

Henry E Darby, Chair
Jenny Costa Honeycutt
Anna B Johnson
Kylon Jerome Middleton
Brantley Moody
Teddie Pryor
Herb Sass
Dickie Schweers
Robert L Wehrman



Planning & Public Works Committee Agenda
August 18, 2022 at 5:00 PM
4045 Bridge View Drive, North Charleston, SC 29405

- 1 APPROVAL OF MINUTES**
 - 1A Minutes of July 7, 2022** - Request to Consider

- 2 REZONING REQUESTS**
 - 2A ZREZ-03-22-00132 (Storey Farms)** - Request to Consider
 - 2B ZREZ-04-22-00134 (Ladson Road)** - Request to Consider

- 3 PLANNING/ZONING/CODE ENFORCEMENT REQUESTS**
 - 3A Proposed Amendments to the Noise Ordinance** - Request to Consider

MINUTES OF JULY 7, 2022

ZREZ-03-22-00132: Case History

Planning Commission Meeting: June 13, 2022

Public Hearing: July 12, 2022

PPW Committee: August 18, 2022

1st Reading: August 23, 2022

2nd Reading: September 6, 2022

3rd Reading: October 11, 2022

CASE INFORMATION

Applicant: Bill Eubanks

Owner: Jeremy & Alison Storey

Location: 4104 Betsy Kerrison Parkway and 3317 Trumpet Road (Johns Island area)

Parcel Identification: 203-00-00-232 and 203-00-00-233

Application: Request to rezone TMS 203-00-00-232 and 203-00-00-233 from the Agricultural Residential (AGR) Zoning District to Storey Farms Planned Development (PD-183) Zoning District.

Council District: 8 (Johnson)

Property Size: 2.96 acres

Overview of Requested PD Guidelines:

- Proposed Allowed Land Uses:
 - A. Food Sales
 - B. Food Truck and Food Vendor
 - C. Fire Pit and Oyster Roast Area
 - D. Sale of Alcohol
 - E. Garden/Crop Areas
 - F. Agricultural Processing
 - G. Agricultural Storage
 - H. Accessory Structures
 - I. Education Trail/Petting Zoo
 - J. Single Family Detached Residential (pursuant to AGR Zoning District requirements)
 - K. Roof-mounted Solar Collector
- Special Events will not exceed the five allowed per Sec. 6.7.3 of the ZLDR and will comply with all applicable regulations at the time of permit submittal. No amplified music, outside of permitted Special Events.
- All signage will comply with Art. 9.8 of the ZLDR. Freestanding on-premises signs will comply with agricultural signage requirements of the ZLDR.
- Minimum parking requirements will be provided in compliance with Art. 9.3 of the ZLDR. Parking will be allowed in front of the principal building, which a 4-foot fence will screen.
- Will comply with the AGR Zoning District regulations of the ZLDR in effect at the time of application submittal for all matters not specifically addressed in the PD.
- Proposed Density, Intensity, and Dimensional Standards:

Minimum Setbacks (feet)

Betsy Kerrison Parkway: 75 (also serves as buffer)

Trumpet Road: 20 (also serves as buffer)*

Rear: 30+

Side:	5**
Minimum Lot Size:	30,000 square feet
Minimum Lot Width:	100 feet
Density:	1 Dwelling Unit per Acre
Lot Building Coverage Maximum:	30%
Building Height (feet) Maximum:	35 feet (measure from the base flood elevation)

**proposed setback is less restrictive than the standards for the current AGR zoning, which is 50 ft*
+proposed setback is more restrictive than the standards for the current AGR zoning, which is 15 ft
***proposed setback is less restrictive than the standards for the current AGR zoning, which is 15 ft*

Zoning History: In 1999, the subject parcels were zoned Agriculture General (AG) and became Agricultural Residential (AGR) with the adoption of the Zoning and Land Development Regulations Ordinance in 2001. Prior to this request, there have been no previous rezoning requests for these properties.

Adjacent Zoning: The subject properties contain a farmstand/retail store, petting zoo, and agricultural storage. Surrounding properties in all directions are zoned Agricultural Residential (AGR) and contain residential uses or are undeveloped.

Municipalities Notified/Response: The City of Charleston, Town of James Island, Town of Kiawah Island, City of North Charleston, and Town of Seabrook Island were notified of the request. Any responses are included in this packet.

APPROVAL CRITERIA

Pursuant to ZLDR Section 4.25.8.J, Approval Criteria: “Applications for Planned Developments may be approved only if County Council determines that the following criteria are met:”

- A. The PD Development Plan complies with the standards contained in this Article;

Staff Response: The development is consistent with the standards of the Planned Development Zoning District article. Therefore, this criterion is met.

- B. The development is consistent with the intent of the *Comprehensive Plan* and other adopted policy documents; and

Staff Response: The Comprehensive Plan recommends the Agricultural Residential Future Land Use Designation for these parcels, of which the “ ‘byright’ uses include residential development, agriculture, and other uses necessary to support the viability of agriculture.” The Planned Development proposes uses compatible with those described in the Comprehensive Plan; therefore, this criterion is met.

- C. The County and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.

Staff Response: Upon obtaining Letters of Coordination from Public Works Stormwater and Public Works Engineering, the applicant will have demonstrated that all applicable agencies will be able to provide the necessary services, facilities, and programs to serve the proposed development.

STAFF RECOMMENDATION:

The approval criteria have been met, therefore staff recommends approval with the following conditions:

1. Obtain letters of coordination from Public Works Stormwater and Public Works Engineering.
2. Remove the following sentence from the page 4 of the PD Guidelines: “Any future Restaurant shall be a maximum of 8,000 square feet,” as the PD is not proposing a Restaurant use.

PLANNING COMMISSION MEETING: JUNE 13, 2022

Recommendation: Approval with the staff conditions above and the following additional condition (vote 6-0):

1. Replace all instances of "intent" in the PD-183 document with "shall."

Public Input: Three letters in opposition have been received. Twelve letters were received that stated the application could be supported if changes are made to the proposed PD.

Speakers: The applicant and the property owner spoke in support of the request. Two individuals spoke in opposition of the request.

Notifications: 240 notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel, and individuals on the Johns Island Interested Parties List on May 27, 2022. Additionally, this request was noticed in the *Post & Courier* on May 27, 2022.

PUBLIC HEARING: JULY 12, 2022

Public Input: No letters were received in support or opposition of this request.

Speakers: The applicant and the property owner spoke in support of the request. One individual made a general comment about the request.

Notifications: 240 notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel, and individuals on the Johns Island Interested Parties List on June 24, 2022. Additionally, this request was noticed in the *Post & Courier* on June 24, 2022.

PLANNING AND PUBLIC WORKS COMMITTEE MEETING: AUGUST 18, 2022



Charleston County Zoning Map Amendment Request

Planning and Public Works Committee: August 18, 2022

First Reading: August 23, 2022

Second Reading: September 6, 2022

Third Reading: October 11, 2022

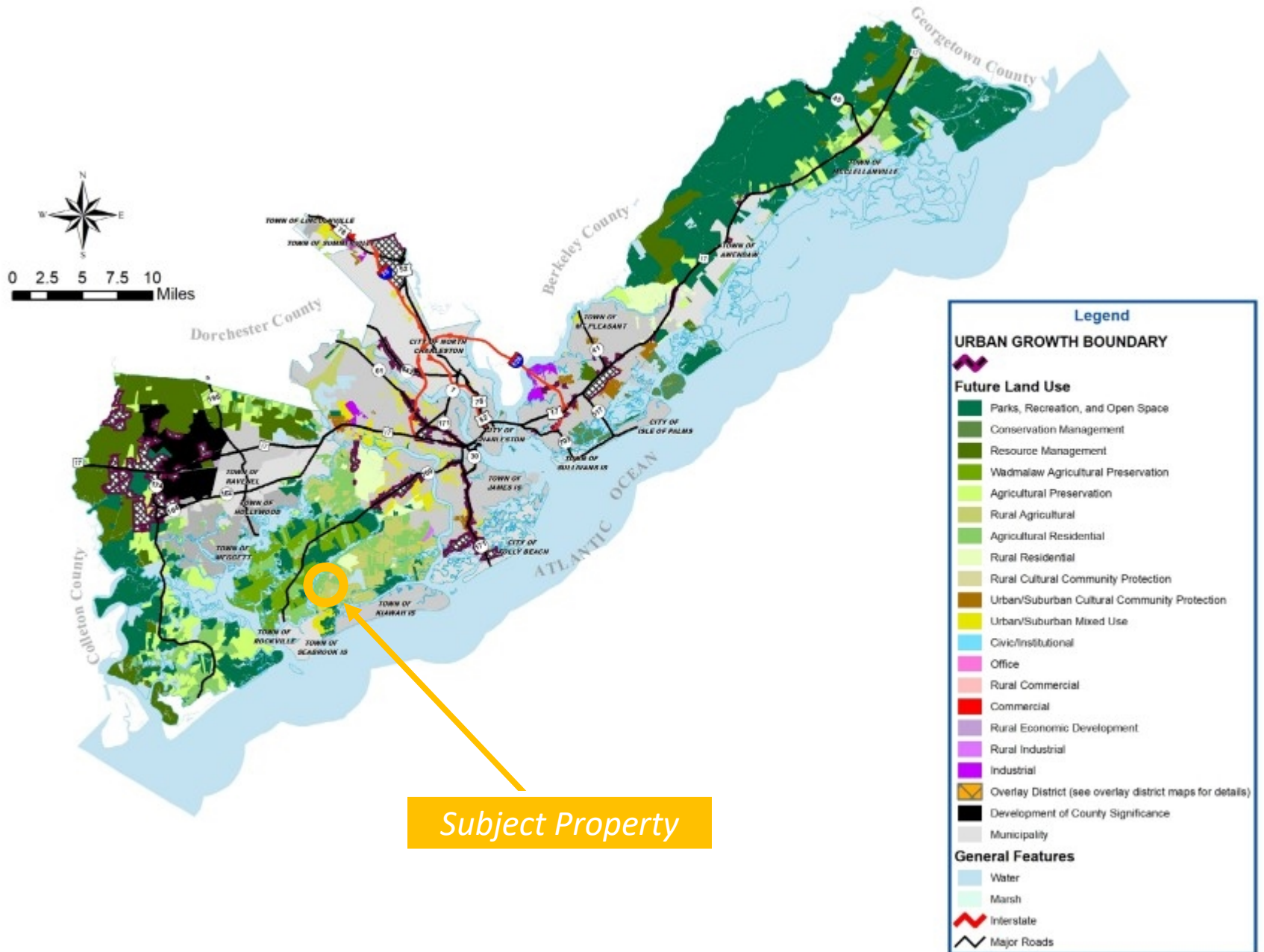
ZREZ-03-22-00132

Request to rezone TMS 203-00-00-232 and 203-00-00-233 from the Agricultural Residential (AGR) Zoning District to Storey Farms Planned Development (PD-183) Zoning District.

- Johns Island: 4104 Betsy Kerrison Parkway and 3317 Trumpet Road
- Parcel I.D.: 203-00-00-232 & -233
- Owner: Jeremy & Alison Storey
- Applicant: Bill Eubanks
- Property Size: 2.96 acres
- Council District: 8 - Johnson

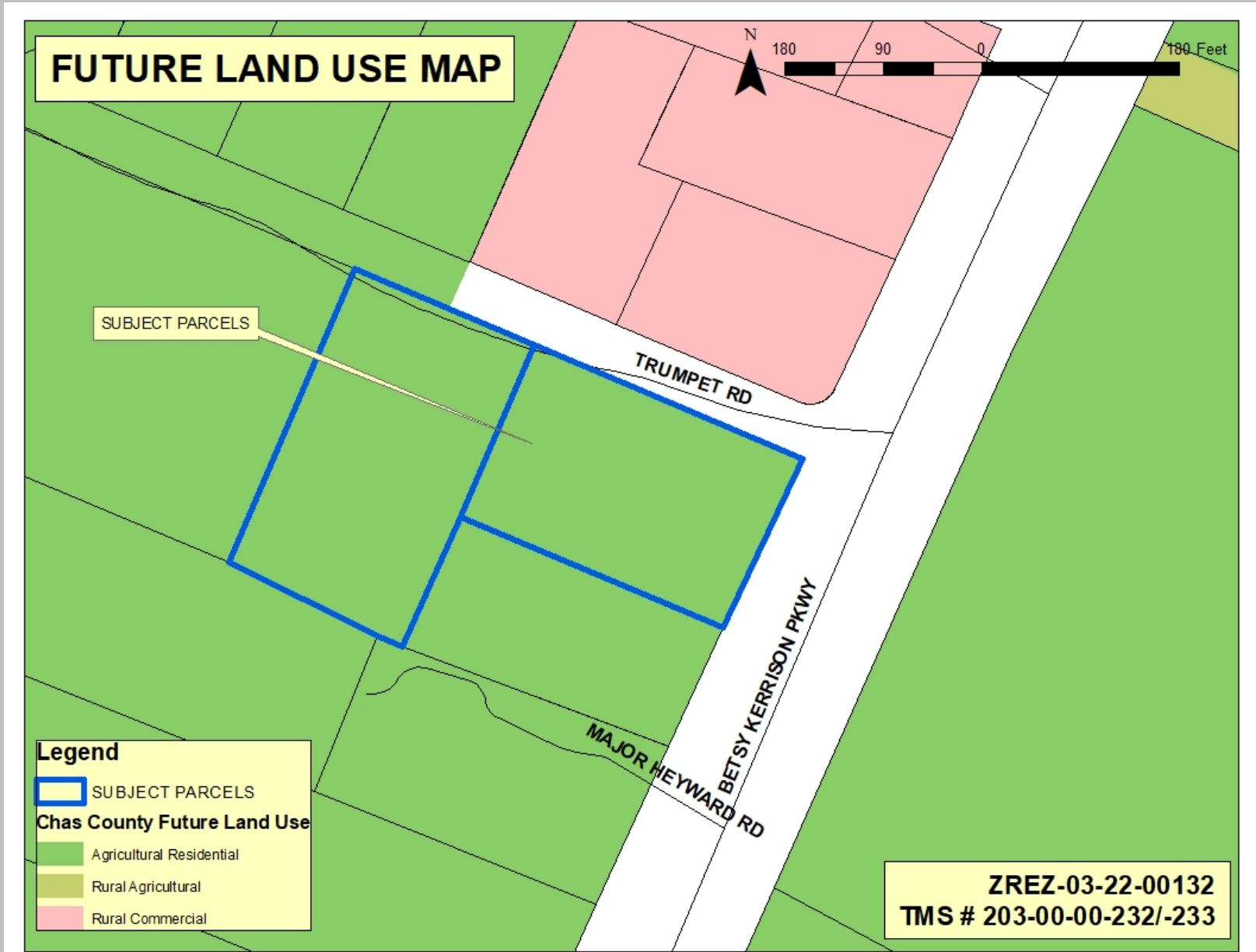
Zoning History

- In 1999, the subject parcels were zoned Agriculture General (AG) and became Agricultural Residential (AGR) with the adoption of the Zoning and Land Development Regulations Ordinance in 2001.
- Prior to this request, there have been no previous rezoning requests for these properties.

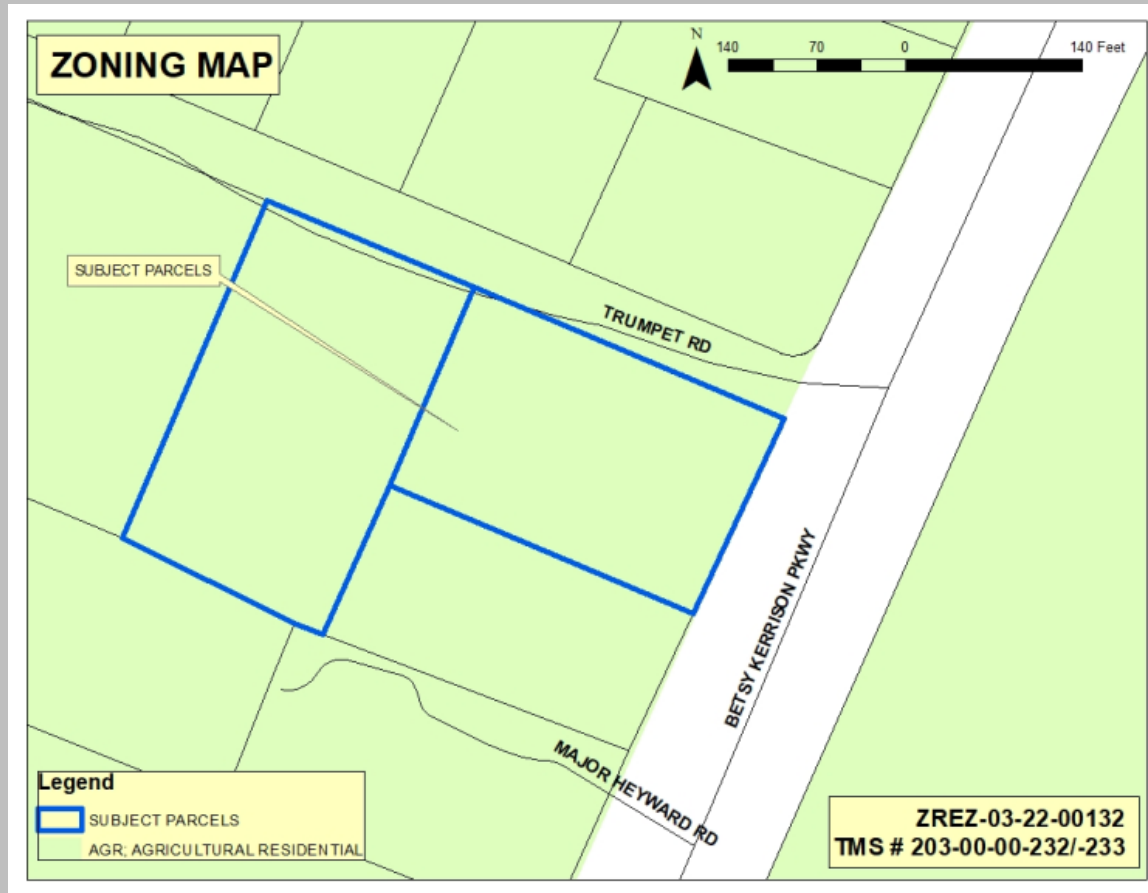


Subject Property

Future Land Use

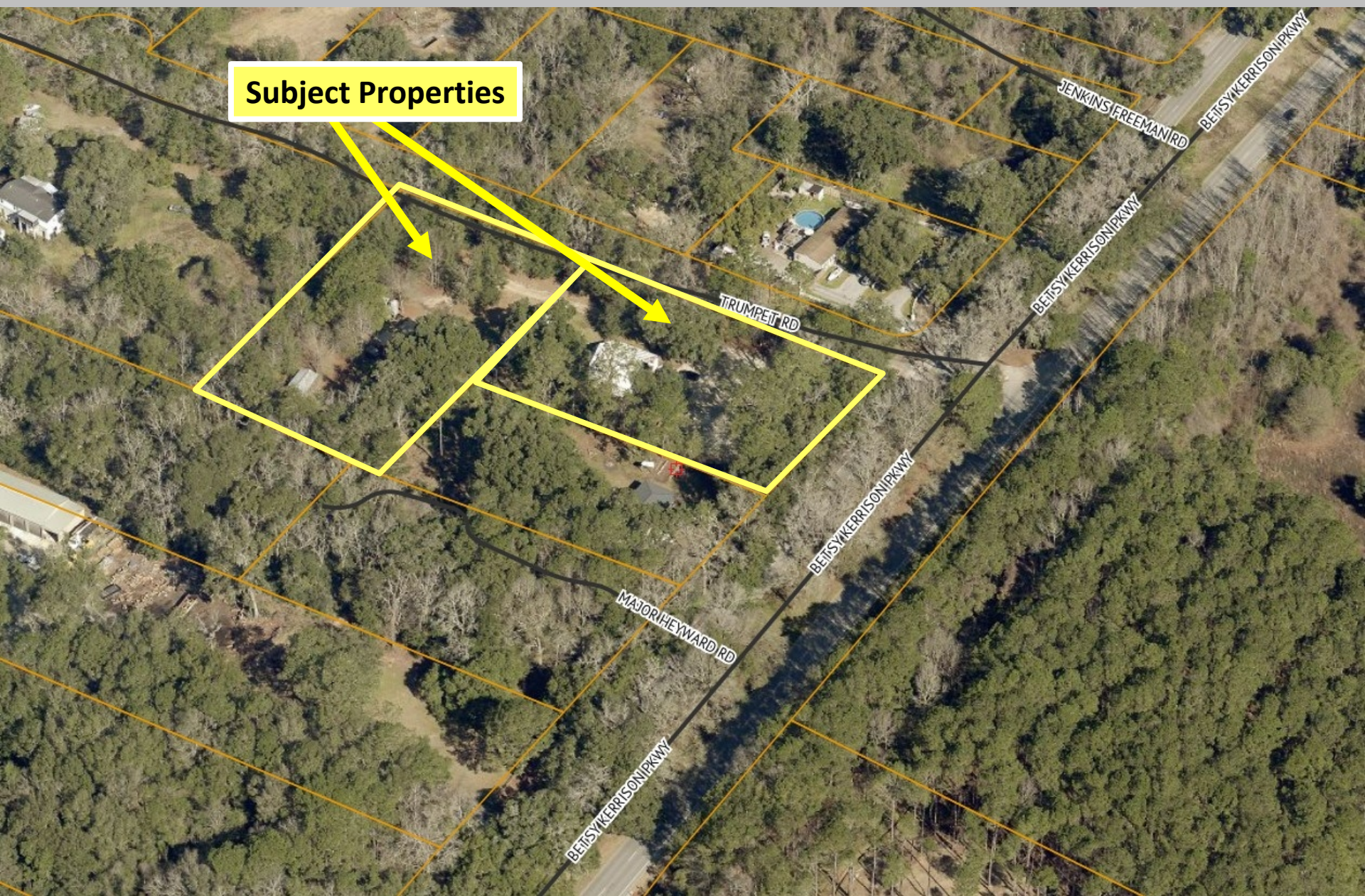


Current Zoning



The subject properties contain a farmstand/retail store, petting zoo, and agricultural storage. Surrounding properties in all directions are zoned Agricultural Residential (AGR) and contain residential uses or are undeveloped.

Aerial View to the North



Subject Properties

TRUMPET RD

JENKINS FREEMAN RD

BETSY KERRISON PKWY

BETSY KERRISON PKWY

BETSY KERRISON PKWY

MAJOR HEYWARD RD

BETSY KERRISON PKWY

Aerial View to the South



Subject Properties

Site Photos



**1 – Subject Property
TMS 203-00-00-232**



**2 –Subject Property
TMS 203-00-00-233**

Site Photos



**3 – Adjacent Parcel
TMS 203-00-00-065**



**4 – Parcel across Trumpet Rd
TMS 203-00-00-093**

Proposed PD Guidelines:

PD-183, Storey Farms, proposes the following allowed land uses:

- A. Food Sales
- B. Food Truck and Food Vendor
- C. Fire Pit and Oyster Roast Area
- D. Sale of Alcohol
- E. Garden/Crop Areas
- F. Agricultural Processing
- G. Agricultural Storage
- H. Accessory Structures
- I. Education Trail/Petting Zoo
- J. Single Family Detached Residential (pursuant to AGR Zoning District requirements)
- K. Roof-mounted Solar Collector

Proposed PD Guidelines:

- Special Events will not exceed the five allowed per Sec. 6.7.3 of the ZLDR and will comply with all applicable regulations at the time of permit submittal. No amplified music, outside of permitted Special Events.
- All signage will comply with Art. 9.8 of the ZLDR. Freestanding on-premises signs will comply with agricultural signage requirements of the ZLDR.
- Minimum parking requirements will be provided in compliance with Art. 9.3 of the ZLDR. Parking will be allowed in front of the principal building, which a 4-foot fence will screen.
- Will comply with the AGR Zoning District regulations of the ZLDR in effect at the time of application submittal for all matters not specifically addressed in the PD.

Proposed PD Guidelines:

PD-183, Storey Farms, proposes the following standards:

Minimum Setbacks (feet)

Betsy Kerrison Parkway:	75 (also serves as buffer)
Trumpet Road:	20 (also serves as buffer)*
Rear:	30+
Side:	5**
Minimum Lot Size:	30,000 square feet
Minimum Lot Width:	100 feet
Density:	1 Dwelling Unit per Acre
Lot Building Coverage Maximum:	30%
Building Height (feet) Maximum:	35 feet (measured from the base flood elevation)

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***proposed setback is less restrictive than the standards for the current AGR zoning, which is 15 ft*

+proposed setback is more restrictive than the standards for the current AGR zoning, which is 15 ft

Proposed Site Plan



Note: This plan is conceptual in nature and subject to change.

Job No. 20225150 | 04/05/22

Approval Criteria

Pursuant to ZLDR Section 4.25.8.J, Approval Criteria: “Applications for Planned Developments may be approved only if County Council determines that the following criteria are met:”

A. The PD Development Plan complies with the standards contained in this Article;

Staff Response: The development is consistent with the standards of the Planned Development Zoning District article. Therefore, this criterion is met.

B. The development is consistent with the intent of the Comprehensive Plan and other adopted policy documents; and

Staff Response: The Comprehensive Plan recommends the Agricultural Residential Future Land Use Designation for these parcels, of which the “ ‘byright’ uses include residential development, agriculture, and other uses necessary to support the viability of agriculture.” The Planned Development proposes uses compatible with those described in the Comprehensive Plan; therefore, this criterion is met.

Approval Criteria

Pursuant to ZLDR Section 4.25.8.J, Approval Criteria: “Applications for Planned Developments may be approved only if County Council determines that the following criteria are met:”

C. The County and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.

Staff Response: Upon obtaining Letters of Coordination from Public Works Stormwater and Public Works Engineering, the applicant will have demonstrated that all applicable agencies will be able to provide the necessary services, facilities, and programs to serve the proposed development.

Recommendation

Staff Recommendation: The approval criteria have been met; therefore, staff recommends approval with the following conditions:

1. *Obtain Letters of Coordination from Public Works Stormwater and Public Works Engineering*
2. *Remove the following sentence from the page 4 of the PD Guidelines: "Any future Restaurant shall be a maximum of 8,000 square feet," as the PD is not proposing a Restaurant use.*

Planning Commission Recommendation: Approved with staff conditions above and the following additional condition (vote 6-0):

1. *Replace all instances of "intent" in the PD-183 document with "shall."*

Public Input

June 13th Planning Commission Meeting:

- Support Letters: Three letters received
- Twelve letters were received that stated the application could be supported if changes are made to the proposed PD.
- Speakers at the 6/13/22 PC Meeting:
 - The applicant and the property owner spoke in support of the request
 - Two individuals spoke in opposition to the request

July 12th Public Hearing Meeting:

- No additional letters were received in support or opposition to the request.
- Speakers at the 7/12/22 PC Meeting:
 - The applicant and the property owner spoke in support of the request
 - One individual made a general comment about the request.

Notifications

Planning Commission June 13th Meeting

- 240 notification letters were sent to individuals on the North Area Interested Parties List, as well as property owners within 300 feet of the subject parcel on May 27, 2022.
- Additionally, this request was noticed in the Post & Courier on May 27, 2022.

Public Hearing July 12th Meeting

- 240 notification letters were sent to owners of property located within 300 feet of the boundaries of the subject parcel, and individuals on the Johns Island Interested Parties List on June 24, 2022.
- Additionally, this request was noticed in the Post & Courier on June 24, 2022.



Charleston County Zoning Map Amendment Request

Public Hearing: July 12, 2022

Planning and Public Works Committee: August 18, 2022

First Reading: August 23, 2022

Second Reading: September 6, 2022

Third Reading: October 11, 2022

ZREZ-04-22-00134: Case History

Planning Commission: June 13, 2022
Public Hearing: July 12, 2022
Planning and Public Works Committee: August 18, 2022
First Reading: August 23, 2022
Second Reading: September 6, 2022
Third Reading: October 11, 2022

CASE INFORMATION

Applicant: Vincent Knight

Owner: Knights Properties Plus, LLC

Location: 3287 Ladson Road (North Area)

Parcel Identification: 390-00-00-083

Application: Request to rezone TMS 390-00-00-083, 3287 Ladson Rd, from the General Office (GO) Zoning District to the Community Commercial (CC) Zoning District.

Council District: 5 (Pryor)

Property Size: 2.01 acres

Zoning History: The current property boundaries of TMS 390-00-00-083 were established in 2016 when 1.06 acres of TMS 390-00-00-080 were combined via deed with the original 0.95-acres of TMS 390-00-00-083, bringing the total property acreage to 2.01 acres. At the time of combination, both properties were zoned General Office (GO).

In 1999, the 0.95-acre parcel TMS 390-00-00-083 was zoned Agriculture Industrial (AI) and the 1.06-acre portion of TMS 390-00-00-080 was zoned General Office (GO). With the adoption of the 2001 Zoning and Land Development Regulations Ordinance, TMS 390-00-00-083 was zoned General Office (GO). Prior to this request, there have been no other rezoning requests for this property.

Adjacent Zoning: The subject parcel contains a vacant single-family residence. Properties to the North, across Ladson Road, are zoned Community Commercial (CC), General Office (GO), or Industrial (IN), and contain a church or are undeveloped. Properties to the West are zoned General Office (GO) and contain an accountant's office or are undeveloped. The property to the South is zoned General Office (GO) and is undeveloped. The property to the East is within the City of North Charleston, zoned Light Industrial (M-1) and is undeveloped.

Municipalities Notified/Response: The City of North Charleston, Town of James Island, Town of Kiawah Island, Town of Lincolville, Town of Summerville, Berkeley County, and Dorchester County were notified of the request. Any responses are included in this packet.

APPROVAL CRITERIA

According to Section 3.4.6 of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, zoning map amendments may be approved by County Council only if the proposed amendment meets one or more of the following criteria:

A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this Ordinance;

Staff Response: The subject parcel has two Future Land Use Designations. The 0.95-acre street frontage portion of the property has a Future Land Use Designation of Commercial; the remainder of the property has a Future Land Use Designation of Civic/Institutional. The proposed rezoning to Community Commercial is therefore, not consistent with the Comprehensive Plan. While the Community Commercial Zoning District allows for civic uses, it also allows for a variety of retail, service, employment, and commercial uses beyond the recommendation of the Civic/Institutional Future Land Use Designation.

B. The proposed amendment will allow development that is compatible with existing uses, recommended density, established dimensional standards, and zoning of nearby properties that will benefit the public good while avoiding an arbitrary change that primarily benefits a singular or solitary interest;

Staff Response: The proposed amendment is not compatible with the existing uses, recommended density, dimensional standards, and zoning of surrounding properties. To the North, West, and South the property is bounded by GO zoning, and the existing uses include a professional office, a school, and a church. The property to the East is zoned M-1, Light Industrial, within the City of North Charleston and is undeveloped.

C. The proposed amendment corrects a zoning map error or inconsistency;

Staff Response: Not applicable.

D. The proposed amendment addresses events, trends, or facts that have significantly changed the character or condition of an area.

Staff Response: Not applicable.

STAFF RECOMMENDATION:

The approval criteria have not been met; therefore, staff recommends disapproval.

PLANNING COMMISSION MEETING: June 13, 2022

Recommendation: Disapproval, 7-0.

Public Input: No letters were received in support or opposition of this request.

Speakers: No speakers in support or opposition for the request.

Notifications: 92 notification letters were sent to individuals on the North Area Interested Parties List, as well as property owners within 300 feet of the subject parcel on May 27, 2022. Additionally, this request was noticed in the *Post & Courier* on May 27, 2022.

PUBLIC HEARING: JULY 12, 2022

Public Input: No letters were received in support or opposition of this request.

Speakers: The applicant spoke in support of the request and one individual made general comment.

Notifications: 92 notification letters were sent to individuals on the North Area Interested Parties List, as

well as property owners within 300 feet of the subject parcel on June 24, 2022. Additionally, this request was noticed in the *Post & Courier* on June 24, 2022.

PLANNING & PUBLIC WORKS COMMITTEE MEETING: AUGUST 18, 2022



Charleston County Zoning Map Amendment Request

Planning and Public Works Committee: August 18, 2022

First Reading: August 23, 2022

Second Reading: September 6, 2022

Third Reading: October 11, 2022

ZREZ-04-22-00134

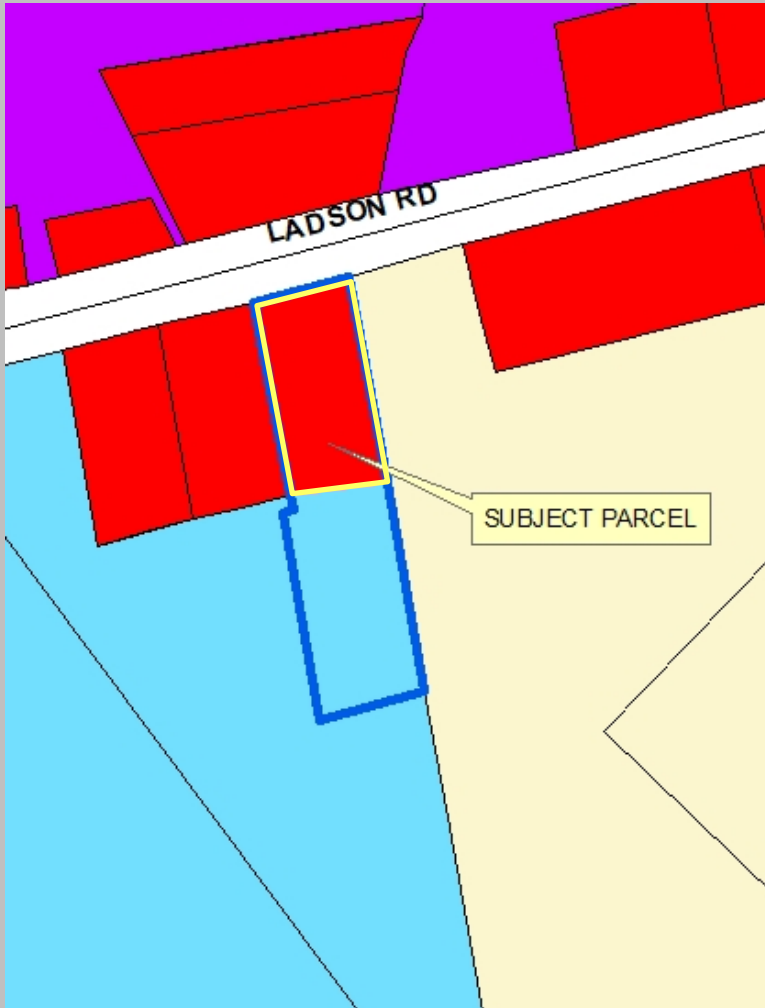
Request to rezone TMS 390-00-00-083, 3287 Ladson Rd, from the General Office (GO) Zoning District to the Community Commercial (CC) Zoning District.

- North Area: 3287 Ladson Road
- Parcel I.D.: 390-00-00-083
- Owner: Knights Properties Plus, LLC
- Applicant: Vincent Knight
- Property Size: 2.01 acres
- Council District: 5 - Pryor

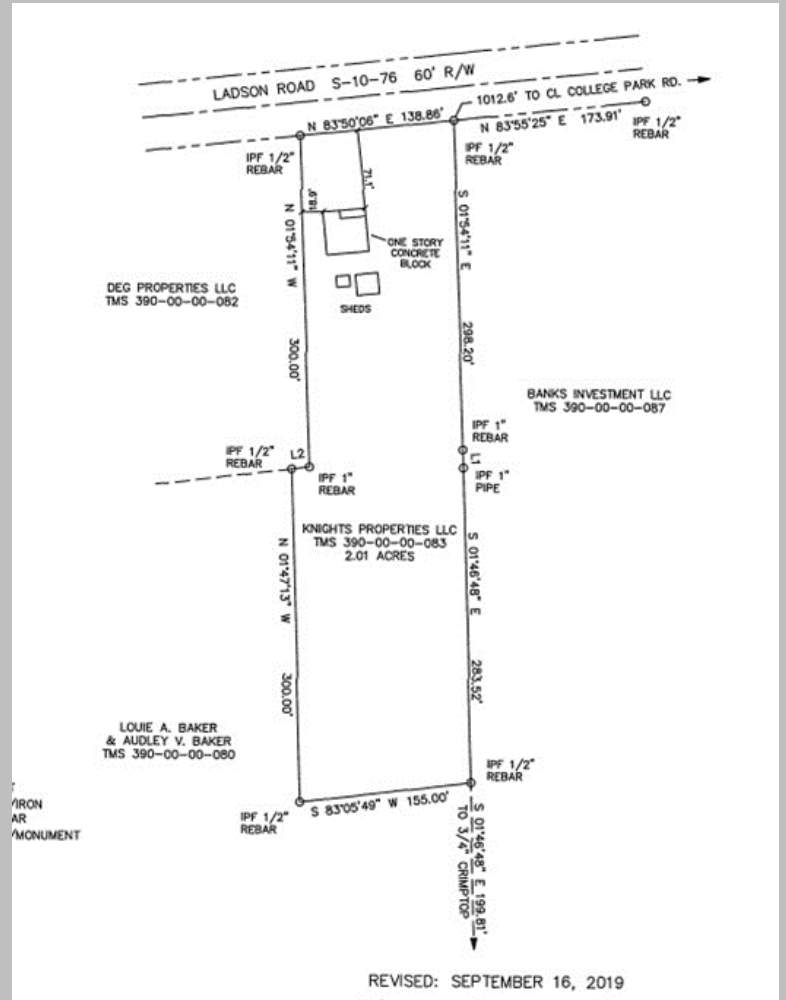
Zoning History

- The current property boundaries of TMS 390-00-00-083 were established in 2016 when 1.06 acres of TMS 390-00-00-080 were combined via deed with the original 0.95-acres of TMS 390-00-00-083, bringing the total property acreage to 2.01 acres. At the time of combination, both properties were zoned General Office (GO).
- In 1999, the 0.95-acre parcel TMS 390-00-00-083 was zoned Agriculture Industrial (AI) and the 1.06-acre portion of TMS 390-00-00-080 was zoned General Office (GO). With the adoption of the 2001 Zoning and Land Development Regulations Ordinance, TMS 390-00-00-083 was zoned General Office (GO).
- Prior to this request, there have been no other rezoning requests for this property.

Property Boundaries prior to 2016
 shown here in outlined in yellow



Current Plat



REVISED: SEPTEMBER 16, 2019

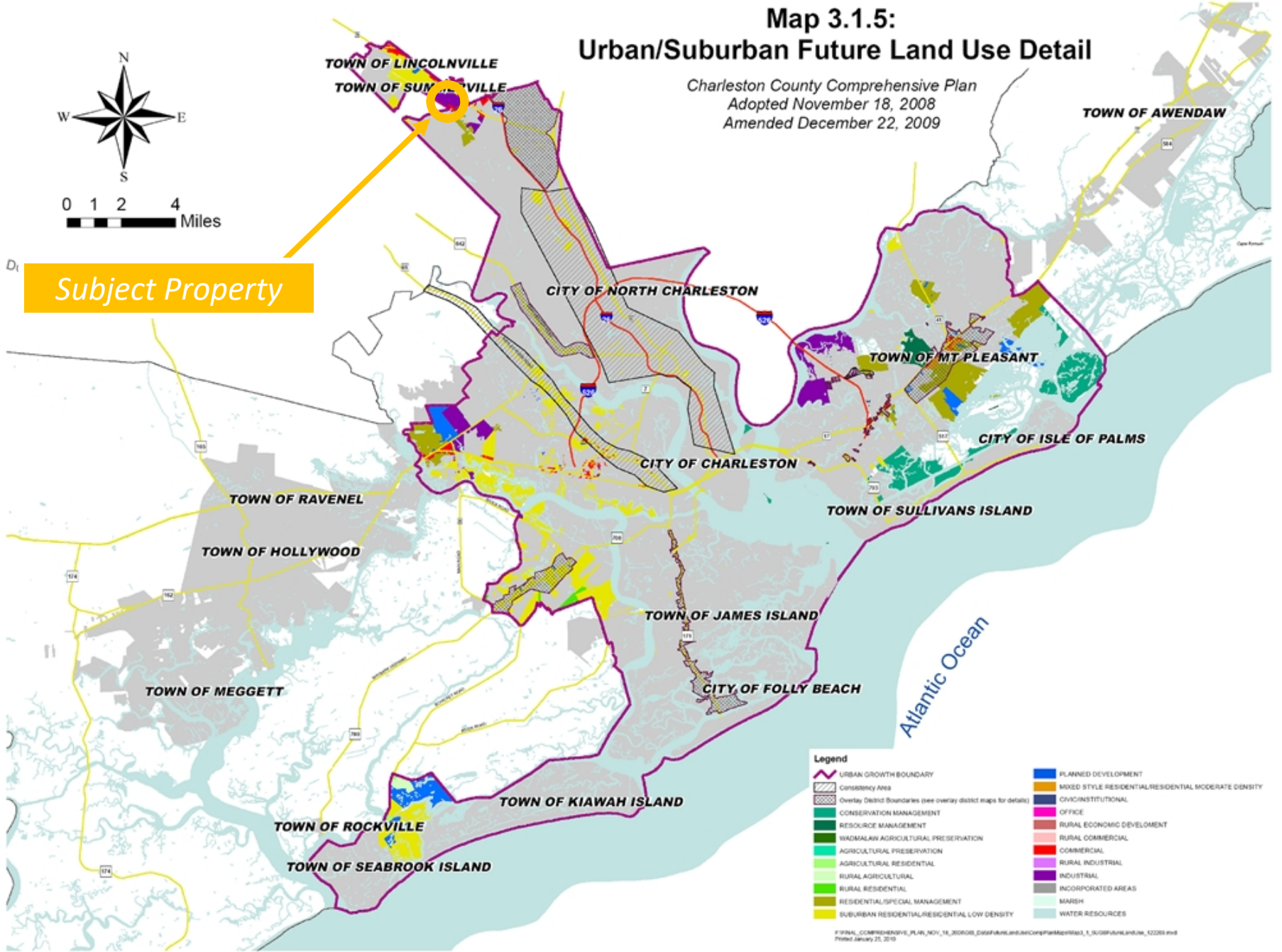
Map 3.1.5: Urban/Suburban Future Land Use Detail

Charleston County Comprehensive Plan
Adopted November 18, 2008
Amended December 22, 2009



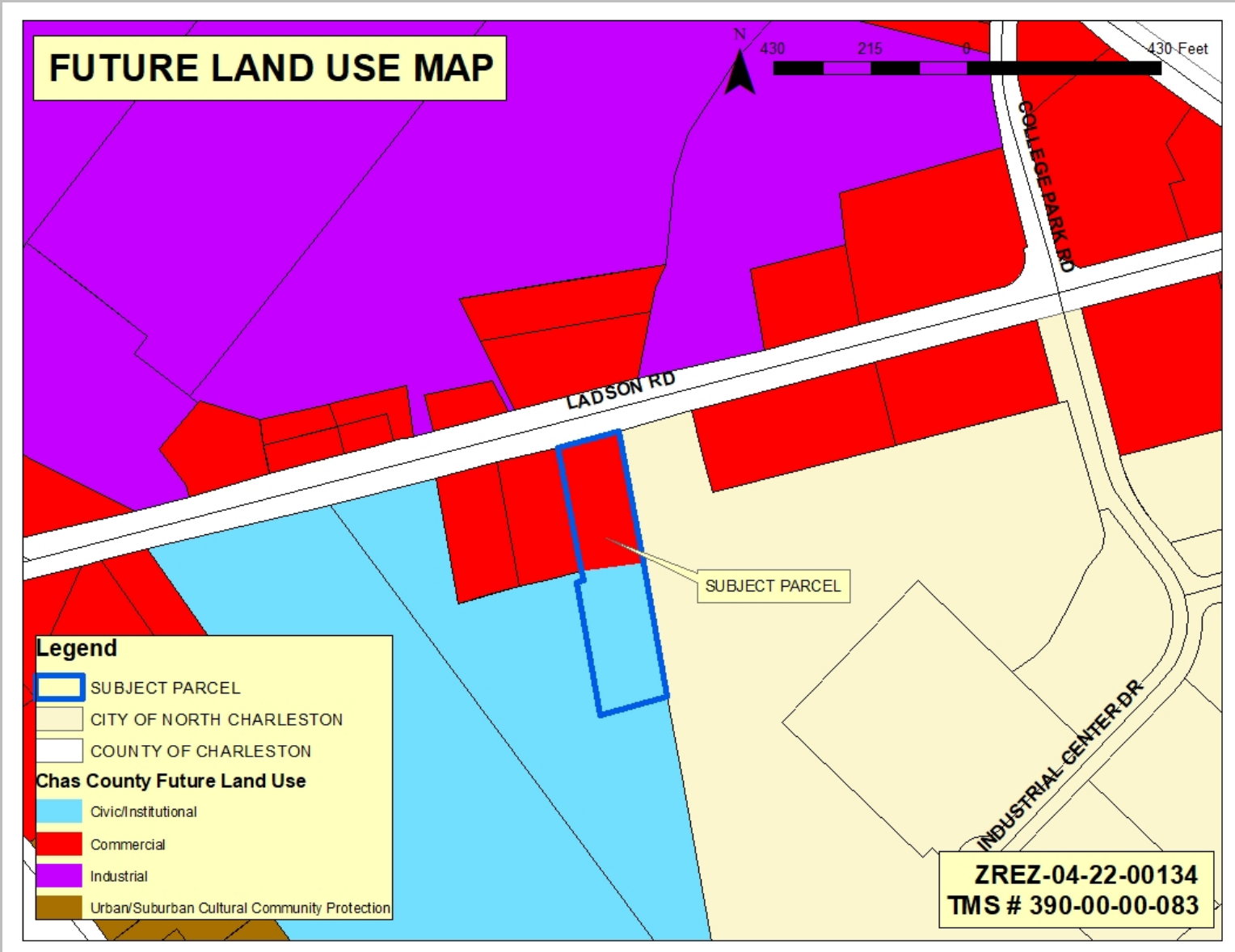
0 1 2 4 Miles

Subject Property

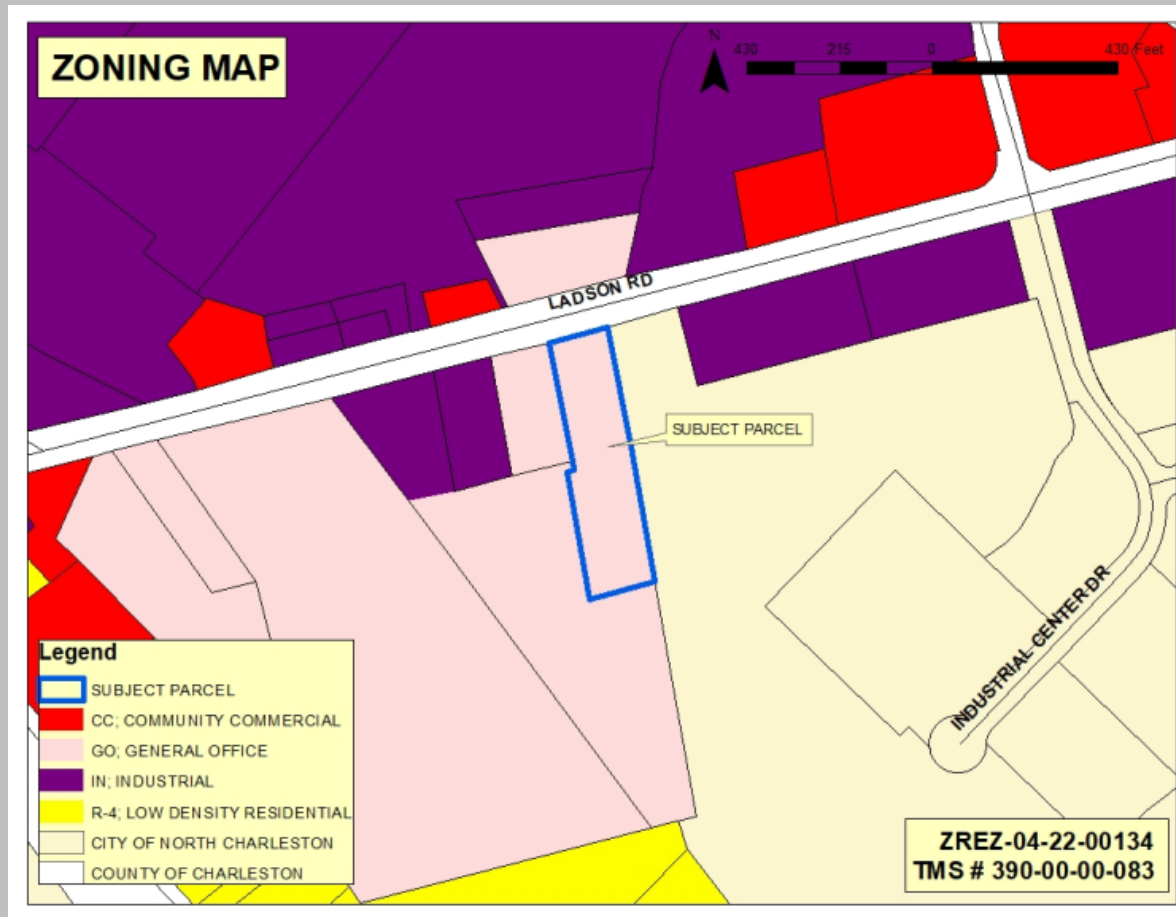


- Legend**
- URBAN GROWTH BOUNDARY
 - Consistency Area
 - Overlay District Boundaries (see overlay district maps for details)
 - CONSERVATION MANAGEMENT
 - RESOURCE MANAGEMENT
 - WADSWORTH AGRICULTURAL PRESERVATION
 - AGRICULTURAL PRESERVATION
 - AGRICULTURAL RESIDENTIAL
 - RURAL AGRICULTURAL
 - RURAL RESIDENTIAL
 - RESIDENTIAL/SPECIAL MANAGEMENT
 - SUBURBAN RESIDENTIAL/RESIDENTIAL LOW DENSITY
 - PLANNED DEVELOPMENT
 - MIXED STYLE RESIDENTIAL/RESIDENTIAL MODERATE DENSITY
 - CIVIC/INSTITUTIONAL
 - OFFICE
 - RURAL ECONOMIC DEVELOPMENT
 - RURAL COMMERCIAL
 - COMMERCIAL
 - RURAL INDUSTRIAL
 - INDUSTRIAL
 - INCORPORATED AREAS
 - MARSH
 - WATER RESOURCES

Future Land Use

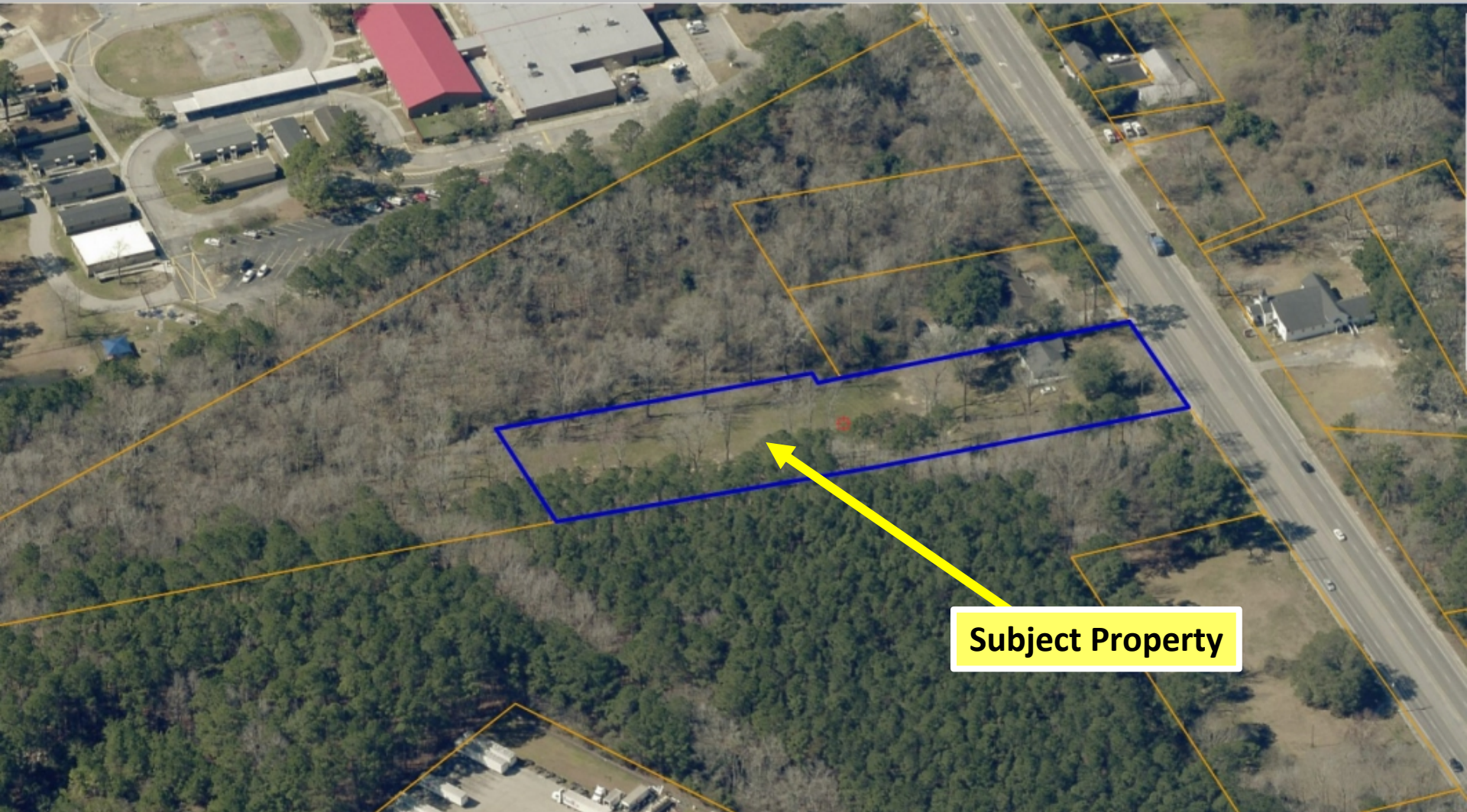


Current Zoning



The subject parcel contains a vacant single-family residence. Properties to the North, across Ladson Road, are zoned Community Commercial (CC), General Office (GO), or Industrial (IN), and contain a church or are undeveloped. Properties to the West are zoned General Office (GO) and contain an accountant's office or are undeveloped. The property to the South is zoned General Office (GO) and is undeveloped. The property to the East is within the City of North Charleston, zoned Light Industrial (M-1) and is undeveloped.

Aerial View to the West



Subject Property

Aerial View to the East



Subject Property

Site Photos



**1 – Subject Property
TMS 390-00-00-083**



**2 –Subject Property
TMS 390-00-00-083**

Site Photos



**3 – Adjacent Parcel
TMS 390-00-00-082**



**4 – Parcel across Ladson Rd
TMS 390-00-00-019**

Allowed Land Uses

General Office (GO)

- Allows for 4 Dwelling Units per acre
- Single-Family Detached
- Assisted Living
- Business, Professional, Labor, Political Organization; Social or Civic Organization; Social Club or Lodge
- Commercial Guest House Short-Term Rental (C)
- Veterinary Service (C)
- Administrative or Business Office; Government Office; Professional Office (C)
- Hair, Nail, or Skin Care Services
- Job Training or Placement Services
- Artisan and Craftsman (C)
- Urban Transit System
- Counseling Services
- Intermediate Care Facility for Individuals with Intellectual Disabilities (S)
- Rehabilitation Facility
- Residential Treatment for Children or Adolescents (mental health treatment) (S)

Community Commercial (CC)

- Allows for 16 Dwelling Units per acre
- Landscaping and Horticultural Services
- Vehicle Storage
- Wholesale Sales
- Manufacturing and Production (C)
- Personal Improvement Services
- Food Sales
- Heavy Construction Services or General Contractor
- Special Trade Contractor
- Catering Service
- Hospital
- Adult Day Care Services
- Day Camp
- Special Events (C)
- Hotel/Motel (C)
- Commercial Guest House Short-Term Rental (C)
- Horticultural Production
- Tattoo Facility (S)
- Zoo (S)

Approval Criteria—Section 3.4.6

According to Section 3.4.6 of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, zoning map amendments may be approved by County Council only if the proposed amendment meets one or more of the following criteria:

A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this Ordinance;

Staff Response: The subject parcel has two Future Land Use Designations. The 0.95-acre street frontage portion of the property has a Future Land Use Designation of Commercial; the remainder of the property has a Future Land Use Designation of Civic/Institutional. The proposed rezoning to Community Commercial is therefore, not consistent with the Comprehensive Plan. While the Community Commercial Zoning District allows for civic uses, it also allows for a variety of retail, service, employment, and commercial uses beyond the recommendation of the Civic/Institutional Future Land Use Designation.

Approval Criteria—Section 3.4.6

According to Section 3.4.6 of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, zoning map amendments may be approved by County Council only if the proposed amendment meets one or more of the following criteria:

B. The proposed amendment will allow development that is compatible with existing uses, recommended density, established dimensional standards, and zoning of nearby properties that will benefit the public good while avoiding an arbitrary change that primarily benefits a singular or solitary interest;

Staff Response: The proposed amendment is not compatible with the existing uses, recommended density, dimensional standards, and zoning of surrounding properties. To the North, West, and South the property is bounded by GO zoning, and the existing uses include a professional office, a school, and a church. The property to the East is zoned M-1, Light Industrial, within the City of North Charleston and is undeveloped.

C. The proposed amendment corrects a zoning map error or inconsistency;

Staff Response: Not applicable.

D. The proposed amendment addresses events, trends, or facts that have significantly changed the character or condition of an area.

Staff Response: Not applicable.

Recommendation

Staff Recommendation:

The approval criteria have not been met; therefore, staff recommends disapproval.

Planning Commission Recommendation:
Disapproval, 7-0.

Public Input

No letters in support or opposition have been received for this request.

At the July 12, 2022, Public Hearing the applicant spoke in support of the request and one individual made a general comment.

Notifications

Planning Commission June 7th Meeting

- 92 notification letters were sent to individuals on the North Area Interested Parties List, as well as property owners within 300 feet of the subject parcel on May 27, 2022.
- Additionally, this request was noticed in the Post & Courier on May 27, 2022.

Public Hearing July 12th Meeting

- 92 notification letters were sent to individuals on the North Area Interested Parties List, as well as property owners within 300 feet of the subject parcel on June 24, 2022.
- Additionally, this request was noticed in the Post & Courier on June 24, 2022.



Charleston County Zoning Map Amendment Request

Planning and Public Works Committee: August 18, 2022

First Reading: August 23, 2022

Second Reading: September 6, 2022

Third Reading: October 11, 2022

Committee Agenda Item

To: Bill Tuten, County Administrator
From: Joel Evans **Dept.:** Planning/Zoning
Subject: Proposed Amendments to the Noise Ordinance
Request: Request to Consider
Committee: Planning & Public Works Committee **Date:** August 18, 2022

Department	Approver
Deputy County Administrator	Walter L. Smalls
Budget	Mack Gile
Legal	Marc Belle
Administrator	Bill Tuten
Clerk	Kristen Salisbury

Fiscal Impact:

None.

Funding: Was funding previously approved? N/A

If yes, please provide the following:	Org	Object	Balance in Account	Amount Needed for item

Situation:

In December of 2011, County Council adopted the most recent amendments to the Charleston County Code of Ordinances regarding livability which enacted requirements for animals and fowl kept on residential properties and increased requirements to address noise, including noise from sound amplification devices.

Since that time, development within Charleston County has continued to grow at a considerable pace. As a result, non-residential development increasingly comes into closer proximity to residential development. Over the last few years, both the Law Enforcement and Code Enforcement divisions of the County have seen a marked increase in complaints from residents regarding noise primarily from non-residential establishments and occasionally from residential neighbors. Additionally, the entertainment/tourist destination aspect of the Charleston area has exacerbated this issue.

The Town of Mount Pleasant and the City of North Charleston have recently considered amendments to their respective noise ordinances to address increases in complaints regarding noise. There are numerous pockets of unincorporated properties adjacent to these municipalities, further necessitating similar amendments to the County's noise ordinance.

The proposed amendments will enable the County to better enforce the noise ordinance for our residents primarily by adding measurable provisions in Sec 3-43 – Noise - Excessive, Unnecessary or Unreasonable Noise. This section adds a minimum distance from the source of

the noise with a maximum decibel reading and a defined timeframe for prohibiting plainly audible excessive, unnecessary, or unreasonable noise.

These amendments were developed based on recommendations from Law Enforcement, the Zoning and Planning Department, and the County Attorney's Office. Attached is the current Charleston County Livability Ordinance showing the proposed amendments.

Department Head Recommendation:

Approve the proposed amendments to the Charleston County Livability Code of Ordinances regarding noise.

CHAPTER/ARTICLE/SECTION #: Ord. #1702

REASON FOR AMENDMENT: Clarification

PROPOSED AMENDMENTS: New words are ***bold, italics, red*** and old words are ~~striketrough~~.

SECTION V. NOISE OFFENSES

Chapter 3 of Part II of the Charleston County Code of Ordinances is hereby amended so as to add the following provisions:

Sec. 3-40. - Definition.

- A. As used below, *plainly audible* means any sound that can be detected by a person using his or her unaided hearing facilities.

(Ord. No. 1702, § V, 10-25-11)

Sec. 3-41. - Noise—Amplified Sound from Vehicles.

It shall be unlawful for any person to play, operate, or cause to be played or operated, any radio or other vehicular music or sound amplification or reproduction equipment in such a manner as to be plainly audible at a distance of 50 feet in any direction from the vehicle or plainly audible within the residential dwelling of another. The detection of the rhythmic bass component of the music or sound is sufficient to constitute a plainly audible sound. Prohibitions contained in this section shall not be applicable to emergency or public safety vehicles for sound emitted during job-related operation.

(Ord. No. 1702, § V, 10-25-11)

Sec. 3-42. – Noise - Amplified Sound in General.

It shall be unlawful for any person to play, operate, or cause to be played or operated, any radio or other music or sound amplification or reproduction equipment upon real property in such a manner as to be plainly audible within any residential dwelling of another. The detection of the rhythmic bass component of the music or sound is sufficient to constitute a plainly audible sound.

(Ord. No. 1702, § V, 10-25-11)

Sec. 3-43. – Noise - Excessive, Unnecessary or Unreasonable Noise.

- A. Any excessive, unnecessary, or unreasonable sound that is plainly audible as set forth in sections 3-41 and 3-42 of this Code which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensibilities is prohibited.

B. The following shall be exempt from the prohibition contained in subsection (a), supra:

1. Church bells or other activities of organized religious services.
2. Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm system use in any emergency situation, provided, however, that burglar alarms not terminated within 15 minutes after being activated shall be unlawful.
3. Warning devices required by state or federal regulations.
4. Farming equipment or farming activity.
5. Timber harvesting and milling during daylight hours.
6. Noise from domestic power equipment including, but not limited to, chain saws, sanders, grinders, lawn and garden tools or similar devices operated during daylight hours.
7. Noise generated by any construction, demolition equipment, or mineral extraction (including crushing, screening, or segregating) operated during daytime hours as per local, state, or federal law or regulation, or as otherwise provided for by permit or variance, whichever is more restrictive.
8. Emergency maintenance, construction or repair work.
9. Noise created by any government sponsored events or privately organized sports, recreation, or athletic events.
10. Emergency or extraordinary situations.
11. A business may use an outside sound system to notify patrons waiting to pick up an order, obtain a table, or to be able to participate in the activities of a business, provided that such sound does not create an excessive, unnecessary or unreasonable noise.
12. Noise from any idling vehicles at a commercial establishment in the process of loading or unloading merchandise for the establishment, or waiting for the opportunity to do the same.

(Ord. No. 1702, § V, 10-25-11)

B. Any excessive, unnecessary, or unreasonable sound that is plainly audible within 500 feet of the property line of a residentially developed Parcel or above 70 dbA is prohibited.

C. Any excessive, unnecessary, or unreasonable sound that is plainly audible between 10:00 p.m. and 7:00 a.m. is prohibited.

Sec. 3-44. Noise- Exemptions.

The following shall be exempt from the prohibitions set forth in sections 3-41, 3-42, and 3-43 above:

- (1) Church bells or other activities of organized religious services.***
- (2) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in any emergency situation, provided, however, that burglar alarms not terminating within 15 minutes after being activated shall be unlawful.***
- (3) Warning devices required by state or federal regulations.***
- (4) Farming equipment or farming activity during daylight hours.***

- (5) Timber harvesting and milling during daylight hours.**
- (6) Noise from domestic power equipment including, but not limited to, chain saws, sanders, grinders, lawn and garden tools or similar devices operated during daylight hours.**
- (7) Noise generated by any construction, demolition equipment, or mineral extraction (including crushing, screening, or segregating) operated during daytime hours as per local, state, or federal law or regulation, or as otherwise provided for by permit or variance, whichever is more restrictive.**
- (8) Emergency maintenance, construction or repair work.**
- (9) Noise created by any government-sponsored events or privately organized sports, recreation, or athletic events.**
- (10) Emergency or extraordinary situations.**
- (11) A business may use an outside sound system to notify patrons waiting to pick up an order, obtain a table, or to be able to participate in the activities of the business, provided that such sound does not create an excessive, unnecessary or unreasonable noise.**
- (12) Noise from any idling vehicles at a commercial establishment in the process of loading or unloading merchandise for the establishment, or waiting for the opportunity to do the same.**
- (13) Permitted public performances, gatherings, or parades.**

Sec. 3-4**54**. **Noise**- Penalty.

Any person who violates the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$500.00 or not more than 30 days in jail, or both.

(Ord. No. 1702, § V, 10-25-11)

Sec. 3-4**65**. - Noise—Private action.

In addition to the right of the county to bring an enforcement action for violations of this section, ~~chapter~~, any individual who is specifically damaged by any violation of this chapter related to noise may, in addition to other remedies, institute an appropriate civil action or other proceeding in the magistrate court or circuit court to abate or prevent the nuisance.

(Ord. No. 1702, § V, 10-25-1)

