



Town of Summerville
Special Called Council Meeting
Annex Building – 200 South Main Street, Summerville, SC 29483
Council Chambers, Third Floor
Tuesday, July 16, 2019 – 2:30pm

A G E N D A

1. Call to order
2. Public comment
3. First reading of an ordinance to amend Chapter 32 – Zoning, Article III – Zoning District Regulations, Sections 32-122, 32-123, 32-124, 32-125, 32-126, 32-127, and 32-128 by adding a new section to provide for a moratorium on the subdivision of a tract of land into five or more parcels. *(For consideration. May be amended.)*
4. First reading of an ordinance to amend Chapter 32 – Zoning; Article III – Zoning District Regulations; to amend Sec. 32-121-Zoning Districts Enumerated and to add Section 32-142 - R-1A single family residential.
5. First reading of an ordinance to amend Chapter 20 – Planning and Development; Article V – Traffic Impact Analysis; Section 20-152 – Traffic Impact Analysis Required, Subsection (a) – Applicability.
6. Discussion of Impact Fees
7. Discussion of Adequate Facilities Ordinance
8. Executive session
 - a. Legal matter related to amendments, additions or deletions to Town Ordinances: Chapter 32 – Zoning, Article III – Zoning District Regulations; and Chapter 20 – Planning and Development, Article V – Traffic Impact Analysis
 - b. Legal matter related to Moratorium Ordinance
9. Adjourn

AN ORDINANCE

AN ORDINANCE TO PROVIDE FOR A MORATORIUM ON THE SUBDIVISION OF A TRACT OF LAND INTO FIVE OR MORE PARCELS.

BE IT ORDAINED, by the Mayor and Council members of the Town of Summerville, in Council assembled, that Chapter 32 – Zoning, Article III – Zoning District Regulations, Sections 32-122, 32-123, 32-124, 32-125, 32-126, 32-127, and 32-128 of the Code of Ordinances of the Town of Summerville, South Carolina, are hereby amending by adding a new Section as follows:

WHEREAS, the Town of Summerville has established by ordinance a hierarchy of zones designed to guide development in accordance with existing and future needs; for the purpose of promoting the health, safety, morals or general welfare of the town; lessening congestion in the streets, securing safety from fire; providing adequate light, and to prevent the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public improvements; protecting scenic and critical areas and protecting areas subject to periodic flooding; and,

WHEREAS, the subdivision of tracts of land into five or more parcels for the purpose of constructing new dwelling abodes has and is placing an undue burden on the Town's ability and resources to provide: (1) adequate fire and police protection; (2) the safety of its' streets and thoroughfares; and, (3) sufficient stormwater infrastructure to prevent flooding, all of which are necessary to provide for the needs of its new and current citizens; and,

WHEREAS, the Town has been unable to determine any alternative less burdensome on the property rights of its' citizens; and,

WHEREAS, the current Town Zoning Ordinances are insufficient to address the needs of its' growing community; and,

WHEREAS, the Town is currently: (1) undergoing a study to revise its' Comprehensive Plan; (2) having a Traffic Impact Analysis Study performed; (3) revising a Unified Development Ordinance which has been given 1st Reading; and, (4) undergoing a Capital Needs Plan - all of which are designed for and being done to provide for orderly development for the future needs of the Town in keeping with its' history and character; and,

WHEREAS, the Town, in consultation with its Planning Commission and staff, will need time to determine how its Zoning Ordinance and Comprehensive Plan will best be revised upon the completion of the ongoing studies; and,

WHEREAS, the Town has determined that it is necessary to protect the public's health, safety and welfare by passing an ordinance declaring a moratorium as provided below on the division of any tract of land into five (5) or more parcels, for zones R-1, R-2, R-3, PUD (Planned Development District), R-5, R-6, and, R-7.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council Members of the Town of Summerville in Council assembled of the Town of Summerville, in Council assembled:

1. A Moratorium is hereby enacted to prevent the subdivision of any tract of land into five (5) or more parcels located in Zones R-1, R-2, R-3, PUD, R-5, R-6, and R-7; and,
2. This Moratorium shall be effective for Ninety (90) days from the date of 2nd Reading; and,
3. All Ordinances inconsistent with this Moratorium are likewise suspended to the extent of such inconsistency; and,

IT IS SO ORDAINED!

Wiley Johnson, Mayor

AN ORDINANCE 19-
AN ORDINANCE TO AMEND CHAPTER 32 – ZONING;
ARTICLE III - ZONING DISTRICT REGULATIONS

BE IT ORDAINED, by the Mayor and Council of the Town of Summerville, in Council assembled, that Chapter 32 – Zoning; Article III – Zoning District Regulations, is hereby amended as follows:

(Amend to include R-1A in list)

Sec. 32-121 – Zoning Districts Enumerated

(a) The town is hereby divided into the following zoning districts for the purposes of applying the provisions of this chapter:

- R-1 Single family residential
- R-1A Single Family Residential**
- R-2 Single Family Residential
- R-3 Single Family Residential (attached buildings)
- R-5 Mixed Residential
- R-6 Multifamily Residential
- R-7 Mobile Home and Trailer Parks
- B-1 Residential Business
- B-2 Neighborhood Business Centers
- B-3 General Business
- I-1 Limited Industrial
- I-2 Industrial
- AC Agricultural Conservation
- PL Public Lands
- PUD Planned Unit Development

(Add Section 32-142 in its entirety to Chapter 5 – Zoning; Article III – Zoning District Regulations)

Sec. 32-142 - R-1A single family residential

- a. *Purpose:* The purpose of this R-1A single-family residential district is to establish and preserve low-to-medium density residential areas designed to encourage and continue a stable and healthy environment for residential uses and to exclude uses which are not compatible with such residential uses. This R-1A district will principally include parcels that are subdivided from larger undeveloped parcels existing in and surrounded by the older established residential areas of the town. This R-1A district will encourage the continued use and development of residential areas distinctive to the old town community, consistent with their surroundings.
- b. *Permitted Uses:* All permitted uses in R-1.
- c. *Accessory uses:* All permitted accessory uses in R-1.
- d. *Uses allowed with special use permit:* All uses permitted by special permit in R-1, except golf courses.
- e. *Area and yard requirements:*
 - 1. Minimum lot size: 14,000 square feet
 - 2. Minimum lot frontage: 30 feet

3. Front yard setback: 30 feet (same for accessory buildings)
 4. Side yard setback: 15 feet (ten feet for accessory buildings)
 5. Backyard setback: 25 feet (five feet for accessory buildings).
- f. *Signs.* Same as R-1.
- g. *Parking requirements.* Same as R-1.
- h. *Building design and site plan review.* Building design and site plan review in the R-1A district are as follows:
1. Maximum building height: 35 feet for main structure. Accessory buildings can be no higher than the main structure but in no event shall any accessory building be higher than 20 feet regardless of the height of the main structure.
 2. Maximum impervious surface area: 30 percent.
 3. See article VIII of this chapter for site plan review requirements.

AN ORDINANCE 19-
AN ORDINANCE TO AMEND CHAPTER 20 – PLANNING AND DEVELOPMENT;
ARTICLE V – TRAFFIC IMPACT ANALYSIS

BE IT ORDAINED, by the Mayor and Council of the Town of Summerville, in Council assembled, that Chapter 20 – Planning and Development; Article V – Traffic Impact Analysis; Section 20-152 – Traffic Impact Analysis Required, Subsection (a) is hereby amended as follows:

Section 20-152 – Traffic Impact Analysis Required

- a) Applicability. A traffic impact analysis (TIA) shall be required for any development that would generate more than 400 **50** trips during the peak hour on the adjacent street in accordance with the ITE Trip Generation Manual, latest edition.
 - a. A second phase, second subdivision, or addition that generates traffic beyond this threshold when taken as a whole shall also require a TIA, even though that development does not qualify on its own.
 - b. Change of use. A new TIA will be required if the new use would generate traffic beyond the 400 **50** trips during peak hour threshold.
 - ~~e. A TIA can be required at any time as determined by the town engineer or designee.~~
 - c. A TIA can be required at any time as determined by the town engineer or designee in his/her sole discretion and judgement when there is a belief that the development may create an adverse impact to the surrounding area.