



**Town of Summerville
Planning Commission**

**The public and Town Council members are invited to attend
December 16, 2019 - 4:00 PM
Summerville Town Hall, Training Room
200 S. Main Street, Summerville, SC**

For additional information regarding items on this agenda including any public hearings, please contact the Planning Department at 843.851.5200. Applications and related documents for this meeting are available for review at any time at www.summervillesc.gov, Public Notices; and, in the Planning Department during regular business hours, Monday–Friday, 8:30–5:00 excluding Town of Summerville holidays.

I. APPROVAL OF MINUTES:

1. Approval of minutes from meeting on November 18, 2019.

II. PUBLIC HEARINGS:

1. Proposed amendments to the Summerville Unified Development Ordinance, Chapter 2, Section 2.5, Mixed-Use District Standards.
2. Proposed amendments to the Summerville Unified Development Ordinance, Chapter 3, Section 3.3, Table of Permitted Uses, Section 3.4.5.A, Adult Establishment, and 3.6.1.B, Permitted Temporary Uses; Chapter 4, Section 4.3.1, Applicability; Chapter 8, Section 8.3.3.E.2, Other Preservation Areas; Chapter 13, Section 13.1.2, Conformity With Code, Section 13.3.1, General Provisions For All Boards And Commissions, Section 13.4.7.B, Vested Rights And Expiration Of Approvals, Section 13.6.2.B.3, Application Forms And Fees, Section 13.8.1.B, Certificate Of Appropriateness (Minor), Section 13.11.2.D, Planned Unit Development Districts; and Chapter 14, Section 14.1.2, Violations Generally, Section 14.3.2.B.3, Other Remedies And Penalties.

III. OLD BUSINESS:

IV. NEW BUSINESS:

1. New Street Names (as needed)
2. Proposed amendments to the Summerville Unified Development Ordinance, Chapter 2, Section 2.5, Mixed-Use District Standards.

3. Proposed amendments to the Summerville Unified Development Ordinance, Chapter 3, Section 3.3, Table of Permitted Uses, Section 3.4.5.A, Adult Establishment, and 3.6.1.B, Permitted Temporary Uses; Chapter 4, Section 4.3.1, Applicability; Chapter 8, Section 8.3.3.E.2, Other Preservation Areas; Chapter 13, Section 13.1.2, Conformity With Code, Section 13.3.1, General Provisions For All Boards And Commissions, Section 13.4.7.B, Vested Rights And Expiration Of Approvals, Section 13.6.2.B.3, Application Forms And Fees, Section 13.8.1.B, Certificate Of Appropriateness (Minor), Section 13.11.2.D, Planned Unit Development Districts; and Chapter 14, Section 14.1.2, Violations Generally, Section 14.3.2.B.3, Other Remedies And Penalties.

V. MISCELLANEOUS:

1. Comprehensive Plan & Master Transportation Plan Update

VI. ADJOURNMENT:

Chairman or Vice Chairman

Posted December 9, 2019

The Town of Summerville Planning Commission Meeting
Minutes
November 18, 2019

This meeting of the Town of Summerville Planning Commission was attended by Commission Members, Jim Reaves, Chairman; Tom Hart; Elaine Segelken; and Betty Profit. Jonathan Lee and Kevin Carroll were absent. Staff in attendance included Jessi Shuler, Director of Planning.

Jim Reaves, Chairman, called the meeting to order at 4:01 PM.

Approval of Minutes:

The Chairman asked if there were any edits or additions to the minutes from the meeting on October 21, 2019. Mr. Hart made a motion to approve the minutes as presented, and Ms. Segelken made the second. The motion passed unanimously.

Public Hearings:

The first public hearing opened at 4:02 PM and was for the request to rezone TMS# 145-02-11-003, located on E. Carolina Ave., approximately 4.65 acres, and owned by Dr. Thomas M. Leland from GR-2, Single-Family Residential, to N-B, Neighborhood Business. Mr. Reaves introduced the request and asked if the applicant was in attendance. Seeing that the applicant was not in attendance and no public wished to speak on the matter, Mr. Reaves closed the public hearing at 4:03 PM.

The second public hearing opened at 4:03 PM and was for the request to rezone TMS# 145-02-11-002, located at 208 E. Carolina Ave., approximately 0.61 acres, and owned by Margaret B. and Michael B. Murray from GR-2, Single-Family Residential, to N-B, Neighborhood Business. Mr. Reaves introduced the request and asked if the applicant wished to present his request. Michael Murray, the owner, explained that his father purchased the land back in 1955 and built the home. At the time, his father did not anticipate the explosive growth in the area. The house is the only one on that side of the road with a driveway out to E. Carolina Avenue. Mr. Murray stated that he has tried to sell the house, but all of the interested buyers have had major concerns about exiting the driveway, as there is a brick wall that blocks the sight line back up E. Carolina. His stated that his property is adjacent to the Leland property, which is contiguous with the commercial properties on the other side of the Sawmill Branch Canal. Mr. Murray also described some drainage issues that he has been experiencing in his front yard after E. Carolina Avenue was widened when the Berlin G. Myers Parkway was constructed. In addition, the future uncertainty about the Berlin G. Myers extension has impacted his ability to sell the home as a residence. Hearing no further public comment, Mr. Reaves closed the public hearing at 4:08 PM.

Old Business:

There were no items under Old Business.

New Business:

The first item under New Business was New Street Names (as applicable). Ms. Shuler explained that they did have three street names for approval in an apartment complex in the Six Oaks PUD off of Tupperway Drive. The apartment complex, called Vantage at Summerville, had the following road names cleared by the County addressing entities: Six Oaks Circle, Carolina Cherry Circle, and Golden Bell Circle. Ms. Shuler explained that all three names could be approved. She also stated that one of the road's suffixes may need to be changed to Lane, as three other road names submitted with the suffix of lane had conflicts with existing road names and were not cleared by the County addressing entities. Ms. Segelken made a motion to approve all three road names, and Ms. Profit made the second. The motion passed unanimously.

The second item under New Business was the request to rezone TMS# 145-02-11-003, located on E. Carolina Ave., approximately 4.65 acres, and owned by Dr. Thomas M. Leland from GR-2, Single-Family Residential, to N-B, Neighborhood Business. Mr. Reaves introduced the request. Mr. Hart made a motion to grant the rezoning request, and Ms. Profit made the second. Mr. Reaves opened the floor to discussion, and Ms. Segelken expressed concerns about commercial uses spreading up E. Carolina Avenue toward S. Main Street. She asked for confirmation from Ms. Shuler that setbacks and buffers would be required between these properties (the one in question and the next one on the agenda) and adjacent residential properties, and Ms. Shuler confirmed that that was correct. Ms. Shuler noted that staff recommended approval of these rezonings, as they fell under a different Future Land Use classification than the other adjacent residential properties, and Bird Street appeared to be a clear distinction, as it was also the boundary for the Historic District. Mr. Hart explained that he was also sensitive to extending the commercial zoning, but he believes that in this circumstance the Berlin G. Myers Parkway has taken over the residential character of these properties and both have already been economically impacted. Mr. Reaves agreed that these properties served as a de facto transition area given the Berlin G. Myers Parkway and planned extension. Following the discussion, Mr. Reaves called for the question, and the motion passed unanimously.

The third item under New Business was the request to rezone TMS# 145-02-11-002, located at 208 E. Carolina Ave., approximately 0.61 acres, and owned by Margaret B. and Michael B. Murray from GR-2, Single-Family Residential, to N-B, Neighborhood Business. Mr. Reaves introduced the request. Mr. Hart made a motion to grant the rezoning request, and Ms. Segelken made the second. Mr. Reaves opened the floor to discussion, and Ms. Segelken reiterated her thoughts and considerations as expressed on the previous agenda item. Mr. Reaves called for the question, and the motion passed unanimously.

Miscellaneous:

The first item under Miscellaneous was the Comprehensive Plan & Master Transportation Plan Update. Ms. Shuler informed the Commission that staff had received the Draft Vision, Goals, and Objectives, which they would be reviewing in the next week or so. Any comments will be discussed with the consultant prior to them beginning to draft the Comprehensive Plan elements.

Adjourn

With no further business for the Commission, Ms. Segelken made a motion to adjourn with Mr. Hart making the second, and Mr. Reaves adjourned the meeting at 4:21 PM.

Respectfully Submitted,

Jessi Shuler
Director of Planning

Date: _____

Approved: _____
Jim Reaves, Chairman or Elaine Segelken, Vice Chairman

AN ORDINANCE

TO AMEND THE SUMMERVILLE UNIFIED DEVELOPMENT ORDINANCE TO PROVIDE FOR CHANGES TO CHAPTER 2, SECTION 2.5, MIXED-USE DISTRICT STANDARDS, OF THE TOWN OF SUMMERVILLE CODE OF ORDINANCES

BE IT ORDAINED by the Mayor and Council members of the Town of Summerville, in Council assembled, that Chapter 2, Section 2.5, Mixed-Use District Standards, of the Summerville Unified Development Ordinance is hereby amended as follows:

2.5 MIXED-USE DISTRICT STANDARDS

DISTRICT	N-R	N-MX	D-MX	UC-MX
<i>Replaces Previous Districts</i>	R-3 / R-5	B-1 / some B-2	CBD/B-3	B-3 (redevelopment areas)
1. DEVELOPMENT				
A. Maximum Density	N/A	N/A	N/A	N/A
B. Required Open Space/Park Space (Note 1)	5%/5%	5%/5%	2% if 5 acres or more	2% if 5 acres or more
C. Perimeter Buffer	None unless adjacent to existing GR-2 & GR-5	None unless adjacent to existing GR-2 & GR-5	None unless adjacent to existing GR-2 & GR-5	None unless adjacent to existing GR-2 & GR-5
2. LOT CONFIGURATION				
A. Lot Size	N/A	N/A	N/A	N/A
B. Maximum Lot Coverage (Note 2)	50% of lot area	80% of lot area	100%	100%
C. Frontage Buildout	N/A	60% min	75% min	N/A
D. Lot Width at Front Setback	15 ft	N/A	N/A	N/A
3. PRIMARY BUILDING PLACEMENT (NOTE 3)				
A. Front Setback	10 ft min	0 ft min	0 ft min	0 ft min
	20 ft max	15 ft max	5 ft max	5 ft max
B. Side Setback - Corner	10 ft min	0 ft min	0 ft min	0 ft min
	No max	10 ft max	15 ft max	15 ft max
C. Side Setback - Interior	0 feet or 10 ft min between detached buildings	0 feet or 10 ft min between detached buildings	5 ft max	5 ft max
D. Rear Setback (Note 4)	20 ft min	5 ft min	5 ft min	5 ft min
E. Rear Setback from Alley (Note 5)	3 ft	0 ft	5 ft	5 ft
F. Attached Garage Setback (from front facade) (Note 4 & 6)	5 ft min behind primary façade (detached homes only - not permitted otherwise)	Attached garages along frontage are prohibited	Attached garages along frontage are prohibited	Attached garages along frontage are prohibited
4. ACCESSORY BUILDING PLACEMENT (NOTE 4)				
A. Side Setback - Corner	5 ft min	3 ft min	2 ft min	2 ft min
B. Side Setback - Interior	5 ft min	5 ft min	0 ft min	0 ft min
C. Rear Setback (Note 4)	5 ft min	5 ft min	3 ft min	3 ft min
D. Rear Setback from Alley (Note 4)	3 ft min	3 ft min	3 ft min	3 ft min
E. Detached Garage Door Setback (from front facade) (Note 6)	15 from centerline of the alley	15 from centerline of the alley	Must be located behind primary building and accessed via alley or side street	

DISTRICT	N-R	N-MX	D-MX	UC-MX
<i>Replaces Previous Districts</i>	R-3 / R-5	B-1 / some B-2	CBD/B-3	B-3 (redevelopment areas)

5. BUILDING HEIGHT				
A. Primary Building Height	36 feet max	40 feet max	55 feet max	55 feet (may be waived through Design Review if site is north of Hwy 78 and does not front Hwy 78)
B. Accessory Building Height (Note 7)	20 feet max	20 feet max	20 feet	30 feet

6. PARKING LOCATION (NOTE 8)				
A. Zone 1 (Front Yard)	Restricted to detached homes only	N/A	N/A	N/A
B. Zone 2 (Side Yard)	✓	✓	N/A	✓
C. Zone 3 (Rear Yard)	✓	✓	✓	✓
D. Unrestricted	N/A	N/A	N/A	N/A

Ratified this _____ day of _____, 2020 A.D.

Richard Waring, Mayor

Beth Messervy, Town Clerk

PUBLIC HEARING: December 16, 2019

FIRST READING: November 14, 2019

SECOND READING: _____

AN ORDINANCE

TO AMEND THE SUMMERVILLE UNIFIED DEVELOPMENT ORDINANCE TO PROVIDE FOR CHANGES TO CHAPTER 3, SECTION 3.3, TABLE OF PERMITTED USES, SECTION 3.4.5.A, ADULT ESTABLISHMENT, AND 3.6.1.B, PERMITTED TEMPORARY USES; CHAPTER 4, SECTION 4.3.1, APPLICABILITY; CHAPTER 8, SECTION 8.3.3.E.2, OTHER PRESERVATION AREAS; AND CHAPTER 13, SECTION 13.1.2, CONFORMITY WITH CODE, SECTION 13.3.1, GENERAL PROVISIONS FOR ALL BOARDS AND COMMISSIONS, SECTION 13.4.7.B, VESTED RIGHTS AND EXPIRATION OF APPROVALS, SECTION 13.6.2.B.3, APPLICATION FORMS AND FEES, SECTION 13.8.1.B, CERTIFICATE OF APPROPRIATENESS (MINOR), SECTION 13.11.2.D, PLANNED UNIT DEVELOPMENT DISTRICTS; AND CHAPTER 14, SECTION 14.3.1, REMEDIES AND PENALTIES, GENERAL, SECTION 14.3.2.B.3, OTHER REMEDIES AND PENALTIES, OF THE TOWN OF SUMMERVILLE CODE OF ORDINANCES

BE IT ORDAINED by the Mayor and Council members of the Town of Summerville, in Council assembled, that Chapter 3, Section 3.3, Table of Permitted Uses, Section 3.4.5.A, Adult Establishment, and 3.6.1.B, Permitted Temporary Uses; Chapter 4, Section 4.3.1, Applicability; Chapter 8, Section 8.3.3.E.2, Other Preservation Areas; Chapter 13, Section 13.1.2, Conformity With Code, Section 13.3.1, General Provisions For All Boards And Commissions, Section 13.4.7.B, Vested Rights And Expiration Of Approvals, Section 13.6.2.B.3, Application Forms And Fees, Section 13.8.1.B, Certificate Of Appropriateness (Minor), Section 13.11.2.D, Planned Unit Development Districts; and Chapter 14, Section 14.3.1, Remedies And Penalties, General, Section 14.3.2.B.3, Other Remedies And Penalties, of the Summerville Unified Development Ordinance is hereby amended as follows:

Chapter 3

Section 3.3 – Table of Permitted Uses

Under Lodging, **Inn (Up to 24 Rooms)**, the “C” will be changed to “P” for the N-MX, D-MX, and UC-MX Districts; Under Office/Service, **Professional Services**, the “C” will be changed to “P” for both the N-MX and D-MX Districts.

Section 3.4.5.A – Adult Establishment

(G-B) will be deleted and replaced with (H-I).

Section 3.6.1.B – Permitted Temporary Uses

UC-MX will be added to the list of districts in which open lot sale of seasonal natural products is allowed.

Chapter 4

Section 4.3.1 – Applicability

The number of units or lots will be changed to “5” from “3.”

Chapter 8

Section 8.3.3.E.2 – Other Preservation Areas

“Tree Protection Advisory Committee” will be changed to “Tree Protection Board.”

Chapter 13

Section 13.1.2 – Conformity With Code

The following will be added after “void”: “provided that said permit, license, or certificate has not been detrimentally relied upon.”

Section 13.3.1 and 13.3.1.A – General Provisions For All Boards And Commissions

The first sentence will be amended to read as follows: “Unless otherwise noted in this Ordinance or any other adopted law or policy, the following shall apply to all Boards and Commissions delineated in Chapter 13 and their members.”

The first sentence of Letter A will be amended to read as follows: “All Board/Commission members shall be appointed by the Mayor and Town Council with the Mayor and each Council Member making one appointment following the procedures set forth in Town Code Section 2-160.”

Section 13.4.7.B – Vested Rights And Expiration Of Approvals

The following will be deleted from the last sentence of Letter B: “unless an amendment to this ordinance has been adopted that prohibits approval.”

The last sentence under Section 13.4.7.B.5 will be amended to read as follows: “The lapse of more than 180 days shall cause the expiration of the Development Plan approval unless an extension is approved.”

Section 13.6.2.B.3 – Application Forms And Fees

This section will be amended to read as follows: “An applicant who has paid an appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to any staff review or action taken, shall be entitled to a refund of the total amount paid upon written request to the Town.”

Section 13.8.1.B – Certificate Of Appropriateness (Minor)

This last two sentences of this section will be amended to read as follows: “Town Staff shall determine whether the activity is considered a Minor Work. Any appeals of the determination of Town Staff shall be to the BAR.”

Section 13.11.2.D – Planned Unit Development Districts

“Building Elevations (13.5.2.G)” and “Schematic Plan (13.5.2.C)” will be deleted from this section.

Chapter 14

Section 14.3.1 – Remedies And Penalties, General

This section will be amended to read as follows: “Any person violating the UDO shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in the Town of Summerville Code of Ordinances, Chapter 1, Section 1-8. Each day during which the violation continues is a separate offense also punishable by Section 1-8.”

Section 14.3.2.B.3 – Other Remedies And Penalties

This section will be amended to read as follows: “The permit or development approval was issued in error, provided that it has not been detrimentally relied upon.”

Ratified this _____ day of _____, 2020 A.D.

Richard Waring, Mayor

Beth Messervy, Town Clerk

PUBLIC HEARING: December 16, 2019

FIRST READING: January 9, 2020

SECOND READING: _____