to a motor vehicle to easily access and circulate in all neighborhoods.
- **Site Development Policy 2:** Require high levels of accessibility and connectivity for pedestrians, bicycles, and motor vehicles in all new development and significant redevelopment.

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- ★ Along some or all arterial streets, expand the requirement for a 12-foot multi-use path along both sides of streets that currently apply in the Folly Road Overlay district to apply City-wide.
- ★ Where appropriate, allow and suggest traffic calming measures that better define the edges of the road and help slow vehicle speeds, such as road diets, narrowed lanes, chicanes, center medians, shorter curb corner radii, and street trees, planter strips, and ground cover.

5.2. Update Tree Protection and Landscape Standards

The City's current regulations include landscape and tree protection standards. They include standards on landscape buffers, landscape in parking lots, and tree preservation and planting. Notably, the current Zoning Ordinance does not include specific standards for green infrastructure.

5.2.1. Current Tree Protection and Landscaping Standards

5.2.1(a). Transitional Buffers

In Article 3, Part 8, of the current Zoning Ordinance, the City has a comprehensive set of transitional buffer standards that screen properties from adjoining incompatible uses, roads, and certain rivers, and that apply to all development. Sec. 54-345. Approval of a buffer plan by the Zoning Administrator is required before a building permit may be issued, and the landscaping must be completed before a certificate of occupancy can be issued. Sec. 54-346. Certain types of development are excluded from the buffer requirements, most notably development in the Old City District and the Old and Historic District, developed portions of The Citadel campus, and water-dependent maritime shipping and cargo handling facilities or terminals. Sec. 54-344.

There are 11 types of transitional buffers, labeled A through L (excluding I). In general, A is the narrowest buffer with the most limited vegetation requirement, while L is the widest buffer. Summaries of the transitional buffers are provided below in Table II-14: Transitional Buffer Standards in Section 54-348.

Table II-14: Transitional Buffer Standards in Section 54-348

Buffer Type	Where Applied	Description	Intent
A	Abut Class I road	Average depth of 15 feet not to go below 10 feet at any point. Must contain specified vegetation from Appendix A	Street frontage landscaping along Class I roads
B	Abut incompatible district or use	Minimum depth of 15 feet and must contain specified vegetation from Appendix A	Dense visual screen to mitigate adverse impact of incompatible development



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Table II-14: Transitional Buffer Standards in Section 54-348

Buffer Type	Where Applied	Description	Intent
C	Abut Class II road	Mean depth of 25 feet not to go below 15 feet at any point. Must contain specified vegetation from Appendix A	Provide street frontage landscaping along Class II roads
D	Abut incompatible district or use	Minimum depth of 25 feet and must contain specified vegetation from Appendix A	Dense visual screen to mitigate adverse impact of incompatible development
E	Abut Class III road	Average depth of 50 feet not to go below 40 feet at any point. Must contain specified vegetation from Appendix B, and at least 50 percent of the supplemental understory vegetation must be evergreen	Provide dense street frontage landscaping along Class III roads while allowing corridors of visibility
F	Abut Class IV roads or incompatible district or use	Minimum depth of 50 feet and contain specified vegetation. For Class IV road buffers, supplemental vegetation from Appendix B, and at least 50 percent of understory vegetation from Appendix B must be evergreen. For buffers not abutting Class IV roads, supplemental vegetation can come from Appendix A	Ensure a very dense street frontage buffer along class IV roads and between incompatible developments
G	Abut Class V road	Minimum depth of 75 feet and must contain specified vegetation from Appendix B. At least 50 percent of supplemental understory vegetation must be evergreen. Corridors of visibility to the road from the site allowed but cannot exceed 33 percent of buffer width	Provide dense street frontage landscaping along Class V roads while allowing corridors of availability
H	Abut Class VI road and scenic river	Minimum depth of 75 feet and must contain specified vegetation from Appendix B. At least 50 percent of understory vegetation must be evergreen. Total buffer length cannot have more than 33 percent absent of vegetation. Corridors of visibility to the road from the site allowed but cannot exceed 33 percent of buffer width.	Provide dense street frontage landscaping along Class VI Roads while allowing for corridors of visibility
J	Abut Class VII road and scenic river	Minimum depth of 100 feet and must contain specified vegetation from Appendix B. At least 50 percent of understory vegetation from Appendix B must be evergreen. Corridors of visibility to river (not to road) from the site allowed but cannot exceed 33 percent of buffer width.	Preserve the scenic character of property abutting Class VII Roads and rivers by maintaining a dense natural buffer



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Table II-14: Transitional Buffer Standards in Section 54-348

Buffer Type	Where Applied	Description	Intent
K	Abut Class VIII road	Minimum depth of 200 feet and must contain vegetation from Appendix B. At least 50 percent of the understory vegetation from Appendix B must be evergreen	Preserve the scenic character of the property abutting Class VIII Roads by maintaining a dense natural buffer
L	Abut SCDHEC-OCRM critical lines, except as excluded in Sec. 54-347.1	Required width established in Sec. 54-247.1.a.2, based on zone district. Prohibits manicured, grassed lawns (only native grasses permitted); removal of protected trees, and pruning shrubs below 3 feet in height. Limited activities allowed within buffer	Buffer from SCDHEC-OCRM critical lines

The regulations include minimum required plantings for each 100 feet of buffer type and provide line drawings illustrating the requirements. Section 54-349 contains lists of roads and rivers by classification.

5.2.1(b). Parking Lot Landscaping

The regulations for parking lot landscaping (as well as screening requirements for site features such as refuse collection) are found in Article 3, Part 7, of the current Zoning Ordinance. They apply to all development except development in the SR districts (SR-1 through SR-8) or the STR district, or properties with single-family or two-family (duplex) dwellings. Sec. 54-341. Approval of a landscaping plan by the Zoning Administrator is required before a building permit may be issued, and the landscaping must be completed before a certificate of occupancy can be issued. Sec. 54-342.

Alongside the perimeter of a parking lot, a landscaping buffer at least five feet in width is required, with one tree every 35 linear feet, and an evergreen hedge, other planting, or wall or fence at least three in height. The remainder of the buffer must be planted with shrubs or trees approved by the Zoning Administrator, and the landscaping must be protected from cars by curbing or other means. Sec. 54-343.

The interior of a parking lot is required to have landscape islands at least 9 feet by 18 feet which are planted with recommended trees and protected from cars by curbing. Development in the BP, LI, or HI districts is required to provide one landscape island for every 2,000 square feet of parking, loading, or vehicular use area, while all other development is required to provide one landscape island for every five parking spaces; additionally, there should be no more than 12 parking spaces in a row without a landscape island. Exceptions are made for residential parking lots serving 10 or fewer dwelling units, and properties in the Old City District or Old and Historic District with 15 or fewer parking spaces. Sec. 54-343.1.



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5.2.1(c). Tree Protection Standards

A comprehensive set of tree protection standards is established in Article 3, Part 6 of the current Zoning Ordinance. These standards do not apply to residential lots of one acre in size or less, as well as agricultural or horticultural operations, commercial timbering, cutting of trees grown for sale, airports, wetland mitigation, and activities within utility easements. Sec. 54-326.

Three types of trees or tree groupings are defined as protected:

- ★ **Protected Trees:** Trees with 8 inches or greater D.B.H.
- ★ **Grand Trees:** Trees with 24 inches or greater D.B.H, excluding pine or sweetgum trees. (Grand trees are also considered protected trees.)
- ★ **Tree Colonnades and Allees:** Two or more parallel rows of trees of the same species with a minimum of four trees total and a minimum of two trees measuring 20 inches or greater D.B.H, except for pine trees and parallel rows of trees with a public right-of-way in the center.

No more than 25 percent of **protected trees**, measured over a five-year period, may be removed, relocated, destroyed, or abused before a building permit or subdivision approval is issued, and at no time may the number of protected trees go below 15 trees per acre. Sec. 54-327.

A building permit applicant who proposes to remove protected trees is required to submit a tree survey identifying all protected trees, designate those to be saved, relocated, or removed, establish a tree protection plan, and show how protected trees will be maintained due to proposed changes in grading or drainage on the property. Sec. 54-328.

Protected trees can be removed provided they are replaced with two 2.5-inch caliper trees, and:

- ★ The tree is at least 25 feet from the property line and in the location of a proposed building or structure;
- ★ The tree obstructs the required street vision clearance triangle; or
- ★ The tree has a D.B.H. of 8 to 15 inches, is located in a proposed parking lot that does not exceed the maximum number of spaces allowed, and the Zoning Administrator determines there is no other alternative to protect the tree. Sec. 54-329

Grand trees may not be removed, relocated, or abused except as follows:

- ★ With staff approval, if a grand tree (or protected tree) is determined to be hazardous, diseased, or irreparably damaged;
- ★ With approval of a special exception, if the tree is one of those listed as a "category III" or "category IV," and the applicant can demonstrate the grand tree is in poor health, that removal of the grand tree will allow a



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specimen tree⁷³ to be protected, or if the grand tree is located in an area proposed for development and there is no reasonable or economically feasible way to save the tree (Sec. 54-311); or

- ★ With approval of a variance, for all other grand trees. Sec. 54-329.

The regulations require that tree protection measures be used to ensure machinery does not intrude into a specified area around a tree. Sec. 54-330.

In some cases, removed trees are required to be replaced. If a variance or special exception is required for removal of an existing tree, the BZA-SD can require replanting of replacement trees with at least 2.5 inches caliper, for a total caliper inches per removed tree equal to 100 percent or less of the total caliper inches of the removed trees in accordance with the category listing of trees in Sec. 54-331.b. If a tree is removed without approval, BZA-SD may grant after-the-fact approval and require replacement based on the quality of trees removed, site-specific conditions, and the circumstances under which the trees were removed. The BZA-SD may require the planting of replacement trees with minimum 4 inches caliper equal to up to 10 times the total D.B.H. of the removed trees, except on single-family lots where the maximum planting requirement may not exceed three times the total DBH of the removed trees.

The BZA-SD is authorized to permit up to 50 percent of the caliper inches of replacement trees to be planted off-site, or through a payment in-lieu to the City's Street Tree Planting Program. There is a detailed table of mitigation requirements based on the tree category (based on the Tree Species Rating Guide developed by the Southern Chapter of the International Society of Arboriculture), and other planting requirements. All replanted trees are to be inspected by the Zoning Administrator one year after planting, and replaced if they are in a declining condition. Sec. 54-331.⁷⁴

5.2.1(d). Screening Standards

The current Zoning Ordinance requires that refuse collection areas (including dumpsters, trash compactors, and rollout trash cans) be screened from adjacent public rights-of-way and neighboring properties by buildings or an enclosure "constructed of durable materials." Sec. 54-343.2. In the BP: Business Park district, all outdoor storage is required to be screened from view by a solid fence or wall at least six feet in height. Sec. 54-201q.

5.2.2. Recommended Improvements to Tree Protection and Landscaping Standards

During the kickoff meetings, there were few concerns expressed about the existing landscaping and tree protection regulations. In general, it is proposed that the existing regulations be carried forward, with reorganization to make the regulations easier to

⁷³ A specimen tree is one that is "healthy, undamaged, disease free and shows exceptional form and growth habits for that specific species." Sec. 54-102.

⁷⁴ The City's website states that trees within an OCRM Critical Line Buffer may not be removed. <https://www.charleston-sc.gov/2399/Tree-Removal-Information>. However, we could not locate regulatory language establishing that prohibition in the current Zoning Ordinance.



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understand and new illustrations added where appropriate to clarify the intent of the regulations.

However, there may be opportunities to update the regulations in several ways that would improve development outcomes.

5.2.2(a). Enhance the Tree Protection Requirements

The current tree protection standards require that at least 15 protected trees be preserved per acre of land, which provides a significant amount of tree protection. In cases of large lots with an extensive tree canopy, this standard can result in a significant culling of a tree canopy of a wooded site. At the same time, however, it is a simple and easy-to-understand standard that has generally appeared to work well. Moreover, substantial changes to tree protection standards can be highly controversial.

For these reasons, it is recommended that the rewritten Development Code generally carry forward the structure of the City's current tree protection standards with refinements to improve the preservation of tree canopy and increase the protection of highly valuable trees. The proposed changes to the tree protection requirements include:

- ★ Consider increasing the minimum number of protected trees required to be preserved to 20 protected trees per acre, up from 15.
- ★ Refine the tree replacement requirements by clarifying appropriate definitions (among others, of caliper and D.B.H.), establishing clear mitigation requirements, and ensuring that replacement trees will equal the extent of the removed trees within a reasonable time.
- ★ Consider increasing the size of the tree protection zone for certain trees from 1 foot to 1.5 feet per 1 inch D.B.H of the tree, in accordance with the recommendation in the Trees to Offset Stormwater report (2018).⁷⁵
- ★ Add enhanced protection requirements to increase the likelihood that site development activities will not damage existing protected trees.

⁷⁵ https://gicinc.org/wp-content/uploads/Charleston_SC_TSW_Report.pdf

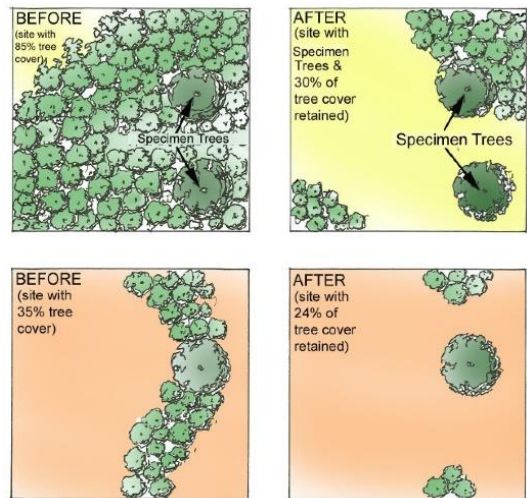


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- ★ In areas of the City where greater tree canopy may be particularly desired, such as Johns Island, consider a “sliding scale” canopy protection standard which would require, on less heavily wooded lots, that a greater proportion of the tree canopy be preserved than on more heavily wooded lots. Here's how this would work. In a residential zone district, an undeveloped site which is entirely wooded (100 percent tree canopy) might be required to protect 15 percent of the tree canopy, along with any grand or specimen trees. However, a site with 40 percent tree canopy might be required to protect 25 percent of the site’s existing tree canopy. Overall, the percentage of the existing tree canopy that would be required to be protected would be lower for heavily wooded sites and would be higher for less wooded sites. In practice, this has resulted in greater preserved tree canopy.

Figure II-15. Example Tree Canopy Illustration



An image illustrating the tree canopy preservation requirement for another code is provided in Figure II-15. Example Tree Canopy Illustration.

5.2.2(b). Refresh the Landscaping Standards and Include Foundation Planting Standards

The current landscaping buffering standards provide a variety of buffer options that help protect the City’s natural character. However, there may be opportunities for improvement with respect to these standards as well.

First, the City should consider including a set of basic planting and maintenance standards such as requiring mulching and soil preparation, requiring pruning in accordance with industry standards to eliminate “hat-racking” and other techniques, requiring that plantings be a certain distance from a structure, and requiring irrigation systems be installed in appropriate places.

Second, many communities use species and species diversity requirements for site landscaping. The species standards require that native species (including pollinator-friendly plantings) constitute all or a required percentage of the landscaping on the site (and prohibit invasive species), and the species diversity requirements require that at least two species of trees be used on a site. If a site contains more than a certain number of trees, three or four different species would be required to be used. These types of requirements help prevent the creation of vegetative monocultures which may be susceptible to serious damage due to

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disease. We recommend that the City consider including such a requirement in the rewritten Development Code.

Third, we recommend that the transitional buffer requirements be updated to explicitly allow for the use of existing vegetation to meet the planting standards in the rewritten Development Code. This could be accomplished through a quantitative standard based on the D.B.H. of existing trees in a proposed buffer, or by providing the Zoning Administrator with discretion to approve an alternate buffer which uses existing vegetation to help meet the screening intent of the required buffer.

Finally, the one key gap in the City's landscaping regulations is the lack of any "foundational" landscaping requirement. Foundation landscaping consists of plantings that are placed around a multifamily, commercial, and industrial building that serves to soften the hard edges of a structure. The plantings typically consist of shrubs with a minimum height, placed a minimum distance on-center, and small decorative trees. These are effective in other communities by providing decorative landscaping, and we suggest the City include similar requirements in the rewritten Development Code.

5.2.2(c). Consider Modest Enhancements to Parking Landscaping and Screening Requirements

The City's parking lot landscaping standards are generally consistent with best practices and have been effective. However, the landscaped islands are only required to include one tree. We suggest that the regulations be updated to require that a shade tree be planted, to help make sure that the tree planting requirement creates shade and mitigates the urban heat island effect, and to require that the remainder of the island be planted with some form of ground cover.

In addition, the City should consider enhancing its screening standards to include not only refuse collection areas, but also other types of mechanical clutter such as heating and cooling equipment (and clarifying that refuse includes recycling drop off points). Materials standards could also be included, along with requirements that vegetation be planted along the frontage of the screening as needed to "soften" the appearance of these utility areas.

5.3. Include Open Space Set-Aside Standards

The current Zoning Ordinance contains limited standards relating to the provision of open space set-asides in a new development. In the GP: Gathering Place district, development is required to provide open space of 10 percent of a proposed development's gross acreage. The open space can be in the form of "neighborhood greens" which are centrally-located predominantly planted areas intended to be social centers of the community that are at least 20,000 square feet in area; "plazas/squares" that are predominantly paved, including pedestrian lighting, landscaping and amenities, primarily enclosed by building frontages, and at least 1,000 square feet in area; and "neighborhood parks" which are designed for active and passive recreation, including facilities such as grassy areas, sports fields, or playground equipment, that are



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connected to any bike and pedestrian network and are at least 40,000 square feet in area. Sec. 54-284.

The N: Neighborhood district regulations require that 20 percent of the gross acreage of the development be set aside as “outdoor space for neighborhood use.” Five types of outdoor space area are allowed. These can include neighborhood greens, plazas/squares, and neighborhood parks as in the GP district, but may also include greenways (which incorporate either nature trails at least six feet in width, or a paved pedestrian/bike path at least 10 feet in width, that incorporates other design features), or conservation areas that are expressly designed to protect “unique or ecologically valuable habitats and vegetation” and are at least 5,000 square feet in area. In addition, in most N district developments, no more than 50 percent of the required outdoor space may be a conservation area, except in the N-1 district, where up to 75 percent of the required outdoor space may be in a conservation area. Sec. 24-295. In the N district, but not the GP district, the open space may be maintained by a property association or similar organization, or it may be dedicated to the City if it meets a need identified in the City’s *Parks and Recreation Master Plan* and the City is involved in its design.

In the AG-8 and AG-S districts, open space is required to be provided as part of the conservation subdivision development option, although there is no clear requirement that the conserved open space consist of a particular proportion of land. In addition, the conserved land is required to be dedicated to the City to be maintained as public open space (subject to City Council’s approval) or conveyed to a legal entity such as a corporation or homeowner’s association with legal restriction on the allowed uses on the site. Article 10, Part 3.

A different conservation subdivision development option is available in the SR-1, SR-7, RR-1 and C districts. Adopted in 2021, development that opts into these standards are afforded the same amount of residential density, such as the number of single-family residential homes, but on individual lots there are no minimum lot area, lot occupancy, or building setback requirements. In return, the applicant is required to provide at least 50 percent of the gross acreage of the community as open space, with one-quarter of that space designed for active recreational uses. Sec. 54-299.61. The land is required to be maintained by a property owners’ association established as part of the development or may be turned over to the City (with the City’s approval) for maintenance. Sec. 54-299.62.

These open space set-aside requirements are a good start, but they are limited. Only a portion of the City’s land is in the SR-1, SR-7, RR-1, C, GP, N, AG-8, and AG-S districts, and conservation development is only appropriate for certain types of low-density residential development. Development elsewhere in the city does not have similar open space standards.

We suggest it would be appropriate to build upon the City’s existing standards and develop a more comprehensive set of open space set-aside standards that apply to development through most of the City outside of the Lower Peninsula and that are context sensitive. This would be accomplished by establishing a set of open space standards, based on geographical location and development type (new residential,



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mixed-use, or nonresidential development). Establishment of open space set-aside requirements and provision of land for recreation are key components to quality development and an attractive and healthy community.

If this approach is embraced, the open space set-aside standards would be defined to include landscaping and buffer areas, environmentally sensitive lands, floodplains, other natural areas, stormwater management areas that are designed as site amenities, trails and greenways, areas set-aside for passive and active recreation, and gathering places. (See an example of types of open space from another code in Figure II-16.) They would also reflect the fact that open space needs and functions differ by development context. In more urban districts, the percentage of land required to be set aside would be somewhat lower; features more prevalent in compact, mixed-use environments such as plazas, fountains, and outdoor hardscape might be appropriate.

Figure II-16: Sample Open Space Set-Aside Types

TABLE 5-16: TYPES OF OPEN SPACE SET-ASIDES

	Landscape Areas Description: Areas occupied by required landscaping and buffers. Design and Maintenance Requirements: See the landscape and buffer standards in this chapter.
	Active Recreational Areas Description: Land occupied by areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, and community buildings and clubhouses, and land dedicated for parks. Design and Maintenance Requirements: Active recreational areas shall be compact and contiguous, to the maximum extent practicable, unless used to link or continue existing or public open space lands.

The proposed open space standards would also reflect the different needs of various types of development. For example, multifamily residential development would be generally subject to higher open space set-aside requirements than mixed-use, commercial, or industrial development; it would also be more focused on recreational uses.

It is also important that the standards require that the open space set-asides be usable and functional for designated open space purposes—and not merely consist of undevelopable “leftover” land. This can be achieved by adding rules governing the location, configuration, and usability of the open space. These rules would give priority to protecting natural resources, and environmentally sensitive areas like floodplains, riparian buffers, and natural hazard areas.

Finally, as with the regulations that apply to open space in the N, AG-8, and AG-S districts as well as in conservation subdivisions, the open space set-aside standards would include provisions addressing the ownership of and maintenance responsibilities for required open space set-asides.

5.4. Provide More Measurable Form and Design Standards Outside the City’s Historic Areas

For decades, tourists have flocked to Charleston to experience its centuries-old downtown, which consists not only of well-preserved historic buildings, but also infill development that is carefully designed to complement the historic architecture.

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The current Zoning Ordinance includes multiple provisions that work together to preserve the design of the downtown area. Many of these regulations are in Article 2, Part 6, Old and Historic District and Old City District Regulations. These regulations establish the Old and Historic District, the Old City District, and the Historic Corridor District. Sec. 54-231. As discussed in Section 2.2.10, Overlay Districts, these districts are proposed to remain with no substantive changes. Two review bodies are established to review and make a decision on development applications in these districts to ensure that proposed development, redevelopment, and work on existing structures is done in a way that is consistent with the architectural guidelines for these districts. They are the Board of Architectural Review–Small and the Board of Architectural Review–Large, and as discussed in Section 1.7, Reorganize, Update, and Streamline Review Procedures, they are proposed to be carried forward in the rewritten Development Code with no changes to their responsibilities. Secs. 54-233 and 54-236.

The two Boards of Architectural Review are charged with reviewing the architectural merits for new construction as regards the proposal's "general design, the character and appropriateness of design, the height, scale and mass of the structure, the arrangement, texture, materials and color of the structure in question, and the relation of such aspects, features and elements to similar aspects, features and elements of structures in the immediate surroundings." Sec. 54-240c. Given the context of the City's historic areas, the Boards have ample preexisting examples of development with which to evaluate how proposed development will coexist with existing development and maintain the existing form and character. During the kickoff meetings, there was feedback that these standards generally work well, so no substantive changes are proposed to the form and design standards that apply in the historic areas.

The current Zoning Ordinance establishes a separate overlay district that applies form and design standards in other parts of the City. The DRD: Design Review District, established in Article 2, Part 11, is intended to improve the quality of design along the City's major commercial corridors. Sec. 54-266. The specific corridors where DRB regulations apply are identified in Sec. 54-268. Development projects along these corridors are reviewed by the Design Review Board or, in some cases, the administrative officer. Sec. 54-269.

The regulations in the Design Review District establish design standards that the DRB or administrative officer are required to apply in evaluating projects. These standards include:

- ★ **Building features and appearance:** "The shape, configuration, design, color, and types of material of proposed buildings, and/or alterations and additions to existing buildings, must establish an identifiable character for the development and not detract from neighboring properties. To this end, all elevations of a building must be in harmony one with another in terms of scale, proportion, detail, material, color, and design quality, and all buildings and accessory structures within a proposed development, including gasoline canopies, must be designed to create a harmonious whole... Structures shall not dominate, in an incompatible way, any general development or adjacent building which is substantially in compliance with this article."



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- ★ **Site design:** "The relationship of structures to their environment, and the location and design of driveways, parking, and circulation areas shall be given special consideration. Proposed structures shall be sited to relate harmoniously to the terrain and to existing structures in the vicinity that have a visual relationship to the proposed structures." Sec. 54-274a.

The commercial corridors where these regulations apply do not have the same rich architectural context that exists in the Old & Historic District, Old City District, and Historic Corridor. The lack of measurable review standards appears to pose a challenge for implementation of the design standards and therefore the consistent implementation of development with high quality building and site design. During the project kickoff, we learned from staff that the absence of context poses a challenge for the DRB's review of projects. Applicants are not provided with clear guidance about key building or site design elements at the outset of the development process, and in many cases the end result does not match the City's aesthetic ambitions.

Best practices for implementing form and design regulations in development codes outside of well-defined historic contexts is to establish precise, measurable design and form standards. These standards provide better guidance for applicants at the outset of the development review process and establish review criteria that are easier for a development review board or staff to consistently apply. These standards could apply only along the commercial corridors subject to Design Review District requirements, or they could apply more generally throughout the City except within the Old & Historic District, Old City District, Historic Corridor, and the proposed form-based districts which will include their own form and design standards (see Section 2.3, Prepare Form-Based Overlay Districts Along Several Key City Corridors). We suggest that these more specific standards would most likely improve and certainly ensure a minimum level of form and design quality in the areas where they apply. In addition, they would provide for a much more consistent application of the standards.

The standards might apply to different types of development that could include multifamily residential standards, commercial, and mixed-use standards, as well as standards for large "big box" retail stores. They would be specific and more measurable standards and could be adjusted for different parts of the City with different forms of development.

Because these standards are more specific and detailed, they could be reviewed and applied by staff. Alternately, the rewritten Development Code could retain the Design Review Board and charge it with reviewing development for compliance with these more precise standards.

Form and design standards that might be considered for multifamily development are summarized in Table II-15: Potential Multifamily Form and Design Standards.

Table II-15: Potential Multifamily Form and Design Standards

Standard	Potential Standards
	Orient primary building entrance to a street or open space area (e.g., courtyard) rather than a parking area, where practicable



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Table II-15: Potential Multifamily Form and Design Standards	
Standard	Potential Standards
Building Orientation	Avoid long linear corridors and hidden entrances
Building Mass	Limit the length and footprint area of individual buildings
Building Façades	Provide wall offsets and other articulation features (recessed entrance, covered porch, pillars and columns, bay windows, eaves, integrated planters) along long building façades
Roofs	Limit pitch of sloped roofs
	Conceal flat roofs with parapets
	Locate and configure roof-based mechanical equipment to minimize view from street
Materials	Provide changes in building material where building forms meet
	Locate heavier façade materials below lighter materials
Parking Placement and Configuration	Limit parking areas between buildings and the streets they face
	Locate guest and overflow parking for townhouse units to side or rear of the building with the unit
	Limit frontage taken up by parking by locating to the sides and rear of buildings
	Locate detached garages to the side or rear of buildings
Storage and Service Areas	Locate storage buildings, garbage and recycling facilities, and other service areas to be conveniently accessible to residents, yet minimize noise and odor impacts on the residents and on adjacent residential development
	Enclose or otherwise fully screen outdoor garbage and recycling facilities, and other outdoor service areas to minimize views from dwelling units and adjacent residential development
Open Space	Locate and configure open spaces so they are visible from dwelling units

Form and design standards that might be considered for mixed-use and nonresidential development are included in Table II-16: Potential Mixed-Use and Non-Residential Form and Design Standards.

Table II-16: Potential Mixed-Use and Non-Residential Form and Design Standards	
Standard	Potential Standards
	Orient buildings to front streets, not parking areas
	Orient around a central spine street or accessway (for multi-building developments)



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Table II-16: Potential Mixed-Use and Non-Residential Form and Design Standards	
Standard	Potential Standards
Building Orientation and Configuration	Locate and configure outparcels and their buildings to define street edges, development entry points, and gathering spaces
	Use design features (canopies, recesses, arcades, raised parapets, roof forms, adjacent display windows) to establish clearly defined, highly visible, primary building entrances
Building Façades	Use design features to configure tall buildings with a clearly recognizable base, middle, and top
	Provide wall offsets and other articulation features (changes in color, recessed entrance, awnings, pillars and columns, bay windows, eaves, integrated planters) along a long front building façade and along façades facing residential development
Transparency	Incorporate windows and doors along the front building façade to cover a certain percentage of the façade area (with separate standards for ground floors and upper floors)
	Ensure ground-level windows that are transparent, allowing views into the building
Roofs	Provide a variety of two or more sloping roof planes
	Incorporate roof line changes reflecting the required façade massing changes
	Locate and configure roof-based mechanical equipment to minimize view from street
Parking Placement and Configuration	Limit frontage taken up by parking located to the sides of buildings
	Organize large surface parking lots into a series of parking bays surrounded by buildings, landscaped medians, or accessways designed to look like streets
Storage and Service Areas	Locate storage buildings, garbage and recycling facilities, and other service areas to be conveniently accessible to occupant, yet minimize noise and odor impacts on the occupants and on adjacent residential development
	Enclose or incorporate into overall building design, or otherwise fully screen outdoor storage, garbage and recycling facilities, and other service areas from view from the street and adjacent residential development
Open Spaces	Provide outdoor gathering spaces such as courtyards, plazas, and pocket parks
	For development in more urban locations, provide pedestrian amenities such as plazas, seating areas, or gathering spaces between buildings
	Locate and configure open spaces so they are visible from buildings



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In addition, we suggest that the City consider standards to apply to large (50,000 square foot or greater) single-tenant retail buildings, commonly known as “big-box” stores. These standards might include requirements such as those included in Table II-17: Potential Large-Format Single-Tenant Retail Building Standards. An example graphic that illustrates similar standards from another community’s code is provided as Figure II-17; Example of “Big Box” Store Design.

Figure II-17: Example of “Big Box” Store Design



Table II-17: Potential Large-Format Single-Tenant Retail Building Standards

Standard	Potential Standards
Building Entrances	Include well-defined building entrances that include highly visible features such as porticos, display windows, entry recesses or projections, or arcades integrated with the entrance
Building Façades	Along façades that face a street, incorporate features that reduce perceived building mass and scale such as variations in roof form and parapet height, pronounced wall offsets, or changes in texture and color of wall surfaces
	Along façades that do not face a street, incorporate articulating elements such as columns or changes in plane, texture, or masonry patterns
Parking Placement and Configuration	Limit frontage taken up by parking located to the sides of buildings
	Organize large surface parking lots into a series of parking bays surrounded by buildings, landscaped medians, or accessways designed to look like streets

5.5. Establish Neighborhood Compatibility Standards Outside of Historic Areas

One of the key ways the rewritten Development Code will incorporate “elevation-based” regulations is by allowing and encouraging more intense development at higher elevations that are less susceptible to flooding, while reducing the intensity of development in areas that are susceptible to rising water levels.

Many parts of the City that are at higher elevation include areas with existing development, some of which is in the form of lower-density single-family residential development. Often, residents of those existing neighborhoods become concerned about the potential for nearby higher-intensity development and the impacts they might have on nearby neighborhoods. Sometimes the conflict can be especially jarring, such as when a multi-story mixed-use building is erected adjacent to single-family

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backyards. The conflicts typically line up neighbors or neighborhood groups against development applicants over issues the neighbors believe would affect the character and quality of their neighborhoods—building height or mass, site design and layout, parking quantity or location, noise, exterior lighting, and expected (or feared) volumes of traffic.

The current Zoning Ordinance lacks measurable and predictable standards to help ensure that development located adjacent to residential neighborhoods is compatible with the character of the neighborhood. In light of the City’s desire to focus development on land at higher elevations, some of which is adjacent to existing single-family development, we suggest that the rewritten Development

Code include a set of residential compatibility standards. If included in the rewritten Development Code, these compatibility standards would typically apply to any new nonresidential development, mixed-use development, and intense, multifamily development above a certain density that is adjacent to, across the street from, or within a certain distance from single-family and other lower-density residential development. Table II-18: Potential Neighborhood Compatibility Standards, includes a sampling of the types of neighborhood compatibility standards the City should consider including in the rewritten Development Code. An example of a graphic illustrating one set of standards is included in Figure II-18: Sample Building Height Compatibility Standards.

Figure II-18: Sample Building Height Compatibility Standards



Table II-18: Potential Neighborhood Compatibility Standards

Standard	Potential Requirements
Building Façade Standards	Requires construction of a similar roof type as single-family or other low-density residential development in terms of slope and arrangement to prevent abrupt changes in roof form
	Requires nonresidential uses with outdoor building areas such as porches, balconies, outdoor space, and vending machines to be oriented away from adjacent single-family and other low-density residential development
	Requires adjacent development to use similarly sized and patterned architectural features as adjacent low-density residential development, such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, and building materials
Building Dimensional Standards	Limit building height within 100 or 150 feet of a single-family or other low density residential development, and require height setbacks so that the tallest part of the structure is the furthest from single-family and other low-density residential development

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Table II-18: Potential Neighborhood Compatibility Standards	
Standard	Potential Requirements
	Requires massing standards for building facades visible from low-density residential development that include articulation of the façade in the form of projections or recesses with a minimum depth so that no single wall plane extends for more than 40 or 50 linear feet without some form of projection or recess; covered porches, building wings, bay windows, pilasters, might be required to meet these requirements.
Site Design Standards	Requires that multi-building development include a continuum of use intensity that locates uses of lowest intensity closest to low-density residential development, and places moderate-intensity uses between high-intensity uses and the lowest intensity uses
	Requires drive-through facilities and outdoor dining areas to be located away from single-family and other low-density residential development, to the maximum extent practicable
Parking Standards	Requires parking spaces be oriented away from low-density residential development
	Requires a fully opaque vegetated buffer, fence, or wall, or a comparable buffer adjacent to low-density residential development
	Requires that parking structures have enhanced design treatment to soften their visual impact on façades adjacent to low-density residential development
Loading and Refuse Storage Area Standards	Requires loading and refuse storage areas be located beyond a certain distance from single-family and other low-density residential development
	Requires loading and refuse storage areas be screened from view of low-density residential development, using similar materials as the principal building
Sign Standards	Where adjacent and visible to single-family and other low-density residential development, limit the sign area and maximum height of all signs by 25 percent of that normally allowed
Open Space Set-Aside Standards	Require open space set-asides (see Section 5.3, Include Open Space Set-Aside Standards) to be located in a transition area between the nonresidential, mixed-use, or high-density multifamily development, and the single-family or other low-density residential development, unless there is a compelling reason for it to be located elsewhere on the site

5.6. Add Exterior Lighting Standards

The current Zoning Ordinance contains limited provisions regulating exterior lighting. The Job Center district and Savannah Highway Overlay district require that exterior lighting “be shielded residential lighting and shall be installed in a manner to minimize glare on adjacent properties” (Sec. 24-299.57, Sec. 54-224). The AG-8 and AG-S district standards require that outdoor lighting for agricultural processing uses minimize spillover lighting and glare (Sec. 54-1007d), day care facilities in the City may only use exterior lighting that does not “unduly impact neighboring properties” (Sec. 54-210a.1), and the Upper Peninsula district includes minimal standards. That is all. The regulations



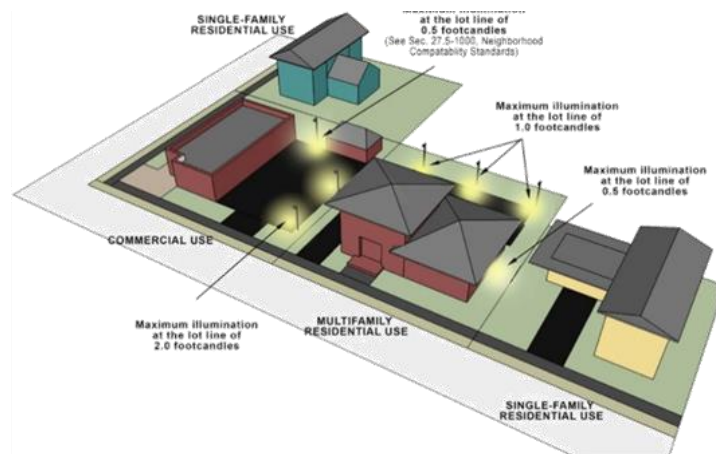
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lack any general standards that address light spillover and glare on adjacent properties and protect the night sky.

Clear and enforceable exterior lighting standards that apply throughout the City are not hard or lengthy to draft or apply, and they can have a substantial impact that new development has on neighboring properties and the night sky. We suggest the rewritten Development Code establish objective, measurable exterior lighting standards that address all of the key elements to protect the night sky and reduce glare. These new provisions would include:

Figure II-19. Example Exterior Lighting Illustration



- ★ Mandatory use of full cutoff light fixtures to prevent light overflow and glare on adjacent lands;
- ★ Minimum energy efficiency standards, all of which are achievable through off-the-shelf products;
- ★ Minimum and maximum foot-candle limits to ensure adequate lighting of public and parking areas, and to prevent glare (see an example illustration in Figure II-19: Example Exterior Lighting Illustration);
- ★ Maximum light fixture pole or mounting heights that vary for different development contexts (shorter in residential areas and taller in commercial and industrial areas);
- ★ Prohibitions on canopy lighting that extends below the edge of the canopy;
- ★ Prohibitions on full floodlighting of uniquely colored or designed façades (which turns an entire building façade into a form of signage) and on colored accent lighting;
- ★ Prohibitions on the up-lighting of signs, monument features, buildings, and the like;
- ★ Light uniformity standards, to ensure that parking areas and pedestrian areas do not create edges where brightly lit areas are adjacent to dark areas (which provide opportunities for crime and mischief); and
- ★ A provision that would allow modifications to the requirements for safety reasons.

By including these provisions in the rewritten Development Code, and making them applicable throughout the City, the community will better protect the night sky on a much more comprehensive basis.

II. Diagnosis

Theme 5: Modernize, Consolidate, and Make the Development Standards Consistent with the Policy Direction in the City Plan

5.7. Consider Additional Revisions to Development Standards to Improve Building and Site Design Quality

In addition to the suggested revisions to development standards proposed in Sections 5.1 through 5.5 above, it is recommended that the City also consider revisions to following additional standards:

5.7.1. Incorporate Basic Fence and Wall Design Standards and Mitigate Potential Flood Impacts of Street Walls

Fence and wall requirements have a positive impact on a community's safety and aesthetics. The current regulations establish a maximum height for fences in a table note in Sec. 54-301, Table 3.1: Height Area and Setback Regulations, of the current Zoning Ordinance. These standards establish a maximum height of six feet for fences and walls within all single family and residential districts, and no height limits on lands in other zone districts. Within districts where development is subject to review by the Board of Architectural Review, fences and walls are subject to a maximum height of seven feet (and a pier height of eight feet), but the regulations allow restoration or extension of taller fences that were in existence prior to the "date of this ordinance." The current regulations do not include general standards regulating allowed fence and wall materials, although there are special regulations that apply in the SH overlay district (Sec. 54-224) and requirements to screen certain special exception uses (Sec. 54-206) and conditional uses (54-207).

It is suggested that basic material standards be added to the rewritten Development Code that prohibit certain types of fences in the entire City or in certain locations (like chain link fences). In addition, another requirement might be added that if one side of a fence is finished and the other side is not, the finished side of the fence be the side that faces adjoining property, or the public right-of-way or street.

In addition, the current regulations do not address the potential flood impacts of fences and walls. In neighborhoods that suffer from flood inundation, permitted walls can result in continuous solid street walls that counter the floodproofing foundation strategies of the building, negating their protection of the structure and potentially surrounding areas to pressures of flooding and storm surge. It is recommended that the rewritten Development Code require that street walls follow similar engineering requirements for the properties' foundations by breaking away or by requiring flood vents to allow for the flow of water as needed.

5.7.2. Refine the Sign Standards for User-Friendliness and Review for Compliance with Recent United States Supreme Court Decisions

The current Zoning Ordinance contains a comprehensive set of sign regulations in Article 4. These regulations include a list of prohibited signs (Sec. 54-404), a list of signs that are generally exempt from the sign regulations (Sec. 54-405), allowances for signs generally (Sec. 54-415) and in specific zone districts (Sec. 54-412 through 54-414.1), provisions for temporary signs such as real estate and project signs (Sec. 54-



II. Diagnosis

Theme 5: Modernize, Consolidate, and Make the Development Standards Consistent with the Policy Direction in the City Plan

411), a general intent statement (Sec. 54-401), and basic rules such as how to measure sign height and sign area (Sec. 54-403).

It is proposed that the existing sign regulations generally be carried forward in the rewritten Development Code, with improvements in formatting and user-friendliness to be consistent with the updated regulations, and cross-references to other provisions that may impact signage, such as design guidelines. In addition, the sign regulations should be reviewed for compliance with the 2015 decision of the U.S. Supreme Court in *Reed v. Town of Gilbert*, which limits a government’s ability to regulate signs based on the content of the sign, as well as the 2022 decision regarding “off-premises” signs (such as billboards) in *City of Austin v. Reagan National Advertising of Austin, LLC*



III. Annotated Outline of Rewritten Development Code

This part of the Assessment provides an overview of the proposed structure and general substance of the rewritten Development Code that would address the issues identified in Part II related to the current Zoning Ordinance. As part of the review and discussion of the Assessment, the City will provide more detailed direction about the nature and scope of the new regulations and specific provisions. When this process is completed, the actual drafting of the new regulations will begin.

The following pages are a general outline of the proposed Development Code. We view the annotated outline and the previous parts of the Assessment as vehicles for helping to define expectations about what is to be accomplished before beginning the detailed drafting work. In addition to providing a road map for drafting the new code, the outline provides an organizing framework for continued conversations with the City about key code issues.

The sidebar outlines the proposed new structure, which includes nine articles and an appendix that incorporates the Legacy zone districts.

-
- Article 1. General Provisions
 - Article 2. Administration
 - Article 3. Zone Districts
 - Article 4. Use Regulations
 - Article 5. Development Standards
 - Article 6. Subdivision Standards
 - Article 7. Nonconformities
 - Article 8. Enforcement
 - Article 9. Definitions, Rules of Construction and Interpretation, and Rules of Measurement
 - Appendix Legacy Zone Districts
-



ARTICLE 1: GENERAL PROVISIONS

Article 1: General Provisions, plays an important part in making the rewritten Development Code user-friendly by including certain overarching rules, and establishing a clear basis for the authority by which the regulations are adopted and administered. These “boilerplate” sections will state the title of the document, the legal authority by which the City regulates zoning, and the general purposes of the Development Code.

SECTION 1.1. TITLE

This new section sets forth the official name by which the regulations may be cited (e.g., “the City of Charleston Development Code”) as well as any acceptable shortened references (e.g., “Development Code”, “the Code”).

SECTION 1.2. AUTHORITY

This new section contains references to the City’s authority to adopt the rewritten Development Code in accordance with state law. It also includes a provision which states that if the regulations cite a provision of state or federal law that is amended or superseded, the regulations will be deemed to refer to the amended section or the section that most nearly corresponds to the superseded section.

SECTION 1.3. APPLICABILITY

This section builds on Sec. 54-104 of the current Zoning Ordinance and makes clear who is subject to the requirements of the rewritten Development Code. It states that unless stated otherwise or exempted, the standards and requirements of the rewritten Development Code apply to all development within the City, except for development by federal, state, and county governments, and development following the exercise of eminent domain which is related to the purposes

for which the eminent domain authority was granted.

SECTION 1.4. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DECREES

This section builds on Sec. 54-105 of the current Zoning Ordinance. It clarifies the relationship between the rewritten Development Code and other laws or regulations. It provides that in case of conflict between the rewritten Development Code and any federal or state law or the City Code, the stricter provision applies, to the extent allowed by law. This section also expresses the new provision that it is not the intent of the regulations to annul private covenants, easements, or other agreements, but if the regulations establish stricter requirements, the City’s regulations apply. The section clarifies that the City will not be responsible for monitoring or enforcing private easements, covenants, and restrictions, though it may inquire into private easements and restrictions when reviewing plans for the purpose of ensuring consistency with City requirements.

SECTION 1.5. OFFICIAL ZONING MAP

This section builds on Sec. 54-101 of the current Zoning Ordinance and incorporates by reference the Official



III. Annotated Outline of Rewritten Development Code

Article 1: General Provisions

Zoning Map as well as any related maps. It provides for amendment of the Official Zoning Map upon the approval of a rezoning application. It states that the Official Zoning Map is maintained in a digital format, and will continue to reference the Historic Architecture inventory and the Old City Height District maps, official versions of which may be maintained separately. It also incorporates the rules for interpretation of zone district boundaries in Sec. 54-103, and identifies the Zoning Administrator (“the Administrator”) as the person authorized to interpret the Official Zoning Map and determine where the boundaries of the different zone districts fall, if in dispute, with appeal to the Board of Zoning Appeals.

SECTION 1.6. TRANSITIONAL PROVISIONS

This is a new section that establishes rules governing continuing violations of the regulations, pending development applications at the time of adoption, and existing development approvals. More specifically, subsections in this section state:

- Violations of the current regulations continue to be violations under the new regulations (unless they are no longer considered violations) and are subject to the penalties and enforcement provisions in Article 8: Enforcement.
- How to treat development applications that are already submitted and in the midst of the development approval pipeline at the time the regulations become

effective. During the meeting on the Assessment, and during the code drafting process, we will explore with the City different options for handling this type of application.

- Existing development approvals are recognized as valid. These approvals may proceed with development, as long as they comply with the terms and conditions of their approvals; the rules in existence at the time of the approval will continue to govern the development. An amendment that results in a substantial change to the development originally approved, will subject the development to the rewritten Development Code.
- Applications submitted after the effective date of the rewritten Development Code are subject to its procedures and standards.

SECTION 1.7. SEVERABILITY

This new section states that if any part of the rewritten Development Code is ruled invalid, the remainder of the code is not affected and continues to apply, and that if application of a code provision to a particular circumstance is ruled invalid, that decision does not affect its application to other circumstances.

SECTION 1.8. EFFECTIVE DATE

This section establishes the effective date of the rewritten Development Code.



ARTICLE 2: ADMINISTRATION

Article 2 establishes the roles and authorities of the reviewing and decision-making individuals and bodies involved in the City’s zoning- and development-related procedures, as discussed in Section 1.7, Reorganize, Update, and Streamline Review Procedures, of the Diagnosis. It establishes standards for elements that apply to multiple procedures, such as pre-application meetings and completeness reviews. This Article then sets forth requirements for application-specific procedures using standard elements, such as approval criteria and scope of approval.

SECTION 2.1. PURPOSE AND ORGANIZATION

This introductory section outlines the organization of Article 2, as discussed in the summary above, and serves as a roadmap for readers.

SECTION 2.2. SUMMARY TABLE OF DEVELOPMENT REVIEW RESPONSIBILITIES

This section provides an overview of the updated review procedures. It identifies which board or person is responsible for review, advice, or making the decision. The proposed set of review procedures is included in Section 1.7.2(b), Add a Summary Table of Development Review Procedures, of the Diagnosis, and included below.

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III. Annotated Outline of Rewritten Development Code
Article 2: Administration

Table II-2: Proposed Development Review Procedures												
D = Decision R = Review/Recommendation A = Appeal <> = Public Hearing												
Procedures	City Council	Planning Commission	Board of Zoning Appeals - Zoning	Board of Zoning Appeals - Site Design	Board of Architectural Review - Large	Board of Architectural Review - Small	Design Review Board	Technical Review Committee	Plat Review Committee	Planning Director	Zoning Administrator	Preservation & Urban Design Division
Discretionary Reviews												
Annexation and Initial Zoning (NEW)	D									R	R	
Comprehensive Plan Map Amendment (NEW)	<D>	<R>								R		
Urban Growth Boundary Amendment (NEW)	<D>	<R>								R		
Special Exception			<D>	<D>							R	
Zoning Map Amendment (Rezoning)	<D>	<R>									R	
Planned Development (PD) Map Amendment	<D>	<R>						R			R	
Development Code Text Amendment	<D>	<R>									R	
Architectural Review for Old & Historic District and Old City District												
Certificate of Appropriateness (BAR-Large) [2]												
<i>Demolition (BAR-Large)</i>					<D>							R
<i>Conceptual (BAR-Large)</i>					<D>							R
<i>Preliminary (BAR-Large)</i>					<D>							R
<i>Final (BAR-Large)</i>					<D> [1]							R
<i>Staff-Processed Applications (BAR-Large) [3]</i>					<A>							D
Certificate of Appropriateness (BAR-Small) [2]												
<i>Demolition (BAR-Small)</i>						<D>						R
<i>Conceptual (BAR-Small)</i>						<D>						R



III. Annotated Outline of Rewritten Development Code

Article 2: Administration

Table II-2: Proposed Development Review Procedures D = Decision R = Review/Recommendation A = Appeal <> = Public Hearing												
Procedures	City Council	Planning Commission	Board of Zoning Appeals - Zoning	Board of Zoning Appeals - Site Design	Board of Architectural Review - Large	Board of Architectural Review - Small	Design Review Board	Technical Review Committee	Plat Review Committee	Planning Director	Zoning Administrator	Preservation & Urban Design Division
<i>Preliminary (BAR-Small)</i>						<D>						R
<i>Final (BAR-Small)</i>						<D> [4]					D [3]	R
<i>Staff-Processed Applications (BAR-Small) [3]</i>						<A>						D
Architectural & Site Plan Review for Design Review District												
Design Review District Project [5]												
<i>Demolition, Removal, or Relocation</i>							D					R
<i>Conceptual</i>							D					R
<i>Preliminary</i>							D					R
<i>Final</i>							<A>					D
<i>Staff-Processed Applications [6]</i>							<A>					D
Site Development												
Comprehensive Plan Compatibility Review		R								R		
Site Plan Review		A						D [7]			D [7]	
Subdivision												
Major Subdivision, including Conservation Development [8]												
<i>Concept Plan or PUD Master Plan</i>		<D>						R				
<i>Preliminary Plat</i>		A						R			D [10]	
<i>Construction Drawings</i>		A						D				
<i>Final Plat</i>		A							R		D [10]	
Minor Subdivision [9]												
<i>Final Plat</i>		A							D			
Property Line Abandonment		A							D			



III. Annotated Outline of Rewritten Development Code

Article 2: Administration

Table II-2: Proposed Development Review Procedures D = Decision R = Review/Recommendation A = Appeal <> = Public Hearing												
Procedures	City Council	Planning Commission	Board of Zoning Appeals - Zoning	Board of Zoning Appeals - Site Design	Board of Architectural Review - Large	Board of Architectural Review - Small	Design Review Board	Technical Review Committee	Plat Review Committee	Planning Director	Zoning Administrator	Preservation & Urban Design Division
Property Line Adjustment		A							D			
Street Name Change		<D>								R		
Permits & Administrative Review Procedures												
Bed & Breakfast Permit			<A>								D	
Short-Term Rental Permit			<A>								D	
Sidewalk Café Permit			<A>								D	
Temporary Special Event Permit for Agricultural Districts												
<i>Less than 25 acres</i>			<A>								D	
<i>25 acres or more</i>			<D>								R	
Zoning Compliance Review (NEW) [11]			<A> [12]	<A> [12]							D	
Signs												
Sign Permit (NEW)												
<i>Design Review District</i>							D					R
<i>Old & Historic District and Old City District</i>					D	D						R
<i>All Other Districts</i>			<A>								D	
Temporary Sign Permit			<A>								D	
Relief												
Administrative Adjustment (NEW)			<A> [12]	<A> [12]							D	
Appeals of Administrative Decisions (Subdivision & Site Design)				<D> [13]								



III. Annotated Outline of Rewritten Development Code

Article 2: Administration

Table II-2: Proposed Development Review Procedures

D = Decision R = Review/Recommendation A = Appeal <> = Public Hearing

Procedures	City Council	Planning Commission	Board of Zoning Appeals - Zoning	Board of Zoning Appeals - Site Design	Board of Architectural Review - Large	Board of Architectural Review - Small	Design Review Board	Technical Review Committee	Plat Review Committee	Planning Director	Zoning Administrator	Preservation & Urban Design Division
Appeals of Administrative Decisions (Zoning)			<D> [13]									
Official Road Plan Exemption	D	R								R		
Variance (Subdivision & Site Design)				<D> [13]							R	
Variance (Zoning)			<D> [13]								R	
Interpretations												
Development Code Interpretation (NEW)			<A> [12]	<A> [12]							D	

NOTES

- [1] Final Review of BAR-Large projects is by the Board of Architectural Review-Large, unless the Board delegates the review to staff.
- [2] The BAR-Small hears and decides applications for projects that are 10,000 square feet or less in size, and minor modifications to projects in excess of 10,000 square feet. The BAR-Large hears and decides applications for projects that exceed 10,000 square feet. Demolition applications are assigned to BAR-Small and BAR-Large by staff.
- [3] See Policy Statement on Applications to be Processed by Staff (December 10, 2014).⁷⁶ These reviews may be conducted as part of the Building Permit review process.
- [4] Final Review of BAR-Small projects is by staff; provided however, at its discretion, staff may require Final Review to be undertaken by the Board of Architectural Review-Small; and provided further that the Board of Architectural Review-Small, in its discretion, may request to undertake Final Review.
- [5] Applies to development subject to Design Review District review. See Sec. 54-268 of the current Zoning Ordinance.
- [6] See Sec. 54-268. Designation of Design Review District, review authority, scope of authority and exemptions.
- [7] Site Plan review is conducted by the TRC and applies to most new construction excluding single-family or two-family dwelling, small storage structures or garages that do not exceed 500 square feet in area, and routine repairs or maintenance. Sec. 54-604.

⁷⁶ <https://www.charleston-sc.gov/DocumentCenter/View/32857/BAR-Policy-Statement-for-Staff-Reviews>



III. Annotated Outline of Rewritten Development Code

Article 2: Administration

Table II-2: Proposed Development Review Procedures

D = Decision R = Review/Recommendation A = Appeal <> = Public Hearing

Procedures	City Council	Planning Commission	Board of Zoning Appeals - Zoning	Board of Zoning Appeals - Site Design	Board of Architectural Review - Large	Board of Architectural Review - Small	Design Review Board	Technical Review Committee	Plat Review Committee	Planning Director	Zoning Administrator	Preservation & Urban Design Division
[8]	Major subdivision involves a division of land into five or more lots; a division of land that includes a new or extended public right of way; improvements within an existing street right-of-way that exceeds minor improvements necessary to serve lots; a subdivision for a future public school park, greenway corridor, or open space site; dedication of a right-of-way or easement for construction of a public water or sewer line; or dedications, reservations, improvements, or environmental conditions that the Administrator deems requires construction documents to be reviewed to insure the public health, safety, and welfare. Sec. 54-808.2.a.											
[9]	A minor subdivision is a division of land that does not meet the conditions for major subdivision review. Sec. 54-808.2.b.											
[10]	The Zoning Administrator may direct a development plan to the Planning Commission according to the procedures of Sec. 54-810.3.b. At the request of the applicant, a development plan shall be forwarded to the Planning Commission for decision, including reversal of the decision of the Administrator.											
[11]	Zoning Staff Permits include conditional uses; administrative tree removal requests, fences; zoning compliance reviews for business license applications, and zoning compliance reviews for building permit applications (e.g., review of site plans for new single-family residential dwellings, additions to existing buildings, and swimming pools).											
[12]	The applicable appeals body for appellate review from a decision on a zoning permit or an administrative adjustment or an interpretation of the Development Code depends on the nature of the decision appealed. The Board of Zoning Appeals—Site Design hears appeals relating to the regulations regarding off-street parking lot design; tree protection and landscaping standards (including requirements to keep the sight triangle clear), decisions regarding site plan review, and most subdivision design standards except for lot frontage requirements. The Board of Zoning Appeals—Zoning hears all other appeals. Therefore, the relevant appellate body will depend on the nature of the decision being appealed, or the interpretation being requested.											
[13]	In cases where a project may require appeals from the Zoning Administrator and/or variances from both the BZA—Zoning and BZA—Site Design, the Zoning Administrator has the authority to direct all variance requests to the BZA—Zoning, where, by reason of the complexity of the project, the interrelationship of the variances, or the minor nature of the site-design request, it would be appropriate for one Board to consider all variance requests.											



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III. Annotated Outline of Rewritten Development Code

Article 2: Administration

SECTION 2.3. REVIEW, ADVISORY, AND DECISION-MAKING BODIES AND PERSONS

This section specifies the role of each elected, appointed, and administrative body or individual in the administration of the Zoning Ordinance and in the development review process. It cross-references other City Code sections where relevant.

Sec. 2.3.1. City Council

This section describes the City Council's role in discretionary procedures, such as rezonings and Development Code text amendments.

Sec. 2.3.2. Planning Commission

This section establishes the Planning Commission and describes its advisory and decision-making duties in other procedures, such as subdivisions. It is also recommended that the regulations establishing the composition of the Planning Commission, in Secs. 23-86 through 23-88 of the City Code and duplicated at Appendix E of the current Zoning Ordinance, be incorporated into the Development Code.

Sec. 2.3.3. Board of Zoning Appeals—Zoning

This section establishes the Board of Zoning Appeals—Zoning and describes its duties in the administration and enforcement of the Zoning Ordinance.

Sec. 2.3.4. Board of Zoning Appeals—Site Design

This section establishes the Board of Zoning Appeals—Site Design and describes its duties in the administration

and enforcement of the Zoning Ordinance.

Sec. 2.3.5. Board of Architectural Review—Large

This section establishes the Board of Architectural Review—Large and describes its duties in the review of new structures and changes to existing structures in the Old & Historic District and Old City District.

Sec. 2.3.6. Board of Architectural Review—Small

This section establishes the Board of Architectural Review—Small and describes its duties in the review of new structures and changes to existing structures in the Old & Historic District and Old City District.

Sec. 2.3.7. Design Review Board

This section establishes the Design Review Board and describes its duties in Design Review District project review.

Sec. 2.3.8. Plat Review Committee

This section establishes the Plat Review Committee and its role in the subdivision and plat review process.

Sec. 2.3.9. Technical Review Committee

This section establishes the staff Technical Review Committee and its role in the development review process.

Sec. 2.3.10. Planning Director

This section describes the Planning Director's role in administering the Development Code.



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Article 2: Administration

Sec. 2.3.11. Zoning Administrator

This section describes the Zoning Administrator’s role in administering and enforcing the Development Code.

SECTION 2.4. STANDARD APPLICATION REQUIREMENTS AND PROCEDURES

This section describes the requirements that apply generally to all zoning- and development-related applications, as discussed in Sec. 1.7.2(c), Establish Common Steps of the Development Review Process, of the Diagnosis.

Sec. 2.4.1. General Procedural Requirements and Authority

This section sets out the basic rules for submitting applications—they must be on forms provided by staff, include the information required by Sec. 2.4.4, Submittal Requirements, and include payment of all applicable fees.

This section also clarifies that approvals are predicated upon the application and materials submitted and, if incomplete or inaccurate information is submitted, that approvals may be revoked in accordance with Section 8.5, Enforcement, Remedies, and Penalties.

Finally, this section describes the standard format for each application-specific section:

- Purpose
- Applicability
- Initiation
- Completeness
- Notice
- Decision

- Approval Criteria
- Scope of Approval
- Reapplication
- Appeals
- Recordkeeping

Sec. 2.4.2. Pre-Application Meeting

This section establishes requirements for pre-application meetings with staff for certain types of applications.

Sec. 2.4.3. Neighborhood Meeting

This section encourages (or requires, depending on the City’s preference) applicants to conduct neighborhood meetings prior to application submittal, as discussed in Sec. 1.7.2(d), Consider Adding a Requirement for Neighborhood Meetings, of the Diagnosis.

Sec. 2.4.4. Submittal Requirements

This section specifies the materials required for a complete application. It will cross-reference the Department of Planning, Preservation, & Sustainability Fee Schedule and the relevant application forms, which include checklists for each type of application.

This section will also clarify that when a proposed development or use requires approval by another federal, state, or City agency, the applicant must provide proof of such approval (or pending approval) in conjunction with the relevant City application.

Sec. 2.4.5. Completeness Review

This section clarifies what constitutes a complete application, in coordination with the standards in Sec. 2.4.4, Submittal Requirements, and specifies a



III. Annotated Outline of Rewritten Development Code

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review process for staff to make a completeness determination.

Sec. 2.4.6. Notice Provisions

This section establishes general rules for notification and publication (e.g., what constitutes “posted” and “published” notice). Detailed notice requirements are set forth in the application-specific procedures in Section 2.5, Development Review Procedures, Development Review Procedures and may be included in a table in this section, and additional notice requirements beyond the requirements of the current Zoning Ordinance may be included in accordance with Sec. 1.7.2(f), Consider Expanding Traditional Notification Procedures for Development Applications, of the Diagnosis.

Sec. 2.4.7. Public Hearings

This section establishes the purpose and intent of public hearings, and cross-references rules of procedure for public hearings adopted by City Council other review and decision-making bodies.

Sec. 2.4.8. Modifications to Approved Applications

This section describes how applicants can make changes to approved applications.

Sec. 2.4.9. Post-Decision Actions

This subsection describes actions that occur after a decision has been rendered, including appeals.

Sec. 2.4.10. Review of Decisions and Interpretations

This new section requires the Zoning Administrator to provide an annual report to the City Council on decisions of

the Board of Zoning Appeals under Sec. 2.5.25, Appeals of Administrative Decisions, and code interpretations rendered under Sec. 2.5.28, Development Code Interpretation. The report shall include any recommendations for amendments to the Development Code needed for consistency with these decisions.

SECTION 2.5. DEVELOPMENT REVIEW PROCEDURES

This section sets out the requirements for application-specific procedures and any modifications to the standard workflow described in Sec. 2.4.1, General Procedural Requirements and Authority.

Discretionary Reviews

Sec. 2.5.1. Annexation and Initial Zoning

This new section establishes the procedure for expanding the City’s municipal boundary, as discussed in Sec. 1.7.3(d), Add a New Annexation Procedure, of the Diagnosis.

Sec. 2.5.2. Comprehensive Plan Map Amendment

This section establishes a procedure for amendment of the City’s comprehensive plan and the Future Land Use Map, as discussed in Sec. 1.7.3(e), Add a New Procedure for Amendments to the Comprehensive Plan and Future Land Use Map, of the Diagnosis.

Sec. 2.5.3. Urban Growth Boundary Amendment

This new section establishes a procedure for adjustments to the location of the Urban Growth Boundary,



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Article 2: Administration

as discussed in Sec. 1.7.3(f), Add a New Procedure for Changes to the Urban Growth Boundary, of the Diagnosis.

Sec. 2.5.4. Special Exception

This section establishes the procedure for review and approval of an application for a special exception use, building on the procedure described in Article 9, Part 2 of the current Zoning Ordinance.

Sec. 2.5.5. Zoning Map Amendment (Rezoning)

This section carries forward the procedure for amendments to the Official Zoning Map (rezoning) in Secs. 54-942 through 54-944 of the current Zoning Ordinance.

Sec. 2.5.6. Planned Development Map Amendment

This new section describes the procedure to establish a PD District as set forth in Sec. 1.7.3(b), Add a Planned Development Procedure, of the Diagnosis.

Sec. 2.5.7. Development Code Text Amendment

This section carries forward and updates the procedure to amend the text of the Development Code, in Secs. 54-942 through 54-944 of the current Zoning Ordinance.

Architectural Review for Old & Historic District and Old City District

Sec. 2.5.8. Certificate of Appropriateness

This section carries forward the procedure for development proposals in

the Old & Historic District and Old City District in multiple sections of the current Zoning Ordinance, including Sec. 54-226, and Article 2, Part 6. It includes procedures for conceptual, preliminary, and final review for applications reviewed by the Board of Architectural Review-Large, conceptual, preliminary, and final review for applications reviewed by the Board of Architectural Review-Small, and a procedure for applications that are reviewed by staff, as set forth in Table II-2: Proposed Development Review Procedures.

Architectural & Site Plan Review for Design Review District

Sec. 2.5.9. Design Review District Project

This section carries forward the procedure for review of development proposals in the Design Review District in Article 2, Part 11 of the current Zoning Ordinance. It includes procedures for conceptual, preliminary, and final review by the Design Review Board, and a procedure for applications that are reviewed by staff, as set forth in Table II-2: Proposed Development Review Procedures.

Site Development

Sec. 2.5.10. Comprehensive Plan Compatibility Review

This section carries forward the procedure for Planning Commission review of projects for compatibility with the comprehensive plan, in Sec. 54-945 of the current Zoning Ordinance.



III. Annotated Outline of Rewritten Development Code

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Sec. 2.5.11. Site Plan Review

This section establishes the procedure for review and approval of both vertical development (e.g., buildings and subdivisions) and linear construction (e.g., water lines, streets) and renames the "land development plan" review procedure in Article 6 of the current Zoning Ordinance, as discussed in Sec. 1.7.3(j), Additional Minor Changes, of the Diagnosis.

Subdivision

Sec. 2.5.12. Major Subdivision

This section carries forward and updates the procedure for review of major subdivisions in Article 8, Part 2 of the current Zoning Ordinance, including the procedures for review and approval of concept plans, preliminary plats, construction drawings, and final plats, as set forth in Table II-2: Proposed Development Review Procedures, and discussed in Sec. 1.7.3(c), Revise the Procedure for Changes to Approved Major Subdivisions, of the Diagnosis.

Sec. 2.5.13. Minor Subdivision

This section carries forward the procedure for review of minor subdivisions in Article 8, Part 2 of the current Zoning Ordinance, including the procedures for review and approval of a preliminary plat and a final plat, as set forth in Table II-2: Proposed Development Review Procedures.

Sec. 2.5.14. Property Line Abandonment

This section carries forward the procedure for review of plats proposing to consolidate existing lots of record, in Sec. 54-806 of the current Zoning Ordinance.

Sec. 2.5.15. Property Line Adjustment

This section carries forward the procedure for review of plats proposing changes to existing property lines in Sec. 54-807 of the current Zoning Ordinance.

Sec. 2.5.16. Street Name Change

This section establishes the procedure for changing the name of an existing street, in accordance with S.C. Code § 6-29-1200, building on the procedure described in Appendix I and Secs. 54-821 and 54-940 of the current Zoning Ordinance.

Permits & Administrative Review Procedures

Sec. 2.5.17. Bed and Breakfast Permit

This section carries forward the procedure for proposals to establish a bed and breakfast use or make changes to an existing use in Sec. 54-227(c) of the current Zoning Ordinance.

Sec. 2.5.18. Short-Term Rental Permit

This section carries forward the procedure for proposals to establish a short-term rental use or make changes to an existing use in Sec. 54-227 of the current Zoning Ordinance.

Sec. 2.5.19. Sidewalk Café Permit

This section carries forward the procedure for the establishment of and modifications to a sidewalk café use in Sec. 54-213 of the current Zoning Ordinance.



III. Annotated Outline of Rewritten Development Code

Article 2: Administration

Sec. 2.5.20. Temporary Special Event Permit for Agricultural Districts

This section builds upon the procedure for proposals to hold a special event in one of the City’s agricultural zoning districts in Sec. 54-1023 of the current Zoning Ordinance. On sites smaller than 25 acres, staff conducts this review. This section will cross-reference the Special Exception procedure in Sec. 2.5.4, Special Exception, for events on larger sites.

Sec. 2.5.21. Zoning Compliance Review

This new section establishes a procedure for the review of certain permits and other approvals by the Zoning Administrator, as discussed in Sec. 1.7.3(a), Add a Zoning Compliance Review Procedure, of the Diagnosis.

Signs

Sec. 2.5.22. Sign Permit

This section carries forward and clarifies the existing procedure for review and approval of freestanding and building signs. It includes review by the Design Review Board or Board of Architectural Review for signs located in their jurisdictions, as discussed in Sec. 1.7.3(i), Add a New Procedure that Sets Out the Approval Procedure for Sign Applications, of the Diagnosis.

Sec. 2.5.23. Temporary Sign Permit

This carries forward the procedure for review and approval of temporary signs in Sec. 54-411 of the current Zoning Ordinance.

Relief

Sec. 2.5.24. Administrative Adjustment

This new section establishes the procedure for administrative review and approval of applications for limited adjustments to numerical development standards in the Development Code, as discussed in Sec. 1.7.3(h), Add an Administrative Adjustment Procedure, of the Diagnosis.

Sec. 2.5.25. Appeals of Administrative Decisions

This section establishes the procedure for applicants to request the review and correction of decisions by administrative officials that they believe are in error.

Sec. 2.5.26. Official Road Plan Exemption

This section carries forward the procedure allowing property owners to “opt-out” of the restrictions imposed by the Official Road Plan Map, in Sec. 54-705 of the current Zoning Ordinance

Sec. 2.5.27. Variance

This section carries forward the procedure for applicants to seek variances to avoid unnecessary hardships that could result from a strict application of the Zoning Ordinance in Article 9, Part 2 of the current Zoning Ordinance. It involves decision by the Board of Zoning Appeals-Zoning (for requests from zoning standards) or Board of Zoning Appeals-Design (for requests for variances from subdivision or site design standards), as set forth in Table II-2: Proposed Development Review Procedures.



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Article 2: Administration

Interpretations

Sec. 2.5.28. Development Code Interpretation

This new section establishes a formal process to request a written decision issued by the Zoning Administrator

regarding the interpretation of any provision set forth in the Zoning Ordinance. It is intended to clarify ambiguities in the Zoning Ordinance and to resolve any ambiguities in future amendments, as discussed in Sec. 1.7.3(g), Add a Formal Procedure for Zoning Ordinance Interpretations, of the Diagnosis.



ARTICLE 3: ZONE DISTRICTS

Article 3: Zone Districts, establishes and describes the zone districts which govern the types of development and uses allowed in different parts of the City, as discussed in Section 2.2, Proposed Revisions to Zone Districts, of the Diagnosis.

SECTION 3.1. GENERAL PROVISIONS

Sec. 3.1.1. Compliance with Zone District Standards

This subsection establishes the general rule that land may not be developed in the City or its planning jurisdiction except in accordance with the regulations that apply within the zone district, as well as other regulations within the Development Code.

Sec. 3.1.2. Establishment of Zone Districts

This subsection describes base zone districts, planned development districts, overlay districts, and retired districts, and explains how they relate to one another. The subsection describes

overlay districts as superimposed over portions of an underlying base district, which applies additional or alternative development regulations to those applied by the underlying base district.

The subsection then establishes the various zone districts, with a summary table that identifies the district by name and official abbreviation. The table has a hierarchical format, organizing zone districts by base districts (residential, commercial and office, mixed use, and industrial), planned development districts, overlay districts, and retired districts. Within each group, zone districts are generally listed from the least to the most intensive. The following tables, from Section 2.2, Proposed Revisions to Zone Districts, of the Diagnosis, show the proposed line-up of zone districts compared to the current set of zone districts.



III. Annotated Outline of Rewritten Development Code

Article 3: Zone Districts

Table II-4: Proposed Conservation and Agriculture Districts That Apply in the Entire City		
Current District	New District	District Notes
	LI: Low Impact [New]	New district intended for land in the Low Impact/Conserved future land use category on the Future Land Use Map, where restrictions should be placed on development and redevelopment. Another option would be to make this an overlay district.
C: Conservation	C: Conservation	Carry forward current district for protection of marshlands, as well as other areas to be preserved such as scenic areas, including but not limited to land owned by public entities or conservation organizations. Continue to allow agricultural uses, mining (with a special exception), small utility uses, golf courses, and single-family detached and two-family dwellings.
AG-8	AG: Agriculture [Consolidated]	Carry forward and consolidate the two districts, modernize agricultural uses and definitions based on best practices, and limit AG-S asphalt recycling use to where it currently exists through use-specific standards.
AG-S		

Table II-5: Proposed Residential Districts That Apply Outside the Lower Peninsula		
Current District	New District	District Notes
RR-1: Rural Res.	Delete	Propose to reclassify land in the district to the LI or C districts or to another residential district, depending on classification on the Future Land Use Map and existing uses on individual sites.
SR-7: SF Res.	RSF-1	Rename SR-7 to RSF-1, carry forward as a large lot single-family district. Generally carry forward existing uses (which are identical to permitted uses in RR-1 district) and dimensional standards; consider applying different zone district to some land currently assigned to this district. <i>Min SF lot size: 43,560 sf (1 acre)</i>
SR-8: SF Res	RSF-2.5	Carry forward as a district for the existing Crescent community, could be applied elsewhere. Generally carry forward current uses and dimensional standards (uses are identical to permitted uses in RR-1 district). <i>Min SF lot size: 15,000 sf</i>
SR-1: SF Res	RSF-4	Carry forward with generally the same permitted uses (which are identical to permitted uses in RR-1 district) and dimensional standards. <i>Min SF lot size: 9,000 sf</i>



III. Annotated Outline of Rewritten Development Code

Article 3: Zone Districts

Table II-5: Proposed Residential Districts That Apply Outside the Lower Peninsula		
Current District	New District	District Notes
SR-2: SF Res.	RM-L: Residential Mixed Low [Consolidated]	<p>In an effort to expand opportunities for a variety of housing types in the City, consolidate and rename seven existing zone districts (four single-family districts, one district that also allows duplexes, and two districts that additionally allow smaller multifamily development) and allow a mix of housing types (including buildings with one through four units, smaller multifamily development, and other missing middle housing types such as cottage homes, bungalows, and courtyard development), at up to 9 units per acre. Provide for increased walkability (through development standards). Consider permitting low intensity/small-scale personal service and limited retail uses at corners/intersections, as well as implementing basic form and design standards for development.</p> <p>In addition, standards will be developed for the new housing types such as cottage home developments or bungalows. To limit nonconformities (structures/lots), the least restrictive dimensional standards will generally be used (or in some instances, contextual dimensional standards will be considered). These will include:</p> <p><i>SF: 4,000 sf (SR-4 standard)</i> <i>Duplex: 9,000 sf (STR standard)</i> <i>Triplex and Quadplex: None</i> <i>Townhome: 1,500 sf</i> <i>Multifamily: None</i> <i>Cottage homes, bungalows, and courtyard development options: Special rules</i></p> <p>This increase in development density and expansion in housing options is consistent with the City’s equity goals and the guidance in the Equity Policy Guide.</p>
SR-3: SF Res		
SR-6: SF Res		
SR-4: SF Res		
STR: Single Two Family		
DR-6		
DR-9		
DR-12	RM-M: Residential Mixed Medium	<p>Carry forward as a separate district intended to be applied outside the Lower Peninsula and rename. Allow the mix of housing types allowed in RM-L (except for single-family detached and two-family uses which shall be prohibited) and include standards that provide for increased walkability. Consider allowing moderate-intensity retail uses in specific locations. Maximum density would be carried forward at 12 units per acre or increased to 16 units per acre.</p> <p>Dimensional standards would generally be carried forward. Like in the proposed RM-L district, provide for increased walkability (through development standards), Also consider the development of basic form and design standards for development in the district.</p>
DR-1	RM-H: Residential Mixed High [Consolidated]	<p>Consolidate to a single, high density residential mixed-use district intended to be applied outside the Lower Peninsula. Allow the mix of housing types allowed in RM-M (except for</p>



III. Annotated Outline of Rewritten Development Code

Article 3: Zone Districts

Table II-5: Proposed Residential Districts That Apply Outside the Lower Peninsula		
Current District	New District	District Notes
DR-1F		cottage homes, bungalows, and courtyard development options), along with retirement housing (including the multifamily dwellings for elderly in the DR-4 district). Include standards that provide for increased walkability, along with basic form and design standards. Consider allowing moderate-intensity retail uses. Maximum density of 25 units per acre. To limit nonconformities (structures/lots), the least restrictive dimensional standards from the DR-2/DR-2F districts will generally be used (or in some instances, contextual dimensional standards will be considered). These will include: <i>SF: 2,500 sf</i> <i>Townhome: 1,500 sf</i> <i>Two-family: 4,000 sf</i> <i>Triplex, Quadplex, and multifamily: 1,650 sf per unit</i>
DR-2		
DR-2F		
DR-4	Delete	Propose to reclassify land in this zone district to one of the new RM districts, and to allow elderly housing and retirement homes in multiple RM districts. Will include standards to limit replacement of existing elderly housing with other uses.

Table II-6: Proposed Residential Districts That Apply on the Lower Peninsula		
Current District	New District	District Notes
SR-3	LP-SFR: Lower Peninsula-Single Family Residential	The Lower Peninsula-Single Family Residential district carries forward lands in the current SR-3 district and its allowable uses—single-family detached dwellings as a permitted use and single-family attached dwellings as a conditional use, with ADUs also allowed. The current SR-3 dimensional standards will be replaced with contextual dimensional standards to ensure redevelopment mimics existing development patterns and minimizes nonconformities. The proposed district may also be applied to other lands on the Lower Peninsula.
SR-4	LP-RL: Lower Peninsula-Residential Low District [Consolidated]	The proposed Lower Peninsula-Residential Low district consolidates three existing districts (all three allow single-family detached dwellings as a permitted use and single-family attached dwellings as a conditional use, and one (STR) also allows two-family dwellings as a permitted use). One of the districts (SR-5) is only applied on the Lower Peninsula. The PR-L district will allow the residential uses
SR-5		



III. Annotated Outline of Rewritten Development Code

Article 3: Zone Districts

Table II-6: Proposed Residential Districts That Apply on the Lower Peninsula		
Current District	New District	District Notes
<i>STR</i>		that are allowed in the three districts being consolidated. Low-intensity commercial uses may be allowed, particularly on corners at major intersections. Contextual dimensional standards will be applied in the district to ensure dimensional standards mimic existing development patterns to minimize nonconformities.
<i>DR-1</i>	LP-RM: Lower Peninsula–Residential Medium Density [Consolidated]	The proposed Lower Peninsula-Residential Medium district consolidates the two medium-density DR districts. The existing districts allow a range of housing types from single-family detached structures up through duplexes and multifamily dwellings, as well as townhouses and multifamily dwellings for the elderly as conditional uses. These uses are generally proposed to be carried forward; it is also suggested the City consider allowing additional residential retirement/elderly uses, and moderate intensity commercial and office development. Contextual dimensional standards will be applied in the district to ensure dimensional standards mimic existing development patterns and to minimize nonconformities.
<i>DR-1F</i>		
<i>DR-2</i>	LP-RH: Lower Peninsula–Residential High Density [Consolidated]	The proposed Lower Peninsula-Residential High district consolidates the two highest-density DR districts that are currently mapped on the Lower Peninsula, DR-2 and DR-2F. These uses are generally proposed to be carried forward. It is also suggested that the City consider allowing retirement/elderly uses and commercial and office development. Contextual dimensional standards will be applied in the district to ensure dimensional standards mimic existing development patterns and to minimize nonconformities.
<i>DR-2F</i>		

Table II-7: Proposed Business and Mixed Use Districts That Apply Outside the Lower Peninsula		
Current District	New District	District Notes
<i>RO: Residential Office</i>	OR: Office Residential	This RO district is proposed to be carried forward. It is intended to reflect office development that has occurred in single family structures. The current set of limited office uses, such as real estate offices and offices for insurance agents, is proposed to be carried forward and modernized. Dimensional standards will be carried forward.



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Article 3: Zone Districts

Table II-7: Proposed Business and Mixed Use Districts That Apply Outside the Lower Peninsula		
Current District	New District	District Notes
<i>GO: General Office</i>	Delete	Consistent with modern trends, it is proposed that the GO district be deleted and offices uses be integrated into other business and mixed-use districts, The current GO district lands would be reclassified to districts that allow the uses in the current GO district to minimize nonconformities.
<i>CT: Commercial Transitional</i>	Delete (rezone to CL: Commercial Limited)	The CT district, which serves as a transitional district between residential neighborhoods and lands in other business districts, is proposed to be deleted. To address the need for a transition, it is suggested the current CT classified lands be classified CL: Commercial Limited district, and additional transition/compatibility standards be incorporated into the CL district regulations. These regulations would include new residential compatibility standards that would apply when multifamily and nonresidential development occurs adjacent to single-family areas.
<i>LB: Limited Business</i>	CL: Commercial Limited	The LB district is proposed to be carried forward and renamed, and the current set of uses modernized. The district will continue to support a variety of multifamily residential and commercial uses. As noted above, transitional standards will be added that address compatibility between the commercial uses in the district, which will include lands formerly in the CT district, and adjoining residential properties, and limit the impacts of these commercial uses. New standards will also be added to improve pedestrian access to and within the site and connectivity within the district. Most auto-oriented uses such as vehicle sales and service and uses with drive-throughs will be prohibited; existing drive-through uses in the district (banks and gas stations) may be allowed with restrictions on location and to ensure safety. The City should consider eliminating single-family residential uses in the district.
<i>GB: General Business</i>	CG: Commercial General	The GB district is proposed to be carried forward and renamed, and the broad set of multifamily residential and commercial uses that are allowed will be carried forward and modernized. The dimensional standards will generally be carried forward. The City should consider eliminating single-family residential uses in the district.
<i>BP: Business Park</i>	Delete or BP: Business Park	Consider deleting district. Land with light industrial uses such as contractor’s yards would be reclassified to the LI district, which is proposed to not allow residential uses. Other lands with more general office uses could be reclassified to other business districts.
<i>JC: Job Center</i>	CJC: Commercial Job Center	Carry forward existing district and set of permitted uses. Refine district standards.



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Article 3: Zone Districts

Table II-7: Proposed Business and Mixed Use Districts That Apply Outside the Lower Peninsula		
Current District	New District	District Notes
<i>UP: Upper Peninsula</i>	UP: Upper Peninsula	Carry forward existing district with moderate base densities and incentive-based requirements for additional development density and intensity.

Table II-8: Proposed Business and Mixed Use Districts That Apply on the Lower Peninsula		
Current District	New District	District Notes
<i>CT: Commercial Transitional</i>	Delete (rezone to LP-CL: Lower Peninsula—Commercial Limited)	Consistent with the recommendations regarding the CT district outside the Lower Peninsula, delete the district on the Lower Peninsula and reclassify land to the new LP-CL: Lower Peninsula—Commercial Limited district. As with the new CL district that applies outside the Lower Peninsula, the LP-CL district will incorporate standards that limit the types of uses permitted adjacent to certain types of residential uses. Contextual dimensional standards will be applied in the district to ensure dimensional standards mimic existing development patterns to minimize nonconformities. This district would allow multifamily development.
<i>LB: Limited Business</i>	LP-CL: Lower Peninsula—Commercial Limited	The LP-CL district would support small- to moderate-scale commercial uses in the historic district that are consistent with the scale of residential development in the area, with a modernized set of uses similar to those permitted in the new CL district outside the Lower Peninsula. As part of this restructuring, it is proposed to reclassify the medical area to INST-PQ as the current LB zoning is not consistent with that intensity of use. Contextual dimensional standards will be applied in the district to ensure dimensional standards mimic existing development patterns and to minimize nonconformities. This district would allow multifamily development.
<i>GB: General Business</i>	LP-CG: Lower Peninsula—Commercial General	This is a business district intended to be applied on the Lower Peninsula that would support general business uses in the historic district that are consistent with the form and scale of development in the area, with contextual standards to provide compatibility in case of redevelopment. In addition, standards will be added requiring a stepping down of height and intensity near residential neighborhoods. Uses allowed in the district would be consistent with those permitted in the new CG district outside the Lower Peninsula. This district would allow multifamily development.



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Article 3: Zone Districts

Table II-9: Proposed Industrial Districts That Apply in the Entire City		
Current District	New District	District Notes
<i>LI: Light Industrial</i>	IL: Industrial Light	Carry forward district and modernize uses. We recommend that this district not allow residential uses.
<i>HI: Heavy Industrial</i>	IH: Industrial Heavy	Carry forward district and modernize uses. We recommend that this district not allow residential uses.

Table II-10: Proposed Institutional Districts That Apply in the Entire City		
Current District	New District	District Notes
	INST-S: Institutional School [New]	Replaces S: School overlay district; in addition, remove schools as a permitted use from other districts (or impose limitations such as size, etc. in lieu of the overlay provision).
	INST-PQ: Institutional Public/Quasi-Public [New]	Institutional district for public and quasi-public entities such as government buildings and major medical centers.

Table II-11: Proposed Planned Development District that Applies in the Entire City		
Current District	New District	District Notes
<i>PUD: Planned Unit Development</i>	PD: Planned Development	Carry forward, modernize, and restructure as a flexible planned district that accommodates mixed-use development that is innovative, incorporates open space and natural features, and provides a high quality of development in a form that is not available under the traditional base zone districts.

Table II-12: Proposed Overlay Districts		
Current District	New District	District Notes
<i>A: Accommodation</i>	A-O: Accommodations Overlay	Retain due to high tourist demand and the City's experience with impacts of accommodations uses.
<i>FR: Folly Road</i>	FR-O: Folly Road Overlay	Carry forward, including the five subdistricts and standards regarding site access, commercial floor-space requirements, development of a multi-use path, and adjustments to permitted uses and transitional buffers.



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Article 3: Zone Districts

Table II-12: Proposed Overlay Districts		
Current District	New District	District Notes
<i>SH: Savannah Highway</i>	SH-O: Savannah Highway Overlay	Carry forward. Continue existing regulations, which limits allowable uses (including short-term rentals and accessory commercial development), and requires that principal buildings that are residential structures be retained, if possible, even if used for commercial purposes.
<i>STR: Short Term Rental</i>	STR-O: Short Term Rental Overlay	Carry forward City’s assignment of areas where commercial short-term rentals are permitted, which is not well mapped to underlying base zone districts, with revisions to limit the ability in nonresidential districts to transition dwellings from long-term residences to commercial short-term rentals.
<i>Old City District</i>	OCD-O: Old City District Overlay	Carry forward the Old City District in Sec. 54-230.
<i>Old and Historic District</i>	OHD-O: Old and Historic District Overlay	Carry forward the Old and Historic District in Sec. 54-230.
<i>Old City Height Districts</i>	HD-O-#: Height District Overlay # [representing maximum height in stories]	Carry forward the Old City Height Districts and View Corridor Protection regulations in Article 3, Part 2, including each of the subdistricts in Sections 54-306.A through .X.
<i>DRD: Design Review District</i>	Delete or DRD-O: Design Review District Overlay	Recommend removing district and replacing with updated form and design standards that apply outside the Old City District and Old and Historic District. See discussion in Section 5.4, Provide More Measurable Form and Design Standards Outside the City’s Historic Areas.
<i>LMK: Landmark</i>	Delete or LMK-O: Landmark Overlay	Either 1) carry forward the existing Landmark Overlay or 2) remove the Landmark Overlay and maintain a separate list of properties to which the landmark regulations apply. In both cases, make no changes to the substantive regulations that protect landmarked buildings and structures.
	FBO-RSH: Form-Based Overlay—Rittenberg and Savannah Highway [New]	This would be a new form-based district with context-sensitive regulations prepared for a specific area of Rittenburg and Savannah Highway. Two new form-based districts will be prepared, from the three identified here, at the direction of the City. See more specific discussion and the geographic boundaries of the proposed district in Section 2.3, Prepare Form-Based Overlay Districts Along Several Key City Corridors to Provide More Context-Sensitive Regulations.



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Table II-12: Proposed Overlay Districts		
Current District	New District	District Notes
	FBO-MH: Form-Based Overlay—Maybank Highway [New]	This is a new form-based district with context-sensitive regulations prepared for a specific area of Maybank Highway. Two new form-based districts will be prepared, from the three identified here, at the direction of the City. See more specific discussion and the geographic boundaries of the proposed district in Section 2.3, Prepare Form-Based Overlay Districts Along Several Key City Corridors to Provide More Context-Sensitive Regulations.
	FBO-FR: Form-Based Overlay—Folly Road [New]	This is a new form-based district with context-sensitive regulations prepared for a specific area of Folly Road on James Island. Two new form-based districts will be prepared, from the three identified here, at the direction of the City. See more specific discussion and the geographic boundaries of the proposed district in Section 2.3, Prepare Form-Based Overlay Districts Along Several Key City Corridors to Provide More Context-Sensitive Regulations.
<i>AR: Amusement and Recreation Service</i>	Delete	Recommend replacing with use-specific standards for appropriate uses.
<i>GBLN/LILN: General Business/Light Industrial Late Night (two districts)</i>	Delete	Replace districts with use-specific standards that implement similar operational hour limitations in appropriate locations. If retaining the geographical limitations is desired, consolidate these two districts into a single overlay district, as both districts impose the same limitations on the same uses.
<i>Jl: Johns Island</i>	Delete	Delete district. Development standards for street frontage, transitional buffers, and signs can be carried forward as general development standards, as appropriate.
<i>S: School</i>	Delete	Delete district. It will be replaced by the INST-S district.
<i>TB: Tour Boat</i>	Delete	Delete and replace with a use-specific standard for tour-boat uses that restrict them to particular locations.
<i>TC: Tech Corridor</i>	Delete	Delete district, subject to a review by staff to ensure that unintended consequences will not result.
<i>G: Gateway</i>	Delete	Delete district, which is intended “for sites in the City that are located at primary entrances to specifically defined or colloquially known districts and areas of the City” but is applied to only one lot in town.
<i>SPD: Special Parking Overlay Zone</i>	Delete	Delete district. The exemption from off-street parking standards for properties along a defined stretch of King Street will be retained as an exception in the off-street parking standards, as applicable.



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Article 3: Zone Districts

Table II-12: Proposed Overlay Districts		
Current District	New District	District Notes
<i>Dupont Wappoo Planning Area and DuWap Overlay Zone</i>	Delete	Delete district; some of the standards including access management, sidewalk and pedestrian access requirements, buffer standards, street trees, design standards, stormwater requirements, and use limitations can be incorporated generally in the code and applied in the area.

Table II-13: Proposed Legacy Districts		
Current District	New District	District Notes
<i>CY: Cainhoy District</i>	LCY: Legacy Cainhoy District	Carry forward as a legacy district, including the Cainhoy District Development Guidelines in Appendix J of the current Zoning Ordinance.
<i>DR-3: Diverse Residential-3</i>	LDR-3: Legacy Diverse Residential-3	Carry forward as a legacy district, and limit uses to mobile home parks. Land that is assigned to the DR-3 district with non-mobile home uses will be remapped to a zone district that conforms with the existing development on the site.
<i>GP: Gathering Place</i>	LGP: Legacy Gathering Place	Carry forward as a legacy district. Certain elements of the district, such as the block length requirements in Sec. 54-278 and the street connectivity requirements in Sec. 54-279, may be updated and included as general development standards that apply throughout the City.
<i>MU-1: Mixed Use 1</i>	LMU-1: Legacy Mixed Use 1	Carry forward as a legacy district.
<i>MU-1/WH: Mixed Use 1 Workforce Housing</i>	LMU-1/WH: Legacy Mixed Use 1 Workforce Housing	Carry forward as a legacy district. Incentives for workforce housing will be carried forward in the rewritten Development Code.
<i>MU-2: Mixed Use 2</i>	LMU-2: Legacy Mixed Use 2	Carry forward as a legacy district.
<i>MU-2/WH: Mixed Use 2 Workforce Housing</i>	LMU-2/WH: Legacy Mixed Use 2 Workforce Housing	Carry forward as a legacy district. Incentives for workforce housing will be carried forward in the rewritten Development Code.
<i>UC: Urban Commercial</i>	LUC: Legacy Urban Commercial	Carry forward as a legacy district. District is identical to GB: General Business except that it allows higher-density residential uses.
<i>CW-PUD: Canterbury Woods PUD</i>	CW-PUD	Carry forward as a legacy district.
<i>DI-PUD: Daniel Island PUD</i>	DI-PUD	Carry forward as a legacy district.



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Table II-13: Proposed Legacy Districts		
Current District	New District	District Notes
<i>HW-PUD: Hemmingwood PUD</i>	HW-PUD	Carry forward as a legacy district.



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Article 3: Zone Districts

SECTION 3.2. CONSERVATION AND AGRICULTURAL DISTRICTS

Sec. 3.2.1. General Purpose of Conservation and Agricultural Districts

This subsection sets out the general purpose of the Conservation and Agricultural zone districts.

Sec. 3.2.2. LI: Low Impact

This is a new district intended for land that is currently subject to constant flooding as discussed in Section 2.2.2, Conservation and Agriculture Districts, of the Diagnosis.

Sec. 3.2.3. C: Conservation

This carries forward the C: Conservation district in the current Zoning Ordinance.

Sec. 3.2.4. AG: Agriculture

This carries forward and consolidates the AG-8: Agricultural and AG-S: Agricultural-Special districts in the current Zoning Ordinance as discussed in Section 2.2.2, Conservation and Agriculture Districts, of the Diagnosis.

SECTION 3.3. RESIDENTIAL DISTRICTS (OUTSIDE THE LOWER PENINSULA)

Sec. 3.3.1. General Purpose of Residential Districts (Outside the Lower Peninsula)

This subsection sets out the general purpose of the residential districts intended to be applied outside the Lower Peninsula.

Sec. 3.3.2. RSF-1: Residential Single-Family 1

This carries forward and renames the SR-7: Single-Family Residential district in the current Zoning Ordinance and establishes the intent that it be applied outside the Lower Peninsula.

Sec. 3.3.3. RSF-2.5: Residential Single-Family 2.5

This carries forward and renames the SR-8: Single-Family Residential district in the current Zoning Ordinance and establishes the intent that it be applied outside the Lower Peninsula.

Sec. 3.3.4. RSF-4: Residential Single-Family 4

This carries forward and renames the SR-1: Single-Family Residential district in the current Zoning Ordinance and establishes the intent that it be applied outside the Lower Peninsula.

Sec. 3.3.5. RM-L: Residential Mixed-Low

This consolidates and renames the SR-2: Single-Family Residential, SR-3: Single-Family Residential, SR-6: Single-Family Residential, SR-4: SF Residential, STR: Single Two Family Residential, DR-6: Diverse Residential, and DR-9: Diverse Residential districts in the current Zoning Ordinance as discussed in Section 2.2.3 Residential Districts Outside the Lower Peninsula, of the Diagnosis, and establishes the intent that it be applied outside the Lower Peninsula.

Sec. 3.3.6. RM-M: Residential Mixed-Medium

This carries forward with some revisions and renames the DR-12: Diverse



III. Annotated Outline of Rewritten Development Code

Article 3: Zone Districts

Residential district in the current Zoning Ordinance as discussed in Section 2.2.3 Residential Districts Outside the Lower Peninsula, of the Diagnosis, and establishes the intent that it be applied outside the Lower Peninsula.

Sec. 3.3.7. RM-H: Residential Mixed-High

This consolidates and renames the DR-1: Diverse Residential: Diverse Residential, DR-1F: Diverse Residential, DR-2: Diverse Residential, and DR-2F: Diverse Residential districts in the current Zoning Ordinance as discussed in Section 2.2.3 Residential Districts Outside the Lower Peninsula, and establishes the intent that it be applied outside the Lower Peninsula.

SECTION 3.4. RESIDENTIAL DISTRICTS (ON THE LOWER PENINSULA)

Sec. 3.4.1. General Purpose of Residential Districts (on the Lower Peninsula)

This subsection sets out the general purpose of the residential districts intended to be applied on the Lower Peninsula.

Sec. 3.4.2. LP-SFR: Lower Peninsula—Single-Family Residential

This carries forward and renames the SR-3 Residential district in the current Zoning Ordinance and establishes the intent that it be applied on the Lower Peninsula.

Sec. 3.4.3. LP-RL: Lower Peninsula—Residential Low

This consolidates and renames the SR-4: Single-Family Residential, SR-5: Single-Family Residential, and STR: Single Two Family Residential districts in the current Zoning Ordinance as discussed in Section 2.2.4, Residential Districts on the Lower Peninsula, of the Diagnosis, and establishes the intent that it be applied on the Lower Peninsula.

Sec. 3.4.4. LP-RM: Lower Peninsula—Residential Medium

This consolidates and renames the DR-1: Diverse Residential and DR-1F: Diverse Residential districts in the current Zoning Ordinance as discussed in Section 2.2.4, Residential Districts on the Lower Peninsula, of the Diagnosis, and establishes the intent that it be applied on the Lower Peninsula.

Sec. 3.4.5. P-RH: Peninsula—Residential High

This consolidates and renames the DR-2: Diverse Residential and DR-2F: Diverse Residential districts in the current Zoning Ordinance as discussed in Section 2.2.4, Residential Districts on the Lower Peninsula, of the Diagnosis, and establishes the intent that it be applied on the Lower Peninsula.



III. Annotated Outline of Rewritten Development Code

Article 3: Zone Districts

SECTION 3.5. BUSINESS AND MIXED-USE DISTRICTS (OUTSIDE THE LOWER PENINSULA)

Sec. 3.5.1. General Purpose of Business and Mixed-Use Districts (Outside the Lower Peninsula)

This subsection sets out the general purpose of the business and mixed-use districts intended to be applied outside the Lower Peninsula.

Sec. 3.5.2. OR: Office Residential

This carries forward and renames the RO: Residential Office district in the current Zoning Ordinance and establishes the intent that it be applied outside the Lower Peninsula.

Sec. 3.5.3. CL: Commercial Limited

This carries forward the LB: Limited Business district and incorporates the CT: Commercial Transitional district in the current Zoning Ordinance as discussed in Section 2.2.5, Business and Mixed-Use Districts Outside the Lower Peninsula, of the Diagnosis, and establishes the intent that it be applied outside the Lower Peninsula.

Sec. 3.5.4. CG: Commercial General

This carries forward and renames the GB: General Business district in the current Zoning Ordinance, and establishes the intent that it be applied outside the Lower Peninsula.

Sec. 3.5.5. CJC: Commercial Job Center

This carries forward and renames the JC: Job Center district in the current Zoning Ordinance, and establishes the intent that it be applied outside the Lower Peninsula.

Sec. 3.5.6. UP: Upper Peninsula

This carries forward the UP: Upper Peninsula district in the current Zoning Ordinance, and establishes the intent that it be applied on the Upper Peninsula.

SECTION 3.6. BUSINESS AND MIXED-USE DISTRICTS (ON THE LOWER PENINSULA)

Sec. 3.6.1. General Purpose of Business and Mixed-Use Districts (on the Lower Peninsula)

This subsection sets out the general purpose of the business and mixed-use districts intended to be applied on the Lower Peninsula.

Sec. 3.6.2. LP-CL: Lower Peninsula—Commercial Limited

This carries forward with some revisions the LB: Limited Business district and incorporates the CT: Commercial Transitional district in the current Zoning Ordinance as discussed in Section 2.2.6, Business and Mixed-Use Districts on the Lower Peninsula, of the Diagnosis, and establishes the intent that it be applied on the Lower Peninsula.

Sec. 3.6.3. LP-CG Lower Peninsula—Commercial General

This carries forward with some revisions and renames the GB: General Business district in the current Zoning Ordinance as discussed in Section 2.2.6, Business and Mixed-Use Districts on the Lower Peninsula, of the Diagnosis, and establishes the intent that it be applied on the Lower Peninsula.



SECTION 3.7. INDUSTRIAL DISTRICTS

Sec. 3.7.1. General Purpose of Industrial Districts

This subsection sets out the general purpose of the industrial districts.

Sec. 3.7.2. IL: Industrial Light

This carries forward and renames the LI: Light Industrial district in the current Zoning Ordinance.

Sec. 3.7.3. IH: Industrial Heavy

This carries forward and renames the HI: Heavy Industrial district in the current Zoning Ordinance.

SECTION 3.8. INSTITUTIONAL DISTRICTS

Sec. 3.8.1. General Purpose of Institutional Districts

This subsection sets out the general purpose of the institutional districts.

Sec. 3.8.2. INST-S: Institutional School

This is a new district intended as the only district where schools are allowed as discussed in Section 2.2.8, Institutional Districts, of the Diagnosis.

Sec. 3.8.3. INST-PQ: Institutional Public/Quasi-Public

This is a new district intended to accommodate substantial institutional uses such as government facilities and major medical centers as discussed in Section 2.2.8, Institutional Districts, of the Diagnosis.

SECTION 3.9. PLANNED DEVELOPMENT DISTRICTS

Sec. 3.9.1. General Purpose of Planned Development Districts

This subsection sets out the general purpose of the planned development districts.

Sec. 3.9.2. PD: Planned Development

This establishes the PD: Planned Development district in the current Zoning Ordinance as discussed in Section 2.2.9, Planned Development Districts, of the Diagnosis.

SECTION 3.10. OVERLAY DISTRICTS

Sec. 3.10.1. General Purpose of Overlay Districts

This subsection sets out the general purpose of the overlay districts.

Sec. 3.10.2. A-O: Accommodations Overlay

This carries forward and renames the A: Accommodation district in the current Zoning Ordinance.

Sec. 3.10.3. FR-O: Folly Road Overlay

This carries forward and renames the FR: Folly Road district in the current Zoning Ordinance.

Sec. 3.10.4. SH-O Savannah Highway Overlay

This carries forward and renames the SH: Savannah Highway district in the current Zoning Ordinance.



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Article 3: Zone Districts

Sec. 3.10.5. STR-O: Short Term Rental Overlay

This carries forward and renames the STR: Short Term Rental district in the current Zoning Ordinance.

Sec. 3.10.6. OCD-O: Old City District Overlay

This carries forward and renames the Old City District in the current Zoning Ordinance.

Sec. 3.10.7. OHD-O: Old Historic District Overlay

This carries forward and renames the Old and Historic District in the Current Zoning Ordinance.

Sec. 3.10.8. HD-O: Height District Overlay

This carries forward the Old City Height Districts and View Corridor Protection regulations in the current Zoning Ordinance.

SECTION 3.11. FORM-BASED OVERLAY DISTRICTS

Sec. 3.11.1. General Purpose of Form-Based Overlay Districts

This subsection sets out the general purpose of the form-based overlay districts.

Sec. 3.11.2. FBO-1

This is a new district intended as a placeholder for one of the two form-based districts that may be included in the Development Code as discussed in Section 2.3.1, Proposed Form-Based District, of the Diagnosis.

Sec. 3.11.3. FBO-2

This is a new district intended as a placeholder for one of the two form-based districts that may be included in the Development Code as discussed in Section 2.3.2, Proposed Form-Based District, of the Diagnosis.

SECTION 3.12. LEGACY DISTRICTS

Sec. 3.12.1. Established Legacy Districts

This subsection establishes the legacy districts that are carried forward and renamed in this Zoning Ordinance as discussed in Section 2.2.11, Legacy Districts, of the Diagnosis.

Sec. 3.12.2. Legacy District Regulations

This subsection provides a reference to the regulations that apply to the legacy zone districts, which will be included in Appendix A of the rewritten Development Code.



ARTICLE 4: USE REGULATIONS

Article 4: Use Regulations, consolidates all use regulations, including the principal uses, accessory uses and structures, and temporary uses and structures. Article 4 is organized into five sections. It begins with a section containing general provisions; this is followed by sections on principal uses, accessory uses and structures, and temporary uses and structures, and a final section on interpreting unlisted uses.

SECTION 4.1. GENERAL PROVISIONS

This section provides a general overview of the contents of this article.

SECTION 4.2. PRINCIPAL USES

Sec. 4.2.1. General

This subsection sets out the purpose of the principal use table and explains how it is organized.

Sec. 4.2.2. Principal Use Table

This is the core of the article. It includes the principal use table that identifies all principal uses allowed in the City and whether each use is permitted, permitted as a special exception, permitted as a conditional use, or prohibited in each zone district.

The subsection begins with introductory material explaining how to use the table. Along the left side of the table, all uses will be listed and organized in accordance with the new classification system for principal uses (see Section 2.5, Update and Clarify Uses and Present Them in a More Logical and Functional Framework, of the Diagnosis). Across the top of the table will be columns that reflect the new lineup of zone districts as discussed in Section 2.2, Proposed Revisions to Zone Districts, of the Diagnosis. At the intersection of each use and district, a

symbol will be used to identify whether the use is permitted, permitted with a special land use permit, permitted as a special exception, or prohibited.

The current lists of principal uses, and their designation as permitted, permitted with a special land use permit, permitted as a special exception, or prohibited, will serve as a starting point for modernizing the uses in each zone district. The principal use table will also include new uses that do not appear in the current code and will update and modernize the existing lineup of allowable principal uses both in this subsection and in Article 9:

Definitions, Rules of Construction and Interpretation, and Rules of Measurement, as discussed in Section 2.6.1, Review, Add, and Refine Uses, of the Diagnosis. In addition, a final column of the principal use table will contain references to applicable use-specific standards (See Sec. 4.2.4, Standards Specific to Principal Uses) for those uses that are subject to specific regulation in addition to general development standards. (Figure II-11: Sample Use Table, in the Diagnosis, is an example of a principal use table.)

Sec. 4.2.3. Classification of Principal Uses

As discussed in Section 2.5, Update and Clarify Uses and Present Them in a More Logical and Functional Framework, of the Diagnosis, in an effort to provide



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Article 4: Use Regulations

better organization, precision, clarity, and flexibility to the principal uses listed in the principal use table and the administration of the table, the table and use-specific standards will be organized around the three-tiered concept of use classifications, use categories, and uses.

This subsection describes each use category, outlining the principal characteristics of uses in the category and noting examples of included uses and examples of uses and structures considered accessory to the included uses.

All uses identified in the principal use table will be given modern, clear, updateable definitions in Article 9: Definitions, Rules of Construction and Interpretation, and Rules of Measurement. This three-tiered system of use classifications, use categories, and uses provides a systematic basis for assigning present and future land uses into the zone districts.

Sec. 4.2.4. Standards Specific to Principal Uses

This subsection sets out standards that apply to specific principal uses, either in all districts or only in particular districts. This subsection will consolidate and revise the use-specific standards as discussed in Section 2.6, Consolidate and Update Uses and Use-Specific Standards, of the Diagnosis. Any exceptions to the use-specific standards will be identified as well.

Special attention is paid to standards for new principal uses, new standards for carried-forward principal uses, and evaluating the use-specific standards in the current Zoning Ordinance (See Section 2.6.1, Review, Add, and Refine Uses, of the Diagnosis).

SECTION 4.3. ACCESSORY USES AND STRUCTURES

Accessory uses or structures are those uses or structures that are subordinate to the principal use of a building or land, that are located on the same lot as the principal use, and that are customarily incidental to the principal use. For example, a stand-alone automated teller machine (ATM) is considered as an accessory use to a commercial use, such as a bank or grocery store.

As discussed in Section 2.6.3, Review and Update Accessory Uses and Structures, of the Diagnosis, this section adds a table of accessory uses and structures and additional detail about their use and application. This will build on the accessory uses and structures in Article 2, Part 4 of the current Zoning Ordinance and add several additional common accessory uses.

Sec. 4.3.1. General

This subsection sets out the purpose of the section and outlines its organization.

Sec. 4.3.2. Accessory Use/Structure Table

This subsection includes an accessory use table that lists accessory uses and structures and for each, shows the zone district where the use is allowed, and references any use-specific standards applicable to the accessory use or structure.

Sec. 4.3.3. Standards for All Accessory Uses and Structures

This subsection includes a set of general standards that generally apply to all accessory uses and structures. It will



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build on the standards included in the district regulations.

Sec. 4.3.4. Specific Standards for Accessory Uses and Structures

This subsection sets out standards that always apply to certain accessory uses or structures (or if appropriate, apply to certain accessory uses or structures in particular zone districts). As with the standards specific to principal uses, special attention will be paid to standards for new accessory uses and structures and new standards for carried-forward accessory uses and structures, as well as improving the standards specific to accessory uses and structures that are included in Article 2, Part 4 of the current Zoning Ordinance.

SECTION 4.4. TEMPORARY USES AND STRUCTURES

Temporary uses or structures are those uses or structures that are intended to be located in a zone district only for a limited period of time. As discussed in Section 2.6.4, Review and Update Temporary Uses and Structures, of the Diagnosis, this section will build on the existing set of temporary uses.

Sec. 4.4.1. General

This subsection sets out the purposes of the section and outlines its organization.

Sec. 4.4.2. Temporary Use/Structure Table

This subsection includes a temporary use table that lists allowed temporary uses and structures and references any use-specific standards applicable to the temporary use or structure, including applicable time limitations.

Sec. 4.4.3. Standards Specific to Temporary Uses and Structures

This subsection sets out standards that always apply to certain temporary uses, structures, or events (or if appropriate, apply to certain temporary uses, structures, or events in particular zone districts).

SECTION 4.5. INTERPRETATION OF UNLISTED USES

This section provides standards to guide how to interpret uses not defined in the rewritten Development Code. The Zoning Administrator is authorized to make this interpretation.



ARTICLE 5: DEVELOPMENT STANDARDS

Article 5: Development Standards, contains the development standards in the rewritten Development Code related to the physical layout of new development.

SECTION 5.1. ACCESS AND CONNECTIVITY STANDARDS

This updates and refines the City’s development standards relating to transportation, transit, connectivity, and mobility as discussed in Section 5.1, Refine and Modernize the Off-Street Parking and Loading Standards, Add Bicycle Standards, and Refine Street Cross Sections, of the Diagnosis, and incorporates the driveway standards in Article 3, Part 3 of the current Zoning Ordinance.

SECTION 5.2. OFF-STREET PARKING AND LOADING STANDARDS

This updates and refines the City’s off-street parking and loading standards and bicycle parking standards as discussed in Section 5.1, Refine and Modernize the Off-Street Parking and Loading Standards, Add Bicycle Standards, and Refine Street Cross Sections, of the Diagnosis.

SECTION 5.3. TREE PROTECTION AND LANDSCAPING STANDARDS

This builds upon the current landscaping and tree protection standards as discussed in Section 5.2, Update Tree Protection and Landscape Standards, of the Diagnosis.

SECTION 5.4. OPEN SPACE SET-ASIDE STANDARDS

This establishes a comprehensive set of open space set-aside standards as discussed in Section 5.3, Include Open Space Set-Aside Standards, of the Diagnosis.

SECTION 5.5. RESILIENCE STANDARDS

This is a new section that includes standards designed to improve the resilience of development in the City, particularly on land at lower elevations, including a Resilience Index, as discussed in Section 3.4.2, Establish a Resilience Index for New Development in Appropriate Locations in the City, of the Diagnosis.

SECTION 5.6. DEVELOPMENT INCENTIVES

This new section establishes incentives for development that meets the City’s development goals, including the provision of affordable housing, use of sustainable development practices, and reducing flood risks, in parts of the City that are identified for future development in the City’s Future Land Use Map, as discussed in Section 3.4.1, Allow Higher Density Development on Lands with Higher Elevations and Adopt a New Zone District for Lands with High Flood Risks, and Section 4.4.2, Streamline and Calibrate the City’s Affordable Housing Incentive Programs, of the Diagnosis.



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Article 5: Development Standards

SECTION 5.7. BUILDING FORM AND DESIGN STANDARDS

This updates the current design and architectural standards that apply outside the City’s historic areas as discussed in Section 5.4, Provide More Measurable Form and Design Standards Outside the City’s Historic Areas, of the Diagnosis, including standards to improve the aesthetic compatibility between existing development and elevated new development as discussed in Section 3.4.3, Implement Design Standards to Improve Visual Compatibility Between Existing Development and New Elevated Development, of the Diagnosis.

SECTION 5.8. NEIGHBORHOOD COMPATIBILITY STANDARDS

This is a new section that includes new, basic standards to limit new development from dramatically contrasting with the character of the surrounding neighborhood, as discussed in Section 5.5, Establish Neighborhood Compatibility Standards Outside of Historic Areas, of the Diagnosis.

SECTION 5.9. EXTERIOR LIGHTING STANDARDS

This is a new section that provides general exterior lighting standards as discussed in Section 5.6, Add Exterior Lighting Standards, of the Diagnosis.

SECTION 5.10. FENCE AND WALL DESIGN STANDARDS

This new section adds basic standards for fences and walls including standards to mitigate their potential flood impacts as discussed in Section 5.7.1, Incorporate Basic Fence and Wall Design Standards and Mitigate Potential Flood Impacts of Street Walls, of the Diagnosis.

SECTION 5.11. SIGN STANDARDS

This updates the sign standards as discussed in Section 5.7.2, Refine the Sign Standards for User-Friendliness and Review for Compliance with Recent United States Supreme Court Decisions, of the Diagnosis.



ARTICLE 6: SUBDIVISION STANDARDS

Article 6: Subdivision Standards, carries forward, reorganizes, and updates the substantive standards that apply to the design of a subdivision, the required infrastructure improvements, and requirements for performance and maintenance guarantees for public improvements.

SECTION 6.1. TERRAIN STANDARDS

This section carries forward the standards in Sec. 54-820 of the current Zoning Ordinance.

SECTION 6.2. STREET STANDARDS

This section builds upon the standards in Sec. 54-821 of the current Zoning Ordinance; some of the standards may be placed in Section 5.1, Access and Connectivity Standards, of the rewritten Development Code.

SECTION 6.3. EASEMENT STANDARDS

This section builds upon the standards in Sec. 54-822 of the current Zoning Ordinance.

SECTION 6.4. BLOCK AND LOT STANDARDS

This section builds upon the standards in Secs. 54-823 and 54-824 of the current Zoning Ordinance.

SECTION 6.5. REQUIRED IMPROVEMENTS

This section builds upon the standards in Secs. 54-830 and 54-831 of the current Zoning Ordinance.

SECTION 6.6. GUARANTEES

This section establishes the requirements for a performance guarantee to ensure completion and/or maintenance of required subdivision improvements, building on the standards in Article 8 of the current Zoning Ordinance.



ARTICLE 7: NONCONFORMITIES

Article 7: Nonconformities, consolidates all rules pertaining to nonconformities. It builds on the nonconformity provisions in Section 54-110 of the current Zoning Ordinance, and the nonconforming sign regulation in Sec. 54-120. This article incorporates these existing provisions, with updates to incorporate best practice provisions that are found in modern codes to better support project goals.

SECTION 7.1. GENERAL APPLICABILITY

Sec. 7.1.1. Purpose and Scope

This subsection establishes that the article addresses legally established uses, structures, lots, and signs that do not comply with requirements in the rewritten Development Code.

Sec. 7.1.2. Authority to Continue

This new subsection recognizes that all lawfully established nonconformities will be allowed to continue in accordance with the standards of this article.

Sec. 7.1.3. Determination of Nonconformity Status

This subsection includes a standard provision stating the landowner, not the City, has the burden of proving the existence of a lawful nonconformity.

Sec. 7.1.4. Minor Repairs and Maintenance

This subsection states that routine maintenance of nonconforming structures, nonconforming uses, nonconforming lots, and nonconforming signs is permitted and that landowners will be allowed to maintain these nonconformities in the same condition

they were at the time the nonconformity was established.

Sec. 7.1.5. Changes in Tenancy or Ownership

This subsection establishes that change of tenancy or ownership will not, in and of itself, affect nonconformity status.

SECTION 7.2. NONCONFORMING USES

This section sets forth specific rules governing nonconforming uses. It will generally carry forward the provisions in Sec. 54-110 of the current Zoning Ordinance with refinements and clarification.

SECTION 7.3. NONCONFORMING STRUCTURES

This section sets forth rules for nonconforming structures, generally carrying forward Secs. 54-110.b, .e, and .f of the current Zoning Ordinance with some refinement and clarification.

SECTION 7.4. NONCONFORMING LOTS OF RECORD

This section sets forth rules for nonconforming lots, building on the standards in Secs. 54-301 through 54-303 of the current Zoning Ordinance.



ARTICLE 8: ENFORCEMENT

Article 8: Enforcement, establishes procedures and standards to ensure compliance with the provisions of the rewritten Development Code and obtain corrections for violations. It builds on Article 9, Part 1 of the current Zoning Ordinance. It also sets forth the remedies and penalties that apply to violations of the rewritten Development Code.

SECTION 8.1. PURPOSE

This section sets forth the purpose of the enforcement article.

SECTION 8.2. COMPLIANCE REQUIRED

This section clarifies that compliance with all provisions of the rewritten Development Code is required, and that noncompliance constitutes a violation.

SECTION 8.3. VIOLATIONS

This section describes what constitutes a violation of the rewritten Development Code. It explains that it shall constitute a violation to fail to comply with any provision of the rewritten Development Code, a stipulation, or the terms or conditions of any development approval or authorization granted in accordance with the rewritten Development Code. This section also includes new provisions that describe the specific process for providing notice of a violation. It clarifies and simplifies the list of violations in Article 9, Part 1 of the current Zoning Ordinance, including Secs. 54-903, 54-907, and 54-909.

SECTION 8.4. RESPONSIBLE PERSONS

This section indicates who is responsible for a violation when it occurs. The

section will be drafted to assign responsibility as broad as legally possible, and state that any person who violates the rewritten Development Code is subject to the identified remedies and penalties.

SECTION 8.5. ENFORCEMENT, REMEDIES, AND PENALTIES

This section will include general provisions regarding enforcement of any rewritten Development Code violations, including who is responsible for enforcement, as well as available remedies and penalties, and the availability of any cure period. It will augment the general enforcement provisions in the City Code and include authority for the City to issue stop orders, revoke development authorizations, conduct repairs or correct other code violations that pose a serious threat to public health, safety, or welfare, and seek orders of abatement and other forms of relief. This section also will authorize revocation of a permit if the applicant provided materially incorrect information, if the applicant fails to comply with a condition, or if the City issued the permit or approval in error. It builds on Secs. 54-901, 54-902, 54-905, and 54-950 of the current Zoning Ordinance.



ARTICLE 9: DEFINITIONS, RULES OF CONSTRUCTION AND INTERPRETATION, AND RULES OF MEASUREMENT

Article 9: Definitions, Rules of Construction and Interpretation, and Rules of Measurement, builds on the rules of constructions and definitions in the current Zoning Ordinance. In addition, it will include new, modernized, refined, and modified definitions, as appropriate. It will also enhance the definitions and the use of definitions by:

- Consolidating and updating all rules of measurement;
- Adding definitions of all uses identified in the use tables in Article 4: Use Regulations; and
- Removing standards from the definitions and relocating them to appropriate places in the rewritten Development Code

SECTION 9.1. RULES OF CONSTRUCTION AND INTERPRETATION

This section builds on the general rules of construction relating to the construction of language, including the computation of time, mandatory versus discretionary terms (e.g., shall vs may), tenses, and so forth, in Sec. 54-106 of the current Zoning Ordinance. It also includes a provision authorizing the Zoning Administrator to delegate any tasks and responsibilities to other professional-level staff.

This also includes rules for interpretation of the Development Code, as discussed in Section 1.7.3(g), Add a Formal Procedure for Zoning Ordinance Interpretations, of the Diagnosis.

SECTION 9.2. RULES OF MEASUREMENT

This section establishes the rules for all types of measurement used in the rewritten Development Code (such as how to measure bulk and dimensional

requirements like height, width, setbacks, lot area, how encroachments into required yards will be determined and regulated, and the other measurements that are required to interpret standards). It provides a central location where the user can go if there is a need to apply a rule of measurement. Graphics will be used in this section to assist in the explanation of the different rules of measurement, with the proviso that in cases of conflict between a graphic and the text of the rewritten Development Code, the text controls.

SECTION 9.3. DEFINITIONS

This section consolidates and updates the definitions of terms that are located throughout the current Zoning Ordinance, including the general definitions in Sec. 54-120, and definitions elsewhere in the code, including but not limited to Sec. 54-961, Vested Rights; Sec. 54-821(j), Section 54-803, Subdivisions; Sec. 54-364, Transit Accommodations, and Sec. 54-306, Contributory Occupation, among others. As discussed in Section 1.4,



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Article 9: Definitions, Rules of Construction and Interpretation, and Rules of Measurement

Make the Language Clearer and More Precise, of the Diagnosis, we will evaluate all existing definitions, and then refine and update the definitions and add new definitions, as appropriate, so the rewritten Development Code has a clear, modern, and workable set of definitions. We will use the definitions found in the current Zoning Ordinance as a starting point for the definitions

section, but will add definitions related to the zone districts, the uses, and the development standards, as necessary. We will also revise definitions as necessary to ensure that the definitions do not contain substantive or procedural requirements. Finally, we will verify that key definitions conform to state and federal law, and constitutional requirements.



IV. Appendix

A. Location of Development Review Procedures in Current Zoning Ordinance

Table IV-1: Sections in the Current Zoning Ordinance for Development Review Procedures	
Procedure	Code Section
Architectural and Site Plan Review	
Certificate of Appropriateness (including signs)	Sec. 54-226, Sec. 54-231, Sec. 54-232, Sec. 54-237, Sec. 54-240, Sec. 54-243, Sec. 54-244, Sec. 54-907, Appendix D
Design Review District Plan (including signs)	Article 2, Part 11
Land Development Plan	Article 6
Ordinance and Map Amendments	
Planned Unit Development (PUD) Rezoning & Master Plan	Article 2, Part 7; Sec. 54-604; Sec. 54 809; Sec. 54 810; Sec. 54 942; Sec. 54 943; Sec. 54 944
Zoning Map Amendment (Rezoning)	Sec. 54-942, Sec. 54-943, Sec. 54-944
Zoning Ordinance Text Amendment	Sec. 54-942, Sec. 54-943, Sec. 54-944
Miscellaneous Procedures	
Land Development Agreement	Sec. 23-20 (City Code Chapter 23)
Zoning Staff Review [1]	Sec. 54-207, Sec. 54-329
Use-Related Procedures	
Bed & Breakfast Permit	Sec. 54-208, Sec. 54-227
Certificate of Occupancy	Sec. 54-908
Comprehensive Plan Compatibility Review	Sec. 54-945
Short-Term Rental Permit	Sec. 54-208, Sec. 54-227
Special Exception	Article 9, Part 2
Temporary Outdoor Dining Approval [2]	Sec. 54-215
Temporary Sidewalk Dining Permit [2]	Sec. 54-215
Temporary Sign Permit	Sec. 54-411
Temporary Special Event Permit for Agricultural Districts	Sec. 54-1023



Table IV-1: Sections in the Current Zoning Ordinance for Development Review Procedures	
Procedure	Code Section
Zoning Permit	Sec. 54-208, Sec. 54-210, Sec. 54-211, Sec. 54-227, Sec. 54-402, Sec. 54-950, Sec. 54-1006, Sec. 54-1023 through 1027
Subdivision-Related Procedures	
Major Subdivision	Article 8, Part 2
Minor Subdivision	Article 8, Part 2
Property Line Abandonment	Article 8, Part 2
Property Line Adjustment	Article 8, Part 2
Street Name Change	Appendix I, Sec. 54-821, Sec. 54-940
Relief	
Appeal of Administrative Decision (BAR)	Appendix D, Article III
Appeal of Administrative Decision (BZA)	Article 9, Part 2; Appendix C, Article III
Official Road Plan Exemption	Sec. 54-705
Variance	Article 9, Part 2; Appendix C, Article III
Zoning Ordinance & Map Interpretation	Sec. 54-103, Sec. 54-904
NOTES	
[1]	Zoning staff reviews include conditional uses, administrative tree removal requests, fences, and zoning compliance reviews for building permit applications. This is primarily an uncodified procedure.
[2]	These two procedures were implemented to address impacts of the COVID-19 pandemic and have expired.



B. Sample Zone District Layout

A full-size example of a zone district layout from another community is included on the following pages.



Sec. 24-3306. R-1A One-Family Residence District

A. Purpose

The purpose of the R-1A One-Family Residence District is to provide and protect residential areas wherein the predominant pattern of residential development is the one-family dwelling. Allowed uses include:

- One-family dwellings on lots of 21,500 sq. ft.; and
- Supporting institutional, recreational, and public facilities and uses.

B. Concept



C. Use Standards

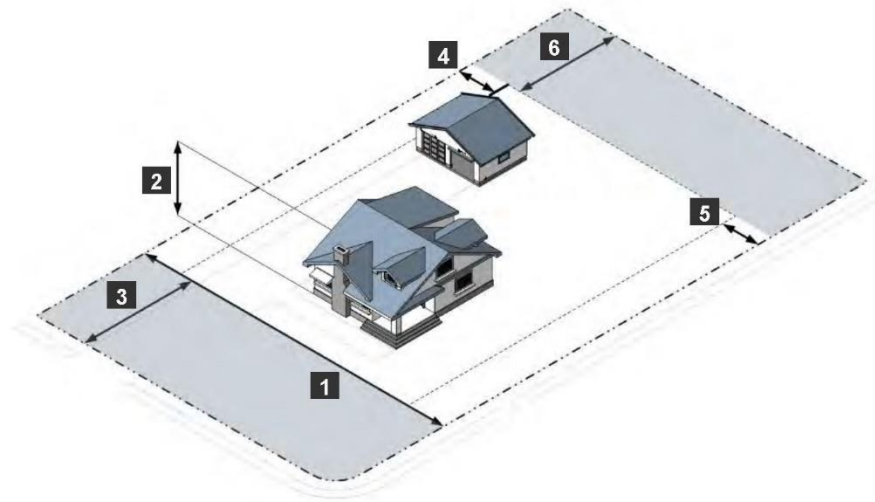
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

D. R-1A District Dimensional Standards

Standard	Dwellings	All other uses
Lot area, minimum	21,500 sf	1 ac
1 Lot width, minimum (feet)	125	150
2 Structure height, maximum (feet)	40	45
3 Front yard, minimum (feet)	45 ^[1]	50
4 Interior side yard, minimum (feet)	15	40
5 Street side yard, minimum (feet)	25 ^[1]	40
6 Rear yard, minimum (feet)	45 ^[1]	50

NOTES:

[1] Additional minimum yard requirements apply if a yard is adjacent to a road identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



E. Reference to Other Standards

Article 4	Use Regulations	Article 5, Division 6 Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7 Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8 Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9 Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6 Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8 Definitions

C. Example of Street Design Requirements in Current Zoning Ordinance

An example of the street design guidelines included in the current Zoning Ordinance, for the N: Neighborhood district, is provided below.

TABLE 8-2.1: STREET DESIGN REQUIREMENTS

Street Type	R-O-W ^{f,g}	Travel Lanes ^a	On-street Parking; ^{sup}	Curb	Curb/Intersection Radii ^h	Street trees (2 sides) ^l	Street tree spacing; ^{sup}	Sidewalks ^e	Bicycle Travel ^j
1 ND Mixed-Use Street	60' min.	Two-ways 10' min. travel lane	7' (2 sides) ^e	Vert.	15'	Tree Well (24 sq ft) or Planting Strip (4 ft. min. width)	20'—40'	8' min. (2 sides)	optional
2 ND Residential Street	50' min.	Two-ways 10' min. travel lane	7' (1 side) ^d	Vert.	15' ^g	Tree Well (24 sqft) or Planting Strip (3 ft. min. width)	30'—50'	5' min. (2 sides)	optional
3 ND One Way Street	40' min. one-way	One-way 11' min. travel lane	7' (1 side) ^d	Vert.	15'	Tree Well (24 sq ft) or Planting Strip (3 ft. min. width)	30'—50'	5' min. (2 sides)	optional

