






TOWN OF MOUNT PLEASANT, SC

DEVELOPMENT CODES TECHNICAL EVALUATION

AUGUST 11, 2020

Mount Pleasant
SOUTH CAROLINA

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WHITE & SMITH, LLC
PLANNING AND LAW GROUP

1 INTRODUCTION

The Town of Mount Pleasant engaged White & Smith Planning and Law Group to conduct a technical evaluation of its land development codes (Code of Ordinances, Title XV), with a particular focus on its Land Development Regulations and Zoning Code (Chapters 155 and 156, respectively).

This evaluation is the first phase in a larger project that will include addressing the findings of this report with comprehensive ordinance revisions. It is intended as a tool to assist Planning & Development Department staff in identifying and prioritizing needed revisions.

The Town is embarking on this project primarily in response to concerns about code organization and other technical—rather than policy—issues. We believe the technical recommendations in this evaluation will complement the specific policy-related code revisions recommended by the *draft* Comprehensive Plan.

This evaluation includes an Implementation Plan, which is a suggested course of action for implementing the recommended actions. Appendix A includes a Public Participation Strategy for the comprehensive ordinance revision project.



Photo Credit: Town of Mount Pleasant

1-1 HOW THIS REPORT IS WRITTEN

On February 17 and 18, 2020, White & Smith met with Town of Mount Pleasant staff and stakeholders in a series of meetings to discuss the current codes. These meetings resulted in a list of issues relating to the existing zoning and land development regulations, ranging from big-picture items (such as how to reorganize the codes) to specific regulatory issues (such as affordable housing, natural roadside buffers, and nonconformities). In addition, the *draft* Comprehensive Plan 2018-2028 includes implementation recommendations that detail specific areas of the codes where amendments are desired.

This report assesses the Town of Mount Pleasant's existing Zoning Code and Land Development Regulations and provides a blueprint for revising those documents, based on the input received from stakeholders and our analysis of the codes. This report focuses more on the technical and organizational aspects of the code, and less on those driven by policy. Each section of this report discusses background issues and stakeholder input, along with our findings and alternatives or recommendations for change.

This report is designed to help staff prioritize and focus future code amendment efforts. However, this is simply the first step in the process. It is not meant to include every recommended revision to the development codes. The recommendations in this report should be considered and implemented in conjunction with similar action items recommended in the Comprehensive Plan. The substance and extent of amendments will evolve as public input is received during the code revision process.

The Town of Mount Pleasant released a Public Review Draft of this document on July 10, 2020. Due to the impacts of the COVID-19 pandemic, White & Smith virtually presented the Technical Codes Evaluation to the Planning Commission on July 22, 2020. On August 4, 2020, White & Smith presented the Evaluation to the Planning & Development Committee of Council.

1-2 HOW TO ACCESS PLANS AND ORDINANCES

The plans and ordinances reviewed in this assessment are available online:

Mount Pleasant Draft Comprehensive Plan 2018-2028
https://www.tompsc.com/565/Comprehensive-Plan

Mount Pleasant Code of Ordinances
Chapter 155: Land Development Regulations
https://codelibrary.amlegal.com/codes/mtpleasantsc/latest/mpleasant_sc/0-0-0-119055

Mount Pleasant Code of Ordinances
Chapter 156: Zoning Code
https://codelibrary.amlegal.com/codes/mtpleasantsc/latest/mpleasant_sc/0-0-0-120001

2 BACKGROUND

Under the South Carolina Local Government Comprehensive Planning Enabling Act (the "S.C. Planning Act," S.C. Code Title 6, Chapter 29), comprehensive plans must be adopted as a precursor to zoning and land development regulations. Comprehensive plans establish a community's vision for the future and recommend specific implementation strategies to achieve the community's goals. Zoning and land development regulations provide a regulatory mechanism to implement, or help implement, comprehensive plan goals—and not just those specifically related to land use. The comprehensive plan serves as a policy guide, and zoning regulations "must be made in accordance with the comprehensive plan" (S.C. Code § 6-29-720 (B)).

As a home rule state, South Carolina provides broad authority for local governments to implement regulatory tools to protect the health, safety, and welfare of their citizens. This means that, generally speaking, local governments have full authority to legislate unless state legislation preempts local action—which in some instances it does.

The S.C. Planning Act requires zoning regulations to be in accordance with a local government's comprehensive plan, but allows local governments to use any zoning or planning technique not in conflict with the South Carolina Constitution or State law (§ 6-29-720) to achieve the community's goals.

This section provides a brief overview of the *draft* Comprehensive Plan and the Town's current Zoning Code and Land Development Regulations. Section 3 and Section 4 of this report provide a more detailed analysis of the codes and recommended areas of revision.

2-1 COMPREHENSIVE PLAN

The Town currently is finalizing a new Comprehensive Plan. This review is based on the March 13, 2020 Draft Comprehensive Plan 2018-2028 (Planning Commission Recommendation *with revisions*).

The *draft* Comprehensive Plan begins with a vision statement that demonstrates the importance of community character and quality of life. The plan establishes four overarching goals:

- Quality of the Built Environment/Place
- Quality of Life/Community Character
- Safe & Efficient Mobility
- Taking the Long View

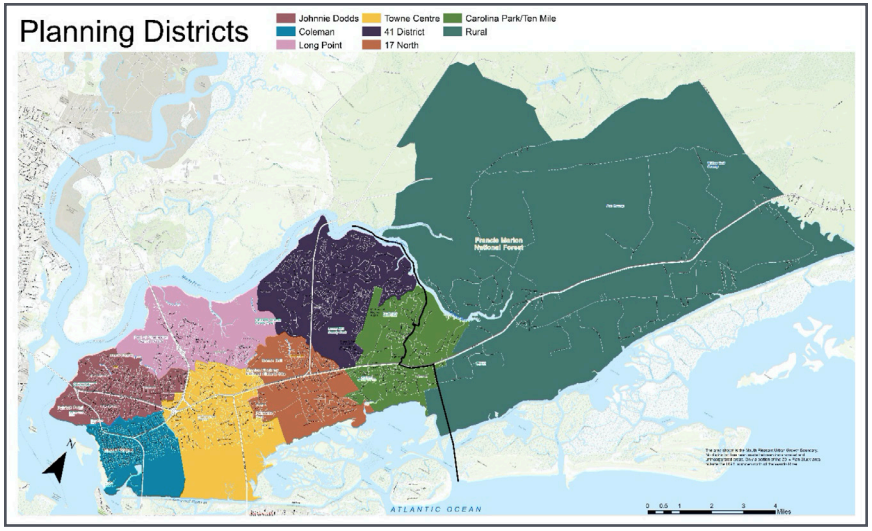
The plan describes issues of particular concern or interest to the community, such as housing diversity and affordability, financial health/resilience, and the open space network. These items represent issues that need immediate attention (Community Issues, p. 3-2). As such, many of the priority action items in the plan relate to these issues.

Throughout the plan, there is a significant emphasis on community and neighborhood character. The plan identifies eight Planning Districts based on geographic proximity and traffic patterns. Each Planning District is further subdivided into Future Land Use Categories based on character areas, such as Traditional Residential Neighborhoods, Settlement Communities, and Neighborhood Scale Commercial.

There is also recognition that the Town is entering a new phase of development. The plan notes:

> "For the first time in the history of Mount Pleasant, the Plan is looking toward redevelopment and targeted infill as a major component of its future managed growth. The importance of context sensitivity is more important than ever." *(Section 7, Land Use & Community Design, p. 7-2)*

The *draft* Comprehensive Plan also includes a Mobility Element to better integrate and align land use and transportation planning.



The draft Comprehensive Plan identifies eight Planning Districts based on geographic proximity and traffic patterns. Each Planning District is further subdivided into Future Land Use Categories based on character areas, such as Traditional Residential Neighborhoods, Settlement Communities, and Neighborhood Scale Commercial.

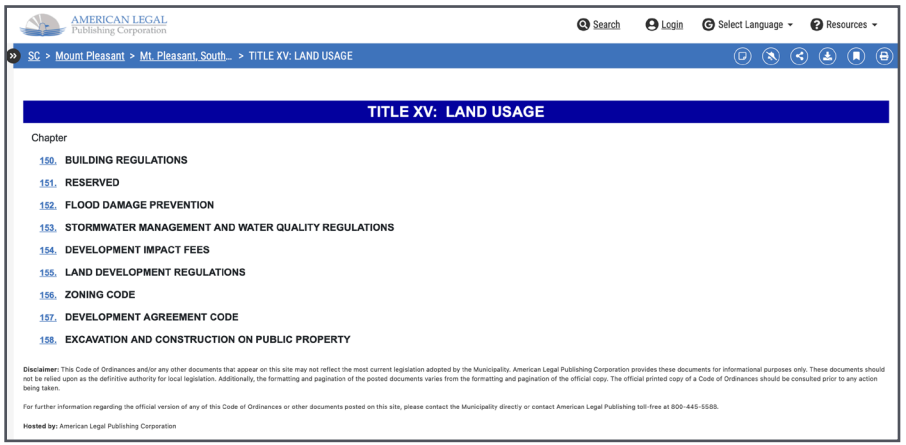
2-2 THE CURRENT TOWN CODE: TITLE XV, LAND USAGE

Overview

The Town of Mount Pleasant Municipal Code is organized into numbered titles, numbered chapters, unnumbered subchapters, and numbered sections. Not all chapters have subchapters. Some section numbers include two digits following the chapter number, while others include three digits (e.g., § 154.01, § 156.110).

Title XV: Land Usage includes nine chapters related to land use and development:

- Chapter 150: Building Regulations
- Chapter 151: Reserved
- Chapter 152: Flood Damage Prevention
- Chapter 153: Stormwater Management and Water Quality Regulations
- Chapter 154: Development Impact Fees
- Chapter 155: Land Development Regulations
- Chapter 156: Zoning Code
- Chapter 157: Development Agreement Code
- Chapter 158: Excavation and Construction on Public Property



While this report recommends some revisions to other chapters in Title XV, it focuses on revisions to the Land Development Regulations and Zoning Code.

Chapter 155: Land Development Regulations

Chapter 155: Land Development Regulations is organized into five subchapters and two appendices:

- General Provisions
- Plan and Plat Preparation and Requirements
- Design Standards
- Additional Requirements
- Administration
- Appendix A: Plat Certificates
- Appendix B: Forms

The *General Provisions* subchapter includes statements of authority, jurisdiction, and purpose; definitions; and compliance requirements.

The *Plan and Plat Preparation and Requirements* subchapter addresses the procedures for preparing and submitting sketch plans, preliminary plats, and final plats; the requirement to record a final plat; exceptions to the procedures available for certain types of subdivisions; and impact assessment requirements as they relate to residential subdivisions. It also cross-references the required plat certificates in Appendix A.

The next subchapter, *Design Standards*, sets forth the Town's requirements for subdivision design and layout. These standards include general requirements related to block, lot, sidewalk, street, and easement layout, as well as specific engineering and construction standards for streets, sidewalks, storm drainage and flood areas, and sewer and water supply. This subchapter also requires submittal of a Greenspace Preservation and Protection Plan for all residential developments, other than for multi-family uses, located on more than five acres of land.

The *Additional Requirements* subchapter requires placement of physical property markers to delineate lots, streets, drainage easements, and OCRM [S.C. Department of Health & Environmental Control, Ocean & Coastal Resource Management] critical lines and critical line buffers. This subchapter also establishes the Town's addressing system, and sets forth requirements for address numbers to be placed on buildings.

The *Administration* subchapter implements a State statute related to recorded restrictive covenants; cross-references the Zoning Code section related to Vested Rights; requires submittal of a fee for sketch plans and preliminary plats; specifies the procedure for amending the Land Development Regulations; requires developers to provide financial guarantees for streets, drainage systems, and stormwater control facilities; and establishes the penalty for code violations.

Appendix A includes certificates that must be printed on preliminary and final plats. For example, preliminary plats must include a certificate of purpose acknowledging that use of the plat for sale or transfer of property is prohibited.

Appendix B includes 15 forms, checklists, certificates/certifications, agreements, and the like that are required to be shown on plats or are required to be submitted in conjunction with subdivision plats.

Chapter 156: Zoning Code

Chapter 156 is organized into 23 subchapters. The Zoning Code begins with *General Provisions*, including legal requirements, purpose statements, and definitions. Next, *Administration and Procedures* establishes the duties and responsibilities of the Zoning Administrator, and specifies the procedure to amend the zoning regulations or map. It also authorizes development-related moratoriums, and establishes penalties for violations.

The *General Development Procedures and Standards* subchapter implements State statutes related to recorded restrictive covenants and vested rights; establishes requirements for site plan and building permit approval; requires structures to have safe and convenient access for services, fire protection, and off-street parking; and establishes the requirements and procedures for impact assessments.

The *Building Permit Allocation System* subchapter establishes the purpose and parameters for the Town's residential growth management system.

General Development Requirements includes various requirements of general applicability, including height; density; cluster development; setbacks and yard requirements, including modifications allowed in specified instances; curb cut/ driveway spacing; intersection visibility; and pedestrian access.

The *Accessory Uses* subchapter identifies allowable accessory uses and specifies required setbacks and height.

The next two subchapters address specific uses: *Telecommunication Towers* and *Small Wireless Facilities within the Right-of-Way*. Each subchapter establishes the purposes for the regulations, standards and design requirements for the use, and the process for approval.

Chapter 156 next addresses *Nonconforming Lots, Structures, and Uses.* Except for insufficient parking facilities, the subchapter does not address nonconforming site improvements.

The next four subchapters deal with specific development standards, including signs, parking, bufferyards, and tree protection. *Signs* and *Tree Protection* each include definitions specific to the subchapter.

The *Signs* subchapter includes design and dimensional requirements, as well as a procedural requirement for sign permits. It also addresses nonconforming signs. The subchapter also includes provisions for a Pedestrian Wayfinding Sign Pilot Program along Coleman Boulevard.

Off-Street Parking and Loading includes design and paving requirements, as well as a schedule of parking requirements based on land use. This subchapter also requires bicycle parking for multi-family and commercial developments that exceed a specified size.

Vegetation Requirements sets forth general landscaping standards and maintenance requirements, along with specific perimeter bufferyard standards based on land use. Regulations for special bufferyards are included here

as well. These include the natural roadside buffer, critical line buffer, and Mathis Ferry Road buffer.

The *Tree Protection* subchapter establishes the Town's requirements for tree protection, removal, and mitigation. It also establishes a procedural requirement for tree removal permits.

The next subchapter, *Workforce Housing*, creates an exemption grant program. Through an application process, the Town provides funding to owners or developers of qualified workforce housing units to cover the cost of all applicable Town of Mount Pleasant development impact fees.

The next two subchapters establish the Town's base and overlay zoning districts.

Use Districts and Boundaries includes requirements for maintenance of an official zoning map and rules for interpretation of zoning district boundaries, and specifies annexation procedures. The base districts are separated into three sections: Residential Use Districts (§ 156.303), Non-Residential Use Districts (§ 156.304), and Planned Development Districts (§ 156.305). Sections 156.303 and 156.304 describe the purpose of each district, cross-reference the use table in § 156.325, and present the district dimensional standards in a table format. Each section includes additional development standards or requirements that apply to certain uses or in certain districts.

See Section 3-4 for a complete list of the Town's base and overlay zoning districts.

Section 156.305 specifies general requirements for all Planned Development Districts and establishes the specific types of PDs, which include:

- Conservation Design Development (PD-CD),
- Commercial Village Project (pursuant to the requirements of the Commercial Design Review Overlay District),
- Mixed Use (PD-MU),
- Workforce Housing (PD-WFH), and
- PDs that meet the requirements for planned developments under the S.C. Planning Act.

The procedure for adoption and amendment of PDs is specified in this section as well.

Overlay Districts and Special Use Districts establish a variety of overlay zoning districts, most of which pertain to specific geographic areas. The Commercial Design Review Overlay District applies based on a property's underlying zoning district rather than geographic location. Two special use base zoning districts, Cultural Landscape and Waterfront Gateway, are found in this subchapter.

The next subchapter, *Principal, Accessory, and Temporary Uses*, includes the principal use table, supplemental regulations for certain principal uses, and regulations for temporary uses. It reserves two sections, Accessory Use Table (§ 156.327) and Accessory Use Conditions (§ 156.328) for future use.

The following subchapter addresses a specific land use, *Short-Term Rentals*. This subchapter establishes standards and application and permitting requirements.

The next four subchapters deal with the boards and commissions that have a role in decision-making processes associated with the Zoning Code, including the Planning Commission, Board of Zoning Appeals, Design Review Board, and Historic District Preservation Commission.

The final subchapter establishes the Historical Commission, a primarily advisory body that champions local historic preservation and education efforts.

3 CENTRAL THEMES & PRIMARY AREAS OF RECOMMENDED CHANGES

During our conversations with stakeholders, three central themes emerged:

- The Town is entering a different phase where **infill development**, **reuse**, **and redevelopment**, rather than greenfield development, will be the norm. In the future, developments will be more complex and present a larger exercise for the Town's review processes.
- The codes should be **simplified**, with more **straightforward** regulations that recognize this new phase of development. Changes to the codes should occur less frequently to improve efficiency and increase predictability. Purpose statements should be revisited to ensure the regulations continue to serve their intent. Outdated code provisions should be updated or eliminated.
- Development procedures should be **clear** and **predictable**, with less board/commission decision/discretion and more staff decision-making, based on objective, adopted standards. Desired outcomes should be easy to achieve.

As noted in the *draft* Comprehensive Plan, greenfield development "will be increasingly rare in Mount Pleasant" (p. 10-19) and "redevelopment and infill will constitute the bulk of the town's future growth" (p. 5-18). The Town's current development codes generally anticipate greenfield development, and often present challenges for infill development and redevelopment.

The current land development and zoning regulations are based on a 1979 ordinance that was recodified in 1981. There has never been a comprehensive review and revision of the development regulations. The codes have undergone piecemeal amendments over the years, often resulting in internal inconsistencies and conflicts. In some cases, for example with respect to religious land uses and housing, it is important to confirm ongoing local zoning compliance with applicable federal standards. In addition, regulations often focus on small details that do little to advance the town's overall land use and planning goals, and instead take staff time away from more important issues.

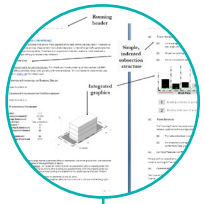
The Town's development application review times are relatively short. While this is desirable, it can create unreasonable demands on staff time. Also, there is discretion in many approval processes which can result in plan revisions and resubmittals, extending the review process beyond typical timeframes. This negatively impacts staff and applicant time and resources. Stakeholders generally are willing to accept longer review times in exchange for predictability in the development process.

The three major themes identified above translate into four major areas of recommended changes to the Land Development Regulations and Zoning Code, organized by priority:

1. Create a More User-Friendly Code
2. Revise the Development Review Procedures
3. Modernize & Improve the Development & Design Standards
4. Update the Zoning Districts & Uses

We review these four areas in detail in the following sections. Each section includes a discussion of background information and stakeholder input, as well as recommendations for change. Recommendations also are listed at the end of each section, generally beginning with the higher priority items.

FOUR MAJOR AREAS OF RECOMMENDED CHANGES



CREATE A MORE USER-FRIENDLY CODE

A well-organized development code makes information easier to find and to understand, avoids confusion, and facilitates the long-term process of maintaining and amending the code over time.



REVISE THE DEVELOPMENT REVIEW PROCEDURES

While procedural streamlining is important for applicants, staff, and citizens, it is essential to give citizens a way to weigh in on projects that affect them.



MODERNIZE & IMPROVE THE DEVELOPMENT & DESIGN STANDARDS

Development and design standards relate to elements that directly shape the density, intensity, design, and character of new development.



UPDATE THE ZONING DISTRICTS & USES

The zoning districts can be restructured to effectively implement a more character-based approach to development, as recommended in the *draft* Comprehensive Plan.

3-1 CREATE A MORE USER-FRIENDLY CODE

Background

A well-organized development code benefits the general public, Town staff, and applicants. It makes information easier to find and to understand, avoids confusion, and facilitates the long-term process of maintaining and amending the code over time. Improving the organization, format, and online accessibility of the LDRs and Zoning Code will:

- increase readability;
- improve administration by making information easier to find and understand;
- enhance public input by making complex, technical information accessible to casual users; and
- further the Town's business-friendly objectives by making development standards and procedures clearer to applicants.

User-friendly codes include purpose statements for each category of regulations to ensure the rationale for the regulations is clear. Similar regulations are consolidated to limit internal conflicts and inconsistencies. Graphics are used frequently to depict dimensional and development standards. Many modern codes include an executive summary or guide to help readers understand how to use the code, which is particularly helpful for casual code users.

Code Organization

Like other portions of the Town's Municipal Code, the Land Development Regulations and Zoning Code are divided into un-numbered subchapters and numbered sections (in this case, with 3 digits following the chapter number). Within the sections, the LDRs and Zoning Code often use italicized headings to help further organize the regulations.

While this functions effectively for other, shorter chapters of the Municipal Code, it limits the ability to organize the LDRs and Zoning Code in a user-friendly format. Due to the length and complexity of these two chapters, particularly of the Zoning Code, an additional level of numbered organization between "subchapter" and "section" would be useful, as illustrated in the example on the following page. The Town could also consider numbering the subchapters to make them easier for readers to find. While it is important to have consistent organization throughout the Municipal Code, the complexity of the development codes may warrant an alternate—but similar—organizational structure.

This method of organization also improves online accessibility and user-friendliness. Stakeholders often find the online Municipal Code difficult to navigate. In part, this could be due to the fact that the online code hyperlinks down to the section level, but many specific requirements (e.g., critical line buffer) are buried deep within a section. Four levels of numbered organization would make it simpler for staff, applicants, and other code users to navigate to specific regulations.

How would another level of organization improve the LDRs and Zoning Code?

The Vegetation Requirements subchapter includes two sections: Landscape Requirements (§ 156.200) and Bufferyards (§ 156.201). Section 156.201 includes perimeter buffer specifications, including several tables and graphics, as well as provisions for three special purpose bufferyards. The portion pertaining to special purpose bufferyards can be difficult to follow because it uses up to six levels of organization after the section number (e.g., § 156.201(I)(2)(e)1.c.(i)).

The next subchapter, Tree Protection, also could be broadly categorized as "vegetation requirements." However, this subchapter is much too complex to fall under a single section number.

Table 1 illustrates how the use of four numbered levels of organization could help make information in this subchapter easier to find and reference. The table simply reformats the Vegetation Requirements subchapter, using current subchapter and section names and current italicized headings, and generally does not consider how these provisions could be consolidated or differently organized.

Table 1. Current & Alternate Organization of the Vegetation Requirements Subchapter.

Current Organization	Alternate Organization
Chapter 156: Zoning Code	Chapter 156: Zoning Code
Subchapter: Vegetation Requirements	Subchapter 12: Vegetation Requirements
Section 156.200 Landscape Rqmts.	Part 1: Landscape Requirements
	Section 156.200 Purpose.
	Section 156.201 Applicability
	Section 156.202 General Landscaping Criteria
Section 156.201 Bufferyards	Part 2: Bufferyards
	Section 156.205 Purpose
	Section 156.206 Applicability
	Section 156.207 Location of Bufferyards
	Section 156.208 Determination of Bufferyard Rqmts.
	Section 156.209 Bufferyard Specifications
	Section 156.210 Use of Bufferyards
	Section 156.211 Bufferyards Part of Required Yards
	Section 156.212 Plant Species
	Section 156.213 Minimum Plant Size
Section 156.201 (I)	Part 3: Special Bufferyards
	Section 156.220 Natural Roadside Buffer
	Section 156.221 Critical Line Buffer
	Section 156.222 Mathis Ferry Road Buffer
Subchapter: Tree Protection	Part 4: Tree Protection
Sections 156.220 through 156.231	Sections 156.230 through 156.241

Best practices place the most often used sections, such as zoning districts and development standards, near the front of a development code and less often used sections, such as nonconformities and administration, at the back. Currently, both the LDRs and Zoning Code begin and end with legal, administrative, and procedural subchapters, with zoning, development, and design standards sandwiched in between.

Both the LDRs and Zoning Code place definitions at the front of the code. However, readers typically expect to find a glossary at the end of a document, rather than the beginning. Definitions also appear in other Zoning Code subchapters and sections, including Telecommunications Towers, Small Wireless Facilities within the Right-of-Way, Signs, and Tree Protection. Stakeholders generally support consolidation of all definitions into single subchapters at the end of the LDRs and the Zoning Code. Where a term has a specific meaning in one code section but a different meaning in other sections (e.g., “Locate” in the Small Wireless Facilities subchapter), it may be more appropriate to define the term within the section where it is used.

The LDRs (approx. 67 pages) are short in comparison to the Zoning Code (approx. 392 pages), and generally are better organized—though could still benefit from the organizational improvements as mentioned above. Similar regulations are consolidated, such as the procedures associated with the subdivision process.

The Zoning Code, on the other hand, is not intuitively organized. The frequently-used district and use regulations are found towards the back, nearly 175 pages and 320 pages, respectively, into the Zoning Code. Certain uses with special regulations have their own subchapters (e.g., Accessory Uses, Telecommunications Towers), while others are consolidated into Sec. 156.326, Principal Use Conditions.

The Code consolidates the Residential Use Districts into § 156.303. This section identifies the purpose of each district; cross references the use table and bufferyard code sections; specifies lot, yard, height, and coverage requirements in a single table for all Residential Use Districts; and establishes additional development provisions for certain districts. Section 156.304 (Non-Residential Use Districts) follows the same format.

It is more user-friendly for each base zoning district to have its own section, like the Overlay and Special Use Districts. This could be achieved through the organizational improvements recommended in this section. Most code users are interested in the standards for a single zoning district, rather than a group of broadly categorized districts. While the side-by-side comparison of standards offered by the Development Standards Tables can be helpful to certain users, the Residential Use District table is quite large with many empty cells. Instead, each zoning district section should include a dimensional standards table specific to that district.

Finally, there are gaps in the section numbering between subchapters, which allows future code amendments to be easily inserted into the codes without having to renumber subsequent sections. We recommend maintaining sections at the end of each subchapter (or “part”, if added) as “reserved” for future code additions.

Consistency Among Land Use Chapters. For Mount Pleasant, an important consideration in discussion of the topic of code organization is whether development-related regulations should be consolidated into a single code. This technique is not uncommon and is referred to by some as a "Unified Development Code (UDC)," "Unified Development Ordinance (UDO)," "Zoning & Land Development Code (ZLDC)," or other similarly named code indicative of the consolidated elements.

Although there are mixed opinions on the utility of this technique in Mount Pleasant, most stakeholders support consolidation of the LDRs and Zoning Code, and potentially other chapters in Title XV, due to the interrelated nature of their regulations.

The S.C. Planning Act empowers local governments with three distinct planning authorities: Comprehensive Planning (Article 3), Zoning (Article 5), and Land Development Regulation (Article 7). Each article has its own definitions, procedures, administrative responsibilities, and appeal processes.

The Planning Act is silent on where in a municipal or county code these areas must or may be addressed. Of course, it makes sense they would be proximate since the three areas are interrelated and, in the case of zoning and LDRs, may arise daily in the context of individual development proposals. In fact, the Act does expressly authorize "planned development districts," which commonly involve all three areas in a single application.

Would the courts regard a code section designated as a UDO or UDC differently than one designated as zoning and land development regulations? One would think not. There have been a few reported cases challenging provisions in a "unified development code" in South Carolina, but the holdings in those cases were unrelated to the way the code was structured or what it was called. And no challenge has been made alleging, for example, that the Planning Act authorizes zoning and land development regulations but somehow does not authorize "unifying" these into a single code section.

Jurisdictions in South Carolina have used this terminology to describe their land-related codes, though there has been a recent trend away from the terminology, if not the technique, due to mischaracterizations in some areas of a UDC or UDO as something substantively different than a standard zoning and land development code. This has led to the perception among some planning opponents that a "UDC" puts a greater burden on property owners or greater cost on development than do "zoning" or "land development" regulations.

Local Unified Code Example

The Town of Summerville, SC's Unified Development Ordinance integrates zoning regulations with site and building design guidelines, subdivision and infrastructure standards, and water management regulations (which includes stream and wetland buffer, floodplain management, and stormwater management regulations).

The UDO uses a modern format that is easy to read and navigate, with extensive graphics that clearly convey complex regulatory standards.

To some degree, the current Title XV: Land Usage already functions in a "unified" way, consistent with the Planning Act's distinct authorities. The bulk of the Town's land development- and zoning-related regulations are located within Title XV, although some related regulations can be found in other titles (e.g., Chapter 51: Water and Sewers, Chapter 52: Stormwater Management Program, § 72.15 Use of Vehicle for Advertising Purposes, § 90.28 Coops for the Confinement of Fowl, Chapter 96: Political Signs, and Chapter 116: Special Event Permits).

While the development-related regulations generally are consolidated into a single title, however, the chapters have functioned independently of one another in certain respects. Each chapter has its own standards, procedures, administration, and appeal processes. This has resulted in some internal inconsistencies between the chapters in Title XV, which often leads to confusion over which regulation or approval process controls. Some terms are defined in more than one chapter, but in substantively different ways.

Therefore, it is recommended that sections be streamlined into a "unified" framework that ensures consistency and removes redundancy, while clearly articulating the statutory distinctions between zoning and land development regulations in their procedures, requirements, and structure, regardless of what the Title and Chapters are ultimately called.

For example, § 6-29-760 of the Planning Act requires at least 15 days public notice for any amendment to a jurisdiction's zoning regulations, while § 6-29-1130 requires at least 30 days public notice for any amendment to land development regulations. A unified development code in South Carolina should account for these different timeframes.

This could be fairly simple, if it were merely a matter of delineating *subdivision* regulations (e.g., lot and block layout, street standards, platting requirements) from zoning regulations, and assigning administrative, approval, and appeal responsibilities and timeframes as specified in the Planning Act. This essentially is how the Town's ordinances are organized now.

However, Land Development, as defined in Article 7 of the Planning Act, is broader than just subdivision of land. Rather, it is "the changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics" (S.C. Code § 6-29-1110(2)). Also, § 6-29-1150 distinguishes between "land development plans" and "subdivision plats."

In fact, regulations throughout the Town's Title XV, including in the Zoning Code, could be considered land development regulations under the Planning Act definition (e.g., Chapter 153: Stormwater Management and Water Quality Regulations; § 156.108 Curb Cuts, Visibility at Intersection, and Pedestrian Access; Tree Preservation, §§ 156.220-156.231). Unfortunately, the language here is a little antiquated today and requires a reasonable interpretation and application to the modern context.

How could the Town better integrate its zoning and land development regulations while maintaining the distinctions called for in State law?

Other local governments throughout South Carolina and in the Lowcountry, including Charleston County and the City of Charleston, utilize a unified framework. Both Charleston County and the City of Charleston codes address the distinctions in the Planning Act between "zoning" and "land development."

Charleston County's Zoning & Land Development Regulations (ZLDR) include not only zoning provisions, but also a chapter (Chapter 8) for "Subdivision Regulations." The County's ZLDR were previously designated as a "unified development" code. Despite the change in terminology, the County ZLDR include subdivision platting requirements, as well as regulations pertaining to tree preservation, pedestrian ways, conservation subdivisions, and others.

Appeals of administrative decisions related to ZLDR Chapter 8 are heard by the Planning Commission. All other appeals of administrative decisions are considered "zoning-related," and are heard by the Board of Zoning Appeals. Text amendments to Chapter 8 require a 30-day public notice, while any other text amendment requires a 15-day notice. As noted above, these different processes and timeframes are specified by the Planning Act.

S.C. Code § 6-29-1120 Legislative intent; purposes.

The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within the municipalities and counties of the State. In furtherance of this general intent, the **regulation of land development by municipalities**, counties, or consolidated political subdivisions **is authorized for the following purposes**, among others:

(1) to encourage the development of **economically sound and stable municipalities** and counties;

(2) to assure the **timely provision of required streets, utilities, and other facilities and services** to new land developments;

(3) to assure the **adequate provision of safe and convenient** traffic **access** and **circulation**, both **vehicular and pedestrian**, in and through new land developments;

(4) to assure the **provision of needed public open spaces and building sites** in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and

(5) to assure, in general, the **wise and timely development** of new areas, **and redevelopment** of previously developed areas in harmony with the comprehensive plans of municipalities and counties.

Like Charleston County, the City of Charleston's "Zoning Ordinance" itself includes a chapter for subdivision regulations and recognizes the different requirements in the Planning Act. The City's Zoning Ordinance implements requirements for subdivision plats and land development plans. It also addresses the Planning Act's silence regarding variances for land development regulations by establishing two boards of zoning appeals—one for site design standards (Board of Zoning Appeals-Site Design) and another for zoning (Board of Zoning Appeals-Zoning). The Zoning Ordinance explicitly lists the sections of the ordinance that constitute "site design" regulations, which include the subdivision design standards.

Similar techniques and processes could work in Mount Pleasant. The definitions, legislative intent, and regulations sections (§§ 6-29-1110, 6-29-1120, and 6-29-1130, respectively) in Article 7 of the Planning Act (Local Planning - Land Development Regulation) can guide the Town in determining which of its regulations would likely be considered "land development regulations" under State law. Sections 6-29-710 and 6-29-720 in Article 5 (Local Planning – Zoning) provide similar guidance for zoning regulations.

The Town could continue to utilize Title XV as a "unified" code, which would allow the addition of chapters without the need to renumber subsequent chapters. In effect, this adds an additional level of organization as recommended earlier in this section. For example, *Tree Preservation and Planting* could be a chapter in the UDC, rather than a subchapter in the Zoning Code. Though, in any case, the processes and requirements need to be aligned.

Format

In this context, "format" refers to:

- **Style** (e.g., font type, font color, headings format);
- **Paragraph hierarchy** (i.e., how paragraphs are numbered/lettered, as well as how other sections refer to them, such as "subsection," "paragraph," or "division");
- **Capitalization** and other **text attributes** (e.g., **bold** or *italic* font);
- The format of **numbers** and **percentages** within the text;
- **Punctuation** (e.g., the use of Oxford commas, the type of punctuation at the end of list items);
- The format of **internal cross-references** to other sections of the Municipal Code (e.g., using the word "Section" vs. the symbol "§");
- The format of **external cross-references** (e.g., cross-references to a State statute);
- **The use of acronyms**;
- **The use, format, numbering, and titling of tables** and **graphics**;
- **Page layout** (e.g., margins, spacing, running headers and footers); and
- **Readability** (i.e., the use of short sentences, written in the active voice, with ample white space on the page).

The style and hierarchy of the LDRs and Zoning Code generally is consistent, both between the chapters and within them. Most formatting inconsistencies relate to the other items listed above. These inconsistencies largely are attributable to the numerous code amendments over the years, with text written by different staff with different writing styles and preferences.

For example, list items end with a semi-colon, comma, or period—and some use a mix of punctuation within the same list. Also, defined terms sometimes are capitalized, sometimes are called out in quotation marks, and often are not distinguished at all.

Many of the regulations are difficult to read, with legalistic language and long sentences. Sentences should be short, clear, and written in the active voice.

The LDRs do not contain graphics, and there is only one table within the text (in § 155.048, Streets). The Zoning Code frequently uses tables to present quantitative information and long lists and graphics to illustrate design and development concepts. However, the graphics vary in quality. Some are crisp, with a high resolution, while others are blurry and difficult to read. Tables largely are not numbered and often do not have titles. Some graphics (or figures) are numbered (e.g., in the WG District), but most are not.

Internal and external cross-references are sometimes necessary and can be helpful to readers. The format of cross-references should include the section number and title in case the cross-referenced provision is relocated.

Page layout is less important when the code is solely published through an online codification system like American Legal. For example, running headers and footers are unnecessary due to the navigation features built into the website. However, if the Code is also made available as a static document (such as in PDF), it should include running headers and footers that indicate which subchapter and sections of the code are on a page, as well as bookmarks for easy navigation.

Online Accessibility

In 2020, it is critical for development codes to be easily accessible online. Codes—including tables and graphics—should be viewable on various devices and screen sizes, with no loss of quality or format.

The entire Town of Mount Pleasant Municipal Code, including the LDRs and Zoning Code, is available online through American Legal. In general, this makes the code easy to navigate, search, and download. A drawback to online codification is that there is some delay between final reading of an ordinance and updates to the online code.

This delay can be significant—at the time of this writing, the online Municipal Code includes all local legislation adopted through December 31, 2019. Many casual code users today might assume the online code is always up to date, which could result in preparation and/or submittal of applications and plans in accordance with standards that are no longer applicable.

Maintaining a version of the LDRs and Zoning Code in Microsoft Word or similar software allows the Town to update the online code soon after an amendment is adopted. However, this requires additional staff time and necessitates maintenance of a backup system for the digital files. Another option is to maintain a section of the Town's website with signed copies of all adopted, but uncodified, ordinances.

Any portion of the Municipal Code can be downloaded from the American Legal site. However, the two most common file formats (Word and PDF) produce documents without page numbers, running headers, or bookmarks. This makes the downloaded code onerous and time consuming to navigate.

Some online codification systems are specifically designed to publish modern, graphically-rich development codes. These systems often can hyperlink to external resources, link the online code to interactive GIS maps, and calculate development metrics. Some systems allow staff to easily maintain and update the code, allowing code amendments to be published on the day of adoption. The major drawback to such systems often is cost.

Online Accessibility

American Legal and other online code publishers can accommodate modern codes with integrated graphics and tables.

Communities in the region and around the country use a variety of online code publishers, including:

American Legal
Town of Cary, NC

Municode
City of Charleston, SC
Charleston County Code

enCodePlus.com
Charleston County, SC Zoning & Land Development Regulations

ecode360.com
City of Orangeburg, SC

Code Publishing Company
Olathe, KS

RECOMMENDATIONS

3-1.1 Prepare an outline of the revised development codes, including a correspondence table that links new sections and headings to existing sections and headings.

- » Consider reformatting and organizing Title XV into a unified format to better integrate zoning and land development regulations.
- » Add an additional level of numbered organization between "subchapter" and "section." Consider numbering subchapters.
- » Continue maintaining sections at the end of each subchapter (or "part", if added) as "reserved" for future code additions.

3-1.2 Develop a style guide for the development codes so that future code amendments are consistently formatted.

3-1.3 Consider the best way to maintain the development codes online, with an eye to functionality; ease and efficiency of use, maintenance, and update; and cost.

3-1.4 Consolidate definitions into a single subchapter at the end of the development codes. Ensure new and revised definitions are consistent with the Building Code.

3-1.5 Increase the use of tables to present quantitative information and long lists, especially in the LDRs. Ensure tables are consistently numbered, titled, and formatted.

3-1.6 Increase the use of graphics to illustrate regulatory standards. Ensure graphics are consistently numbered, titled, and formatted.

3-2 REVISE THE DEVELOPMENT REVIEW PROCEDURES

Background

Procedural streamlining is important for applicants, staff, and citizens. Wasteful permitting processes cost applicants and taxpayers money, and often lead to unexpected development outcomes. It is also important to consider procedural requirements in light of current and anticipated future staffing levels. While streamlining is important, it is essential to give citizens a way to weigh in on projects that affect them.

The modern best practice is to assign as many processes as possible to administrative staff when public hearings are not necessary. Public hearings are not necessary when a use is subject to very clear regulations defined in the ordinance (leaving no room for interpretation or discretion), or where the application is the final step in multi-step approval processes where discretionary decisions have already been made.

Where development has unique impacts, or impacts that are incapable of resolving completely through development standards, public hearings may be required to ensure that neighborhoods have an opportunity to weigh in on applications that affect them. Even without public hearings, the code can require neighborhood meetings to sort through issues that could otherwise become the topic of a variance request or third-party lawsuit challenging the application.

We heard, resoundingly, from stakeholders that predictability in the development process is critically important. Economic development suffers and businesses are reluctant to build when there is considerable uncertainty in the development process.

Some stakeholders perceive that decisions by Town staff and officials are made in an ad-hoc fashion. We believe this is largely a result of the current development codes. The codes provide insufficient guidance regarding many of the types of decisions staff and officials must make, such as revisions to approved development plans. This can result in inconsistent decisions and actions.

As shown in Table 2, procedural requirements are scattered throughout Title XV. Some requirements are difficult to find. Many are repeated in more than one section or chapter. Most would benefit from clarifications or further details. The table captures the Town's primary zoning- and development-related review procedures, and does not include individual components of larger plans (e.g., Greenspace Preservation & Protection Plan as a component of a Sketch Plan), inspection procedures, bonding requirements, etc.

Table 2. Current Town of Mount Pleasant Zoning- & Development-Related Review Procedures

Procedure	Related Code Section(s)
Annexation & Initial Zoning	
Annexation Petition	156.302
Initial Zoning	156.302
Code & Map Amendments	
LDR Text Amendment	155.087
PD Zoning & Amendment	156.031, 156.305
Zoning Code Text Amendment	156.031
Zoning Map Amendment (Rezoning)	156.031
Use-Related Permits	
Conditional Use Permit	156.325, 156.326
Mobile Vending Permit	156.326(5)(h)
Short-Term Rental Permit	156.341
Special Exception Use Approval	156.325, 156.326, 156.411
Temporary Use Permit	156.329
Development Review Permits & Procedures	
Building Permit	150.099, 152.40, 152.41, 153.007, 156.051
Certificate of Appropriateness	156.433
Certificate of Occupancy	150.100, 150.110, 156.051
Clearing & Grading Permit	153.007, 153.009, 153.041, 153.070, 155.051, 156.225
Design Review Approval	156.310, 156.422
Development Agreement	Chapter 157
Development Review Team Approval	n/a
Impact Assessment	155.029, 156.054
Land Disturbance Permit	153.040, 153.041

Procedure	Related Code Section(s)
Sign Permit	156.153
Site Plan	156.050
Stormwater Management & Tree Preservation Permit	150.025, 150.027, 150.028, 150.029, 150.030
Tree Removal Permit	156.225, 156.226, 156.231
Subdivision-Related Approvals	
Final Plat	153.007, 153.009, 155.020, 155.025, 155.026, 155.027
Preliminary Plat	155.020, 155.023, 155.024
Sketch Plan	155.020, 155.021, 155.022
Street Naming	156.401
Street Name Change	156.401
Subdivision with minimal or no street construction or dedication of street ROW	155.028
Variances & Waivers	
Land Development Regulations Waiver	155.047, 155.048
Stormwater Management and Water Quality Regulations Variance	153.080
Technical Building, Fire, or Flood Code Variance	150.003, 152.52, 152.53
Zoning Code Variance	156.411
Appeals of Administrative Decisions & Code Interpretations	
Appeal of Decision Related to Flood Damage Prevention	152.52
Appeal of Decision Related to LDRs	155.023, 155.025, 155.054
Appeal of Decision Related to Stormwater Management and Water Quality Regulations	153.090
Appeal of Decision Related to Zoning Code	156.411
Appeal of Decision or Interpretation by Building Official	150.003, 152.52
Appeal of Decision by Public Safety & Housing Officer	150.051
Appeal Related to Development Impact Fees	154.13

The number of procedures is significant. For the casual reader, it is difficult to determine where an individual procedure fits into the overall process workflow, who the procedure applies to, or what an approval authorizes. Most proposed developments require multiple administrative and/or discretionary approvals and, in many 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 the regulations resolved?

Despite the number of procedures a few important ones are missing, such as Comprehensive Plan and Future Land Use Map amendments, administrative interpretations and adjustments, and the Development Review Team process. We recommend adding these and other new procedures, as discussed on page 33.

Table 3.1.6, Notices

Procedure	Review [R], Decision-Making [DM] And Appeal [A] Bodies				Notices See Section 3.1.6			
	Staff	PC	CC	BZA	News	Post	Neighbor	Parties in Interest & Community Interest
***Comprehensive Plan* Amendments**	R	R	DM		✓			✓
Ordinance Text Amendments	R	R	DM		✓			✓
Zoning Map Amendments	R	R	DM		✓	✓	✓	✓
Planned Development (PD) Zoning Map Amendment	R	R	DM		✓	✓	✓	✓
Special Exceptions	R			DM	✓	✓	✓	✓
Site Plan Review	DM			A				
Variances	R			DM	✓	✓	✓	✓
Written Interpretations	DM			A				
Public Project Review	R	DM			✓			✓
Appeals of Zoning-Related Administrative Decisions				DM	✓	✓	✓	✓
Appeals of Subdivision-Related Administrative Decisions		DM			✓			✓

Notes:
In cases where no Appeal Body is shown or where the County Council is shown as final Decision-Making Body, appeals shall be taken to the Circuit Court of Charleston County, as provided by law.
R = Review Body [Responsible for Review and Recommendation]
DM = Decision-Making Body [Responsible for Final Decision to Approve or Deny]
A = Authority to hear and decide appeals of Decision-Making Body's action Neighbor *and Community Interest* notice is a courtesy notice; failure to provide will not invalidate any action taken.

The Charleston County ZLDR includes a table that summarizes the development-related review procedures.

All of the Town's development-related review and approval processes should be integrated into a single *Procedures* chapter or subchapter. Some individual procedures should be consolidated, such as the various appeal procedures. A best practice is to include a summary table of approval processes and authority. This improves readability and provides the reader a quick overview of how applications are approved.

The Procedures chapter would include sections pertaining to general elements that apply to more than one procedure, such as pre-application meetings and public hearings. It would also include sections for specific procedures, such as sign permits, rezonings, and variances. Many modern codes also illustrate each procedure using a flowchart like the one shown in Figure 1. These can be included in the code or maintained outside the code in an administrative policy or manual. Each specific procedure could be standardized into the following workflow:

- Purpose
- Applicability
- Initiation
- Completeness
- Notice
- Decision
- Approval Criteria
- Subsequent Applications
- Appeals
- Scope of Approval
- Recordkeeping

Administrative Review Procedures

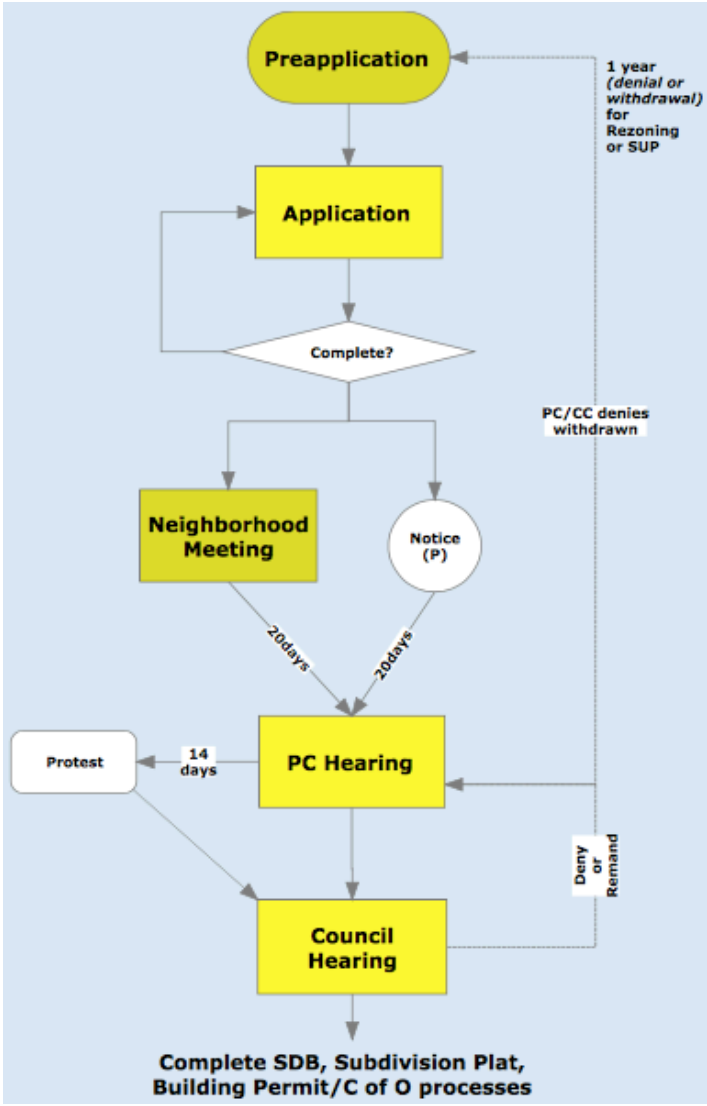
Many of the review procedures listed in Table 2 are administrative, meaning the decision is made by Town staff rather than Town Council or a board or commission. Administrative procedures largely involve use-related permits and development review permits and procedures.

Stakeholders identified a few concerns with current administrative procedures related to land development, including a lack of predictability in the timeframe for plat review, the low threshold for requiring a Land Disturbance Permit, the length of review time for building permits for minor additions and upfits, and delays in scheduled inspections. However, stakeholders understand most of these concerns relate to the volume of submittals and available staff time, rather than issues with the codes.

Stakeholders offered two specific recommendations for land development-related procedures. First, stakeholders recommend the Town streamline its platting process for property line adjustments by allowing exceptions to the typical preliminary plat/final plat process for adjustments that do not create new lots or rights-of-way.

Second, applicants would like staff to have additional discretion to approve a project for certificate of occupancy and close-out while the developer addresses minor items (provided those items are unrelated to life/safety issues). The Town occasionally issues conditional or temporary certificates of occupancy, but the code is unclear as to when or how these can be used.

Figure 1. Rezoning Procedure Flowchart from the Olathe, Kansas Unified Development Ordinance.



Conditional certificates of occupancy (COs) offer flexibility for applicants, but require significant staff time and resources to monitor, verify, and close-out. Temporary COs, on the other hand, put the responsibility on the applicant to satisfy remaining conditions and to apply for a permanent certificate of occupancy.

Requiring the applicant to provide a financial guarantee (e.g., bond, letter of credit) is a possible mechanism for ensuring completion of outstanding items. In the development codes update, the Town should evaluate the ongoing use of conditional or temporary COs and consider whether to allow them and the means of balancing the need for applicant flexibility with costs to the Town.

Development Review Team. The Town recently implemented a Development Review Team (DRT), comprised of staff from the Planning & Development, Transportation, Public Services, and Fire Departments, as well as from Mount Pleasant Waterworks (MPW). The DRT review process is intended to give applicants as much information about projects up front as possible, improve inter-departmental communication and coordination, and address conflicts early (e.g., conflicts between landscaping and drainage requirements). The DRT reviews commercial projects that require review by the Design Review Board, residential subdivisions that require review by the Planning Commission; and utility projects (e.g., MPW, Dominion Energy).

The DRT is a significant step forward in consolidating and streamlining procedures—to the benefit of both staff and applicants. Prior to implementation of the DRT, each department or agency conducted an independent review. There was no clear authority for final decisions. Now, review processes are better coordinated and staff has more decision-making authority. The DRT review process already has identified areas for improvement, including areas of overlapping regulations, reviews, and responsibilities.

Stakeholders feel the process is working well so far, particularly for commercial developments. There is a bit less clarity with the process as it relates to residential developments, particularly those subject to existing development agreements.

The DRT review process is not codified, although the procedure is outlined in detail on the Town's website. The process is an administrative policy that the Town has implemented. Staff created two flowcharts (a best practice) to illustrate the DRT review process and its relationship to other review procedures (*see* Figure 2).

It has quickly become evident that the DRT timelines need adjustment, particularly for projects subject to review by the Design Review Board.

The first step in the DRT review process is a Feasibility Meeting. These meetings happen frequently, often with very short notice, and staff is expected to accommodate. This can require 30-60 minutes of prep time prior to the meeting.

The goal of these meetings is to have all DRT staff attend and provide high-level feedback about a proposed project.

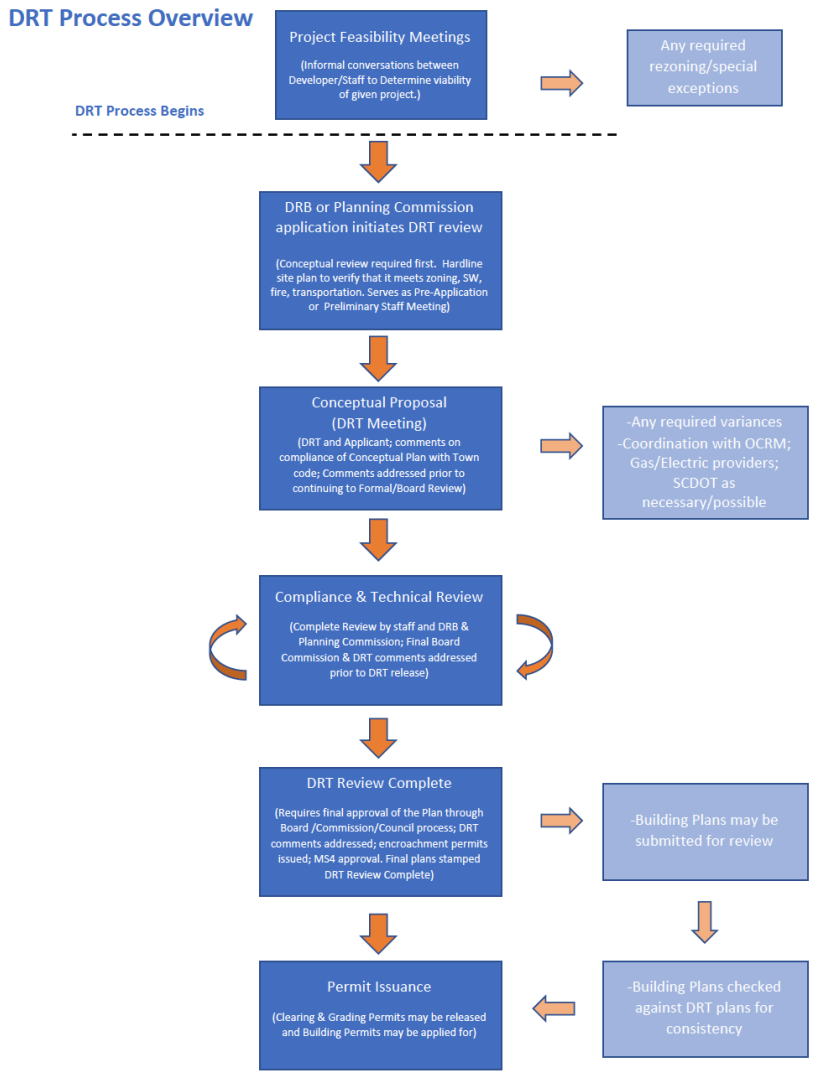
However, when a meeting is requested only two or three days in advance, it can be difficult for all DRT staff to attend and provide the needed input. Further, the DRT policy is unclear as to whether the feasibility meeting actually is a required component of the process.

The second step in the DRT review process is Design Review Board or Planning Commission review. Since the Design Review Board submittal deadline is two weeks prior to the meeting and staff comments must be submitted to the DRB in advance of the meeting, the DRT staff ends up with six work-days to complete their review of commercial projects. This turnaround time is too short for a thorough review of technical plans, particularly when the number of submittals is high. This can result in the last-minute removal of projects from the DRT agenda, or can lead to plan changes later in the process—both of which negatively impact staff and applicant time and resources.

When we conducted stakeholder interviews in February, DRT staff had 28 submittals to review and comment on within six days. Projects included a car dealership, a fast food canopy, a multi-parcel storage facility development, and utility upgrades and replacements. This is in addition to staff's other duties and responsibilities.

The Town currently is faced with the question of whether staff is bound by the timeframes in this uncodified policy. Codifying the DRT process and timeframes will provide needed clarity to applicants and staff. The Town could consider codifying the general structure and sequence of the process and adopting, by reference, a more

Figure 2. DRT Process & Meeting Flowchart



specific administrative policy. This would allow staff to adjust procedural details in the administrative policy as needed as this new process evolves or as development applications ebb and flow over time.

Finally, stakeholders suggest the Town consider authorizing the DRT to release permits related to land development. This aligns with the DRT's purpose, and would further streamline the Town's development review procedures.

Discretionary Review Procedures

Approval procedures and timeframes associated with most discretionary review processes (i.e., those involving Town Council and/or board or commission review) are specified in the Planning Act and other portions of State law. As such, there tends to be more clarity in these processes than those requiring staff-level review. However, stakeholders did identify a few concerns.

First, it is often unclear to applicants what types of changes to approved plans constitute a "substantial deviation" requiring board/commission, rather than staff-level, review. Substantial deviation is defined in some board/commission bylaws (e.g., Planning Commission, Historic District Preservation Commission), but not in the code. In fact, there are a number of procedural requirements in these bylaws that should appear or be cross-referenced in the code.

Second, for certain boards and commissions, submittal deadlines for the next month's meeting often fall on meeting dates. (Typical submittal deadlines are one month prior to the meeting where the application will be considered.) When multiple approvals are required (e.g., preliminary and final) or when a re-submittal is necessary, this submittal timeframe can create an unnecessary delay. For example, in order for an application that receives preliminary approval at one meeting to appear on the agenda for final approval at the next meeting, the applicant must apply online between the meeting and midnight. Otherwise the application is delayed a month.

The Town should review and reconsider its submittal deadlines for discretionary review processes. Applicants suggested more frequent meetings (e.g., twice, rather than once, per month). This may not be realistic with boards comprised of volunteers. More frequent meetings, or submittal deadlines that occur closer to the meeting, might necessitate a cap on the total number of submittals accepted for each meeting in order not to create unreasonable demands on staff time. Alternatively, submittal deadlines could be extended to five or six weeks prior to the meeting. As noted earlier in this report, stakeholders are willing to accept a reasonable amount of additional time in the review process in order to improve predictability in the overall process.

Another concern expressed by stakeholders involves the thresholds for staff-level design review. Section 156.310 (C)(5) allows applicants to request staff-level review for projects with an associated cost less than $250,000. The code appears to include the cost of interior improvements or renovations, even though these are not subject to the design review process.

While establishing major and minor review processes are a best practice in delegating authority between boards/commissions and staff, in this case, a dollar value may not be the most appropriate threshold. The Town should reevaluate the types of projects that require staff-level approval and which should require DRB review, and consider using qualifiers such as location or development size.

The procedural requirements for the design review process should clarify phasing requirements and the relationship of a project to future phases and/or adjacent properties.

Also, stakeholders perceive a significant amount of subjectivity the Design Review process. While discretion is both inherent and desirable in the Design Review process, a high degree of unpredictability and subjectivity is not.

The code authorizes the DRB to adjust or modify the architectural and site design review standards in § 156.310(E) & (F) "as deemed appropriate for the particular project in consideration of its individual circumstances" (§ 156.310(C)(1)). The code should provide more guidance regarding how, to what degree, and at what point in the process these standards can be adjusted.

The requirements for the various decision-making bodies involved in the planning process (e.g., Planning Commission, Historic District Preservation Commission) are located at the end of the Zoning Code. Provisions common to all boards and commissions, such as attendance and quorum requirements, should be consolidated to reduce redundancy. The board and commission requirements should cross-reference the Procedures chapter.

Stakeholders expressed two concerns related to the Zoning Code text or map amendment process. First, the code does not address "split zoning." Split zoning results when only a portion of a lot is rezoned. It is challenging to administer regulations for and map multiple zoning districts on a single lot. While this happens relatively infrequently in Mount Pleasant, the Town should clarify how regulations are applied on split-zoned lots. Criteria should be established to guide future split zones.

Second, stakeholders raised a concern that first reading of a Zoning Code text amendment by Town Council sometimes occurs before the Planning Commission meeting and recommendation. The code specifies that the Planning Commission holds the required (i.e., advertised) public hearing for Zoning Code text amendments. Community members attend the public hearing, and are surprised to learn Council has already taken an action on the matter.

This approach is used at the discretion of Town Council. However, the code does not clearly explain that the text amendment process can happen in this order. The text amendment procedure should note where the timing of certain steps in the approval process can vary. In general, though, the Town should maintain the Planning Commission public hearing as the first meeting where Zoning Code text amendments are formally considered.

Impact Assessments. The LDRs and Zoning Code require applicants to submit an Impact Assessment for proposed developments that meet certain thresholds. An Impact Assessment may be submitted in conjunction with a rezoning request, but the Town should consider unlinking Impact Assessments from the zoning process. These are two separate processes with two different goals.

Rezoning changes a property's permitted uses and dimensional and development standards. The Planning Commission and Town Council should consider whether the proposed district and *all* its permitted uses and associated standards are appropriate in that location. Approval of a rezoning request (except those for PD Districts) cannot be conditioned to allow only a specific use or set of uses, such as those identified in an Impact Assessment. When Impact Assessments are submitted in conjunction with a rezoning request, it is likely difficult for decision-makers and the public to separate the two in some cases.

Often, particularly for large developments, the final mix of land uses is unknown at the time of rezoning. However, Impact Assessments (and required mitigation) are predicated upon an assumed set of uses, based on projections and plans at the time of application. The Zoning Code currently does not establish a process for amending an Impact Assessment if land uses or other project elements change significantly after approval. We recommend this be taken up during the update of the codes.

An Impact Assessment is intended to analyze the potential positive and negative impacts of a particular development "on the Town's overall environment and infrastructure, with an emphasis on transportation, drainage and service provision" (§ 156.054(A)). While the criteria for determining the significance of a proposed development's impact on the transportation network are straightforward due to its "engineered" nature, approval criteria for other categories of capital improvements vary more as to what constitutes acceptable and unacceptable negative impacts.

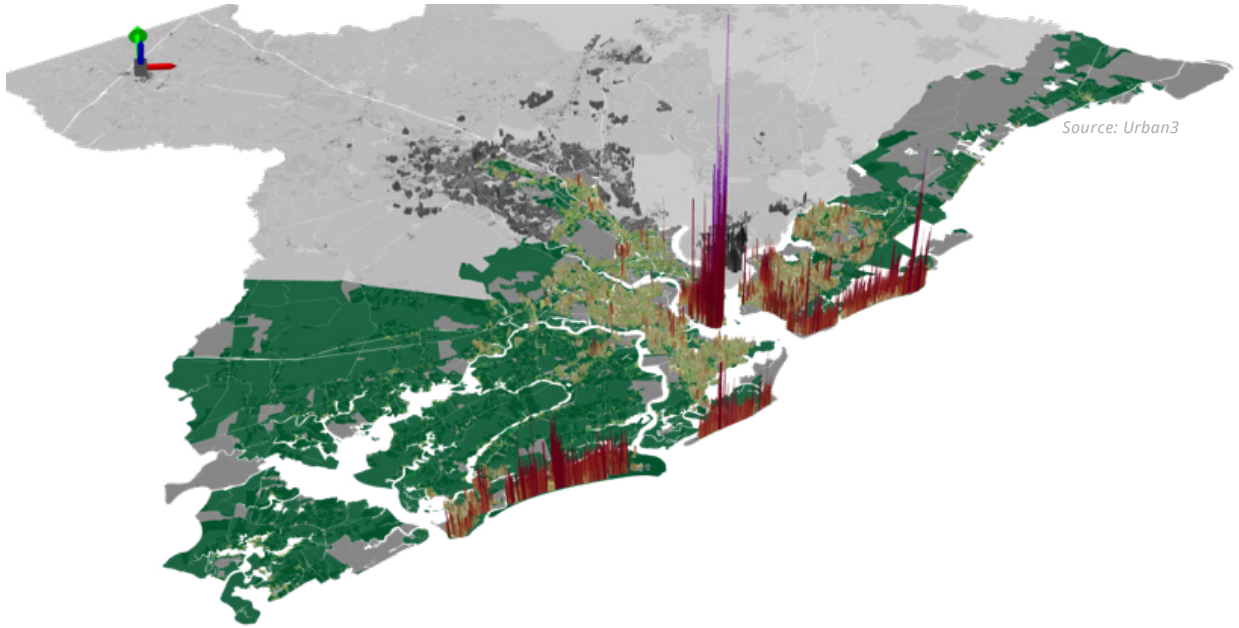
While it is prudent to require impact analysis for certain projects, it is also important to clearly define expectations and acceptable mitigation measures. This ensures applicants are treated fairly and that everyone—applicants, the public, staff, and decision-makers—is on the same page up front.

The code should apply professionally-accepted, measurable standards to the review of a development's impacts and proposed mitigation measures. With more objective approval standards, the Town could consider making Impact Assessments an administrative, rather than discretionary, approval process. Alternatively, Impact Assessments could become a submittal requirement for other applications—rather than a separate process.

Finally, stakeholders want the Town to ensure Impact Assessments are looking at the "bigger picture" including, if possible, neighborhood compatibility and fiscal sustainability. In fact, the *draft* Comprehensive Plan recommends an amendment to the Impact Assessment

requirements "to include a financial impact analysis of the proposed project, to determine if the project would have a net positive impact on town finances" (Section 6.6, Complete Action Work Plan, Actions AO3, RG45, PC16, and PI13).

Impact Assessments can provide valuable information to decision-makers and neighbors and help lead to better development outcomes. During the code update process, the Town should evaluate and revise the Impact Assessment procedure to clearly define required elements of an assessment, acceptable levels of service/capacity, and acceptable mitigation requirements. It is also important to consider how to equitably address needed mitigation among multiple developments in the same geographic areas of impact.



Local governments around the country are looking more closely at the relationship between land development patterns and property tax and retail tax revenues. As part of the Tri-County Housing Summit, a North Carolina-based firm analyzed this relationship in the Berkeley-Charleston-Dorchester region. The results of this analysis are available online: https://bit.ly/3cq80UE

New Procedures

In addition to consolidating existing procedures where possible, we recommend the addition of several new procedures to improve efficiency and predictability. All approval processes would be outlined in the consolidated Procedures chapter.

Comprehensive Plan Amendments. The Zoning Code should specify the procedure to amend the Comprehensive Plan and Future Land Use Map. This would apply to both applicant-initiated and Town-initiated amendments. The Town follows the comprehensive plan amendment process specified in the Planning Act, but it is not codified in Title XV.

Pursuant to § 156.104, residential density is tied to the Future Land Use Map designation of a property. Applicants may request a FLUM amendment in order to increase density, though that is not clear from the code. The new Procedures chapter should specify the criteria the Town uses to assess changes to the Comprehensive Plan and FLUM.

Administrative Interpretations. The Zoning Code should establish a process for requesting certain levels of code interpretation, including a formal, written interpretation from the Zoning Administrator or Building Official.

Applicants want some level of commitment or specificity in the answers to their questions. There is a perception that staff is apprehensive to answer questions in writing/email, and at times is uncomfortable making decisions without legal advice.

In order to provide complete and accurate information, staff needs sufficient details from an applicant about what is being proposed. The best way to ensure staff understands the whole picture is to make it clear what information is needed (in writing) from applicants in order to provide a reliable answer. Staff should not be expected to provide a "buildability" position without a full application and sufficient details.

A revised, reorganized code will make the regulations easier to understand, and improve staff's ability to assist applicants and citizens in applying the regulations. When questions arise, there should be a clear process by which applicants can receive reliable answers.

Administrative Adjustments. The code update should evaluate the pros and cons of allowing some administrative flexibility or discretion for certain development standards such as setbacks, parking, and bufferyards.

Perhaps in the form of administrative variances, the Council could authorize the Zoning Administrator to approve limited adjustments to quantitative development standards (e.g., up to a 10% reduction in setbacks) based on clear criteria. These may apply in PD Districts, as well as the other base zoning districts. The Zoning Administrator would have the ability to send more complex cases to the Board of Zoning Appeals, also according to clear criteria.

However, we note that the Planning Act is not explicit in terms of this authority, at least outside of the Planned Development context. Therefore land use counsel should be part of the development of any administrative adjustments or similar mechanism.

Stakeholders support giving staff more authority to approve minor adjustments to approved development plans, including in the field (during project close-out). If adopted, the code must include specific, measurable standards for these staff-level approvals, with Town Council or BOZA approval required for anything outside of those standards. This includes standards for major and minor amendments to PD Districts, with all major changes requiring a formal legislative amendment.

Change of Use. The Town does not have a specific process to review a change in land use. Building permit applications or exterior changes requiring Design Review Board approval typically trigger this review. However, land use changes that do not involve associated changes to a building—but that would require, for example, additional parking—sometimes go unreviewed.

The code should ensure land use changes are evaluated for all new impacts, and that all businesses and developments are treated fairly. The Business License Office should be tied into the process, in general and especially for a change of use when there is no associated renovation or upfit.

Rather than creating another separate process, we suggest using a zoning permit to consolidate zoning-related applications under a single procedure as described below.

Zoning Permits. Local governments commonly use zoning permits or a formal site plan review process to consolidate zoning-related administrative review procedures into a single process. This improves efficiency and inter-departmental coordination, and provides clarity and reliable information for applicants.

The Town could consolidate conditional use, temporary use, short-term rental, sign, mobile vending, and potentially tree removal permits, as well as changes in use, under a zoning permit process. Section 156.050 already requires site plan approval prior to the start of construction or site improvements—although the code does not clearly describe this process and references a Site Plan Checklist we were unable to find online.

The zoning permit would serve as a threshold item for other approvals. For example, an approved zoning permit would be required as part of the application for a building permit; and, to ensure changes of use are evaluated, a zoning permit would be required in order for an applicant to obtain a business license.

Vested Rights

According to stakeholders, the vested rights provisions in § 156.049 would benefit from more clarity. The code should clarify which elements of an approval are vested and which elements can be affected by subsequent changes to the codes. All procedures and approvals involving a site-specific development plan should be incorporated, including some of the new procedures recommended in this section.

Submittal Requirements

Inclusion of submittal requirements in the development code necessitates a legislative amendment to make even a minor change, and adds to the length of the ordinance. A more common practice is to maintain submittal checklists for all types of applications outside the code and simply reference them in the development code. This allows staff to maintain and update the checklists as needed.

The Town uses this approach for many submittal requirements, such as those for preliminary plats and impact assessments. However, other submittal requirements are scattered throughout Title XV in many of the same locations as the procedural requirements. The Town should use a consistent approach throughout the LDRs and Zoning Code. In addition, checklists should include the most recent revision date on all pages and the latest versions should always be posted online.

Stakeholders noted that, in some cases, it is unclear whether applications must be submitted in digital or paper format (or both). Preferences vary amongst staff members. Some find paper copies easier to review, particularly for complex, technical plans; others prefer digital plans. While submittal requirements (i.e., paper vs. digital) could vary based on the type or complexity of the application, the requirements should be consistent for each type of application. Any costs to print application materials generally should be borne by the applicant, rather than the Town. In other words, the Town should not require digital-only submittals if staff also needs a paper copy to effectively conduct its review.

Staff should review (and update, if needed) the submittal checklists on at least an annual basis, in conjunction with the annual review of the code recommended in Section 4-1.

STAFF REVIEW CHECKLIST — **FINAL PLAT**

100 ANN EDWARDS LANE
MOUNT PLEASANT, SC 29464
PHONE: (843) 884 - 1229

TOWN OF Mount Pleasant SOUTH CAROLINA

PLANNING AND DEVELOPMENT PLANNING & ENGINEERING DIVISION
LAST REVISED: August 17, 2018

A.		**Provide appropriate fee as shown on the Department of Planning & Development Fee Schedule.**	
	1	☐ 1 - 5 lots ($100) ☐ 6 - 25 lots ($150) ☐ 26 - 50 lots ($200) ☐ 51 - 100 lots ($300) ☐ 101 - 200 lots ($400) ☐ Over 200 lots ($400 + $1 per additional lot)	
B.		**The following documents are to be delivered to the Planning Department.**	
	1	Disk of digital GIS/CAD files using real world coordinates (including public/private streets, sidewalks, drainage, outfalls, parcel polygons, address points etc.). *Note: Digital GIS files (not PDF) format required (reference NAD 1983 State Plane SC FIPS 3900 Feet International).*	
	2	Five (5) hard copies of the Final Plat submittal with the completed Staff Review-Final Plat Checklist.	
	3	Attached Documents (Final Checklist items C1 thru C19).	
C.		**The Final Plat package shall include the following attached documents.**	
LEGAL	1	Ownership Certificate Form.	
	2	Signed and Dated Affidavit of Owner and Contractor.	
	3	Right-of-Way Deeds.	
	4	Signature Box for Town Engineer	
	5	Drainage Easement Deeds.	
AS-BUILTS	6	Roadway Profile Plan (showing vertical/horizontal components & sidewalk alignment).	
	7	Utilities (include water & sewer as per Mount Pleasant Waterworks).	
	8	Storm Drainage (include location, identification of all drainage pipes, pipe characteristics (size, inverts, and materials), control devices, top of the pond bank location, & the Engineer As-Built Certification) - Confirmation required by Town's NPDES Coordinator.	
HOA	9	Articles of Incorporation.	
	10	Declaration of Covenants.	
	11	Permanent Stormwater Management Facility Maintenance Agreement.	
TOMP	12	Street(s) Field Report Checklists.	
	13	Drainage Field Report Checklists.	
	14	SCDHEC Operating Permits for potable water & wastewater system, when applicable.	
	15	Compliance with approved sketch plan/preliminary plat approved by Planning Commission and/or Town Council - Confirmation required by Town	
	16	Tree Mitigation - Confirmation required by Town's Landscape Architect.	
	17	Provide written approval from Charleston County Consolidated Dispatch for new streets.	
WARRANTY	18	Two-Year Warranty - Acknowledgement of Maintenance.	
	19	Materials & Workmanship Certification.	
	20	Subdivision Bond (15% Construction Cost of streets/drainage & Engineers Estimate). Initiation Date: Expiration Date:	
	21	Sidewalk financial guarantees (150% cost of construction).	
D.		**The following information is to be provided on the Final Plat.**	
TITLE BLOCK	1	Final/Former Project Name(s): Final Plat of	
	2	Project Location/Address/TMS number:	
	3	Subdivision Title/Tract Designation (if applicable):	
	4	Applicant/Company/Contact Info:	
	5	TOMP submittal date:	
	6	Licensed Professional Seal (signature, date & State Registration Number), when required.	
CERTIFICATES	7	Owner & Covenants Affidavit.	
	8	Surveyor's Certificate.	
	9	Pond and Drainage Certificate, when applicable.	
	10	SCDHEC approval of septic tanks, when applicable.	
	11	OCRM Certification with critical area limits. *Note: If the date of the last certification is more than 5 years, re-certification is to be updated.*	
	12	Designated wetland areas & buffers (with approved fill permit numbers & expiration date).	

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The Town currently maintains checklists for certain submittal requirements outside the code. This best practice reduces code length and allows staff to update the submittal requirements as needed.

RECOMMENDATIONS

3-2.1 Integrate all of the Town's development-related review and approval processes into a single *Procedures* chapter or subchapter. Map each procedure using a common workflow.

- » Clarify existing procedures and add further details where needed.
- » Consolidate procedures where possible, such as the various appeal procedures.
- » Better address the plan revision process.
- » Reconsider submittal deadlines and review timelines in light of current and future staffing levels.

3-2.2 Codify the Development Review Team review process.

- » Increase the review timeframes and/or limit the number of submittals per review period.
- » Consider authorizing the DRT to release permits related to land development.

3-2.3 Authorize staff to approve minor adjustments to approved development plans, including in the field (during project close-out). This includes standards for major and minor amendments to PD Districts, with all major changes requiring a formal legislative amendment.

3-2.4 Establish a process for requesting certain levels of code interpretation, including a formal, written interpretation from the Zoning Administrator or Building Official.

3-2.5 Increase clarity in the Design Review process.

- » Revise the threshold for staff-level Design Review.
- » For developments subject to the Design Review process, clarify phasing requirements and the relationship of a project to future phases and/or adjacent properties.
- » Provide clear standards regarding how, to what degree, and at what point in the Design Review Board review process the applicable standards can be adjusted.

3-2.6 Evaluate and revise the Impact Assessment process to clearly define its required elements, acceptable levels of service/capacity, and mitigation requirements.

- » Apply additional professionally-accepted, measurable standards to the review of a development's impacts and proposed mitigation measures. Ensure Impact Assessments consider all measurable impacts, including available protocols that may effectively and efficiently address neighborhood compatibility and fiscal sustainability.
- » Consider making Impact Assessments an administrative, rather than discretionary, approval process. Alternatively, consider making Impact Assessments a submittal requirement for other applications rather than a separate process.

3-2.7 Add a procedure for administrative adjustments for development standards such as setbacks, parking, and bufferyards.

3-2.8 Consolidate zoning-related permits, including conditional use, temporary use, short-term rental, sign, mobile vending, and potentially tree removal permits, as well as changes in use, under a single zoning permit process.

3-2.9 Streamline the platting process for property line adjustments by allowing exceptions to the typical preliminary plat/final plat process for adjustments that do not create new lots or rights-of-way.

3-2.10 Clarify the conditions under which the Town can issue conditional or temporary certificates of occupancy.

3-2.11 Add a procedure for Comprehensive Plan and Future Land Use Map amendments.

3-2.12 Remove submittal requirements from the codes and cross-reference submittal checklists maintained outside the codes.

3-2.13 Add a summary table of approval processes and authority.

3-3 MODERNIZE & IMPROVE THE DEVELOPMENT & DESIGN STANDARDS

Background

Development and design standards are regulations that apply to specific zoning districts, uses, or categories of uses. These can include a variety of site and building design elements including, most commonly, setbacks; height; density; parking; and landscaping, buffers, and screening. These elements directly shape the density, intensity, design, and character of new development.

With clear standards, applicants know what is expected of them before they plan a development. Because both applicants and the Town are bound by the standards, applications are typically processed more quickly where development standards are predictable and measurable. This can save applicants time, result in more affordable projects, and minimize the staff resources needed to process applications. The downside is that measurable standards cannot capture all scenarios, and require amendment when market conditions change.

The Town's current development standards are not as clear and consistent as they should be. Many standards, such as bufferyard requirements, need modernization to reflect current planning goals and national best practices. There are a lot of detailed requirements that don't necessarily improve the end result. This section reviews issues and stakeholders' concerns with specific aspects of the development and design standards.

Dimensional Standards

Lot Dimensions & Lot Coverage. Lot dimensions and maximum lot coverage are based on zoning district. In addition, the Town recently adopted an overlay district limiting impervious surfaces in the Old Mount Pleasant area due to stormwater drainage issues.

Applicants find the lot coverage and impervious surface coverage limits confusing. The code is not clear that these requirements have two distinct purposes. Lot coverage is intended to ensure lots have adequate light, air, and open space. Impervious surface coverage affects the rate of stormwater runoff.

To help reduce confusion, the Town could consider regulating impervious surface coverage in each zoning district instead of lot coverage. Building setbacks can achieve a goal similar to lot coverage. In any case, the code should be clear as to how this coverage is calculated and which elements are included (e.g., buildings, driveways, swimming pools).

Another source of confusion in the code relates to lot dimensions and how front, rear, and side yards (setbacks) are defined. The revised code should include a section that explains how setbacks are measured, with clear illustrations. It should also include a procedure for defining yards and measuring setbacks on unusually shaped lots.

Height. The Zoning Code and Building Code are inconsistent with respect to measurement of building height and what counts as a story. For example, the Zoning Code defines "half-story," but the Building Code considers this a story. These types of conflicts should be avoided.

There is also a conflict with respect to some existing PD Districts. Some older PDs regulate height by "story" but now are subject to a different definition than what the Town had in place and applied when the PD was adopted. For example, a particular PD District limits houses to two stories. Many houses in the PD are located in a Special Flood Hazard Area and must be elevated. According to § 156.007, parking underneath an elevated house explicitly counts as a story. This limits houses in this particular PD District to a single level above the parking, which was not the original intent and could render some existing houses nonconforming. This is also inconsistent with the Building Code, which does not include ground level parking under an elevated house as a story.

For these reasons, the Zoning Code provisions related to the measurement of building height should be updated to align with the Building Code.

Site & Building Design & Development Standards

The LDRs and Zoning Code regulate typical site design elements including bufferyards, parking, signs, and trees. The applicable standards are based on zoning district or use. However, the Town implements commercial building design and outdoor lighting standards through an overlay zoning district. The standards apply to most non-residential development in the Town. As discussed in Section 3-4, an overlay district is not necessary to apply the building design standards. Instead, they should apply in certain districts or for certain uses, just like other development standards (e.g., parking and buffers).

The *draft* Comprehensive Plan includes a functional street classification map that could be used to apply certain development standards based on the adjacent street type, rather than use or district.

Stakeholders emphasized the need for better coordination between adjacent properties when developed as different phases of the same project, or as new/unrelated projects. For example, adjacent parking lots should connect in order to improve traffic flow on adjacent streets.

The Town's access management (curb cut/driveway spacing) requirements in § 156.108 should be reviewed and revised to align with industry standards (e.g., MUTCD, SCDOT, AASHTO). Staff noted an administrative policy related to crosswalks should be codified to clarify installation and maintenance responsibilities for crosswalks, including decorative crosswalks, and their access points.

Design and development standards should be illustrated where graphics would be helpful to the reader. Illustrations should be created using common software and file types that can be easily updated by staff when regulations change. In many instances, hand drawn illustrations are just as effective as computer-generated graphics.

Buffers & Landscaping. Buffers and landscaping are used to provide physical separation between land uses to limit potential nuisances and negative impacts, such as noise or glare. Buffers also provide aesthetic and environmental benefits.

Stakeholders recommend a comprehensive review of the bufferyard regulations (§ 156.201) to ensure the standards are clear, appropriate, and relevant. For example, buffers required along Long Point Road from Whipple Road to the Port no longer make sense given how the area has developed, and should be reduced or eliminated. Further, stakeholders noted there are four different (and sometimes overlapping) buffer requirements along Highway 17 North.

The code should better define the purpose and location of general bufferyards as well as the special bufferyards along corridors and waterways. The special bufferyards generally are unmapped, and it can be difficult to tell where the standards apply.

The Town's buffer requirements are tied to land use, rather than zoning district. The regulations do not recognize or accommodate differences in neighborhood character. In some areas, buffers can be counterproductive. They separate land uses and parking areas, and often do not contribute to pedestrian-friendly site design.

As the Town's code takes a more character-focused approach to land development (as recommended in the *draft* Comprehensive Plan), buffer standards should be reconsidered in the context of desired neighborhood character. The standards should be flexible and appropriate to their context, and should be better integrated with tree preservation and planting, as well as utility, requirements. Long-term maintenance responsibilities should be clear. Graphics should be modernized and improved.

Like the parking standards, the bufferyard standards prescribe a minimum/maximum range, and applicants typically use the minimum end of the range. To improve clarity and streamline the regulations, the Town should consider using a minimum requirement rather than a range.

A particular concern expressed by stakeholders involves the ability of the Design Review Board to reduce or otherwise negotiate certain buffer widths. This contributes to unpredictability in the development process and potentially results in inconsistent application of buffer standards. Updated, modern standards will reduce the need to tailor buffer requirements on a site-specific basis.

Buffer and landscaping standards should also encourage Low Impact Development (LID) techniques consistent with

the South Carolina Department of Health & Environmental Control Best Management Practices Handbook. LID is an approach to managing stormwater through systems that use or mimic natural features (U.S. Environmental Protection Agency, https://www.epa.gov/nps/urban-runoff-low-impact-development). LID elements, such as bioswales and rain gardens, can be easily integrated into parking lots to manage stormwater, mitigate heat island effects, and improve the aesthetic quality of development.

The Town's Special Bufferyards include the natural roadside buffer, critical line buffer, and the Mathis Ferry Road buffer. These requirements need to be better aligned, and the code should clearly specify when establishment or restoration of the buffer is required.

The impervious surface setback requirements in § 156.106(B) should be consolidated with the critical line buffer requirements since they are interrelated. The application of the critical line buffer and impervious surface setback requirements are tied to the date a lot was platted. The code should exempt property line adjustments that do not create new lots from application of these requirements.

Interconnectivity. Stakeholders support strengthening pedestrian and vehicular interconnectivity requirements for all commercial and residential developments. This includes connecting streets as well as parking lots, sidewalks, paths, and multi-use trails.

The *draft* Comprehensive Plan sets a bold vision for "Mount Pleasant Way," a town-wide pedestrian and bicycle network. To help achieve this vision, the Town should establish standards and connection requirements for adjacent developments.



Low Impact Development techniques, such as this rain garden in Davidson, NC, manage stormwater, mitigate heat island effects, and improve the aesthetic quality of development.

Open Space & Civic Space. The LDRs and Zoning Code should better address the requirements for open/civic space in new developments. The codes should define different types of open space, such as natural, passive, and active, and civic space, such as plazas and courtyards.

Stakeholders support connections between open space areas where possible to provide pedestrian connectivity between neighborhoods. Stakeholders noted that open space requirements are often met with remnants of land, ponds, and otherwise undevelopable areas—rather than with functional, usable open space. The codes should define and establish criteria for different types of open space, such as natural, passive, and active. Open spaces should incorporate Low Impact Development techniques.

The Town should consider expanding the zoning districts in which Cluster Development is allowed to help increase the amount of open space available to residents.



Neighborhoods should include usable open space that connects to the pedestrian network.

Parking. Minimum parking requirements historically were designed to reduce street congestion and to avoid spillover parking in residential neighborhoods. These regulations establish a minimum number of parking spaces for new development, typically tied to use. They typically spell out the geometric design of parking spaces and bays, along with required surfacing.

An unintended side effect of minimum requirements is excessively sized surface parking areas. These large surface parking areas inhibit walkability by spreading uses apart, forcing pedestrians to compete with cars to reach retail and employment destinations, and making vehicular travel convenient relative to foot travel. They also create "urban heat islands" as the summer sun hits the pavement, and create the need for stormwater drainage systems. The stormwater management systems needed to capture runoff from parking areas consumes even more land, spreading uses farther apart and creating barriers to pedestrian access. This, in turn, encourages business to provide larger signs to identify the buildings that are set back behind the parking.

Communities are increasingly responding to the issues identified above by either "rightsizing" and reducing their parking minimums, or getting rid of them altogether. Eliminating parking minimums leaves the supply of parking to the marketplace. Some communities establish a maximum number of spaces, or a "soft" maximum that triggers additional requirements when spaces increase. For example, if spaces exceed a given ratio, the code could trigger transit, impervious surface, or other transportation or stormwater requirements. The Town uses this soft maximum technique.

The Zoning Code currently establishes a range (minimum/maximum) of parking spaces for most listed uses (§ 156.171). The required spaces are tied to square footage, fixed seats, rooms or guest rooms, or other variables. Requirements for uses not specifically listed are by "warrant." This requires the applicant to submit a private parking study, Urban Land Institute standards, or other appropriate standards to justify the proposed number of parking spaces, subject to staff or Design Review Board approval (as applicable).

In general, the parking regulations need comprehensive review and modernization. Stakeholders identified several specific issues, discussed below.

While the parking schedule covers most common uses, there are several uses that could be better addressed, including self-storage facilities, recreation uses, and amenity centers. The listed land uses should align with the use table; in other words, the parking schedule should list all uses listed in the use table.

The code should permit applicants to propose alternative parking requirements, also based on a private parking study, Urban Land Institute standards, or other appropriate standards.

Stakeholders generally do not find the Town's parking requirements excessive. Staff finds that applicants typically apply the minimum ratio. The Town should consider eliminating the ranges and consider using minimums or maximums, based on location or district.



Excess parking creates stormwater runoff, heat island effects, and economic waste issues, and inhibits walkability.

Shared parking provisions should be revisited in support the goal of interconnectivity between adjacent developments.

Stakeholders generally support the Town's bicycle parking requirements. Like other parking standards, these should be reviewed to ensure they reflect best practices.

Although parking is most often an issue for non-residential developments, stakeholders noted concerns about ongoing parking problems in townhouse developments and the lack of a code requirement for guest parking spaces in residential developments.

Driveways for townhouses are not long enough, and cars often overhang the sidewalk creating a hazard for pedestrians. Townhouse development standards could be modified to require a minimum distance between the sidewalk and the façade of a garage.

In residential neighborhoods, overflow parking is accommodated on-street or in potentially undesirable locations, such as open space areas or front yards. The code could address this issue by requiring small overflow parking areas dispersed throughout developments.

Signs. Signs are a pervasive element of the built environment. They serve important purposes, such as identifying places of business or institutions, directing traffic, and expressing opinions. Some signs can also have a negative impact on the public. Signs are often identified with clutter along roadway corridors, driver distraction, and—when not properly maintained—blighting influences. Excessively bright signs can disrupt the quiet enjoyment of residential neighborhoods or distract drivers (while, at the same time, making those signs more visible to motorists). Development codes must balance the need to effectively regulate signs in a way that avoids potential negative impacts with the need to enable freedom of expression and commerce.

The entire Signs subchapter should be reviewed and comprehensively revised to ensure the regulations align with best practices and changes in land development policy. In addition, there have been significant changes in the law in recent years. The most significant change is the United States Supreme Court's decision in *Reed v. Town of Gilbert*, which (generally speaking) requires strict scrutiny of regulations that discriminate on the basis of a sign's message.

Sign regulations must comply with state and federal free speech protections. In nutshell, the First Amendment to the U.S. Constitution creates the following guiding principles for developing sign regulations:

1. **Avoid Regulating Content** (i.e., what a sign says). The Town should avoid content-based regulations on noncommercial speech unless they are needed to promote a compelling public interest and are narrowly drafted to achieve that end. Regulation of content triggers a legal standard known as "strict scrutiny" and must further a "compelling" public interest. However, sign regulations that do not regulate what the sign says—i.e., regulations that are "content-neutral"—are subject to more lenient review. Regulation of the "time, place and manner" of signs is given significantly more deference in the courts. Sign regulations that are "content-neutral" may permissibly impose reasonable time, place, and manner restrictions.
2. **Allow Alternative Channels of Communication**. Even if the regulations are content-neutral, they must leave adequate alternative channels of communication. In other words, they cannot restrict all methods of communication by signs. In regulating the size, height, and number of signs, or their design features, local governments typically have significant leeway in crafting the appropriate standards. People are not entitled to the largest, tallest, and brightest sign technology can support. Caps on total square footage are a reasonable, content neutral form of regulation. For example, regulation of on-site signs in designated commercial districts that leave property owners the choice of displaying either a commercial or noncommercial message has been upheld.

This type of regulation must allow noncommercial signs. Signs are considered an important source of communication, and sign regulations must allow reasonable avenues of communication by signs.

3. **Establish Clear Standards**. The review of sign permit applications must be circumscribed by clear standards for the issuance of permits. Permit review should not be discretionary, but should give the applicant a clear direction on what is expected from the written language of the ordinance. Regulations cannot be vague, or give decision makers unfettered discretion to deny or condition sign permits.
4. **Establish Reasonable Dimensional and Design Standards**. Reasonable restrictions on the size, type, or manner of display of both commercial and noncommercial signs are normally acceptable. Courts have upheld reasonable restrictions on size, height, setback, spacing, and the color of signs as well as bans on temporary, overhanging, free-standing, rooftop, windblown, moving, flashing, and illuminated signs.
5. **Establish Time Limits for Permit Review.** Sign regulations may require permits for the establishment of signs. The permit review, however, must occur within a reasonable period of time. In addition, the time period for review must be definitively and clearly spelled out in the ordinance.
6. **Never Favor Commercial over Non-Commercial Speech.** The distinction between "commercial" and "noncommercial" signs must be reasonable and constitutionally valid. Regulation may not in any way favor "commercial" over "noncommercial" signs, or permit commercial signs where noncommercial signs are prohibited. The ordinance should permit noncommercial speech in any instance where commercial speech is permitted. In addition, the ordinance should focus, as much as possible, on structural characteristics rather than the sign's message, advertisement, or content.
7. **Avoid User Discrimination**. While Mount Pleasant can set different size and design metrics by district and context, it should not discriminate between speakers. This can be done by avoiding special treatment for signs related to public or semi-public agencies, tax-exempt organizations, or signs connected to limited and vaguely defined events.
8. **Establish a Purpose Statement with Findings**. State legislative findings to support ordinance provisions. Although ordinances regulating signs are not granted the usual "presumption of validity," courts generally will defer to a reasonably plausible and common-sense legislative judgment that regulation furthers aesthetic and other supporting public purposes. Section 156.150 of the current Sign Code includes a well-developed purpose statement. The revised regulations should include purpose statements, as well as additional illustrations, to accompany individual restrictions.

The sign code controls the physical dimensions of signs—i.e., their size, height, number, and setbacks. These metrics can be scaled so that they are compatible with the size of the buildings where they are placed, or nearby buildings. Signs also can be scaled to the Comprehensive Plan Planning District or Future Land Use designation, or to zoning district. This can provide for smaller signs that are oriented to pedestrians in higher density areas, and signs that are legible to motorists in automobile-accessible areas.

In addition, specific stakeholder recommendations to address in the sign code revision include:

- Reconsider and clarify standards related to the number and area of signs.
- Improve the requirements for Master Sign Programs.
- Consolidate exceptions into one section.
- Review Chapter 96: Political Signs, and consider moving any provisions that are to remain to the Zoning Code.

Figure 13.03.02.03
Projecting Sign



Table 13.03.02.03
Projecting Sign Standards

Zoning Districts → / ↓ Requirements	RA, ES, SR, SU, OR, OG, or ETJ	UR, MF	NB, LB, PO	GB	HC, LI	MU, TC	H, PS	HI	PA
Allowed	NR	NR	Yes	Yes	Yes	Yes	Yes	Yes	NR
Permit required	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Maximum Number per Street Frontage	NA	NA	NA	NA	NA	NA	NA	NA	NA
Maximum Number per Each Business or Institution (occupying a multi-tenant building) with its Own Ground Floor Entryway or Storefront	1	1	1	1	1	1	1	1	1
Maximum Total Number per Single-Tenant Building or a Multi-Tenant Building with a Single Entry	1	1	1	1	1	1	1	1	1
Maximum Total Number	NA	NA	NA	NA	NA	NA	NA	NA	NA
Dimensions and Location									
Maximum Sign Area (square feet-per sign)	12	12	12	16	16	16	16	16	16
Maximum Height (feet)	6	6	6	8	8	8	8	8	8
Minimum Spacing Between Other Signs (feet)	10	10	10	10	10	10	10	10	10
Design Characteristics									
EMC	No	No	No	No	No	No	No	No	No
Internal Illumination	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

The Cedar Park, Texas, Sign Regulations establish standards based on sign type and zoning district.

Subdivision Development & Design Standards. Like many of the other development standards, the subdivision development and design standards need modernization and updating. Certain standards are missing or inadequate, such as requirements for rural subdivisions and specifications to accommodate trash collection in neighborhoods with alleys. Street design standards need to better accommodate the various elements located in a right-of-way, including street trees, sidewalks, and utilities.

Subdivision requirements could vary, to some degree, based on character area, much like other development and design requirements. The code should ensure long-term maintenance responsibilities for required subdivision improvements, such as drainage systems, are clear.

Staff developed revisions to the current LDRs and subdivision standards. These should be reviewed to ensure consistency with current Town policy and best practices, and incorporated into the future comprehensive code amendment process.

Technical Design Standards. Best practices remove technical design standards (e.g., those for streets and drainage facilities) from the code and maintain them in a separate administrative manual. Stakeholders in Mount Pleasant generally support this. Many technical design standards used by the Town are generally accepted industry design standards that do not need to be codified. When these standards are updated, an administrative manual could incorporate the changes without necessitating a code amendment. The code should clearly direct the reader to this manual and clarify that the standards in the manual are required. In conjunction with creation of the administrative manual, staff should review the technical design standards and update them where needed to meet current industry standards.

Tree Preservation & Planting. The Town's Tree Protection requirements frequently are a source of confusion for applicants. Stakeholders find the regulations onerous, especially for individual homeowners. The Board of Zoning Appeals reviews a high number of variance requests related to the tree code, which points to issues with the code provisions. Stakeholders feel the tree code is in need of comprehensive review and simplification. We agree.

Provisions related to tree protection and planting are found in the Zoning Code, LDRs, and the Building Regulations (Chapter 150). These various sections address tree protection and planting (both pre- and post-development) on individual residential and commercial lots and on large development sites. While the regulations are related, they address very different development scenarios. In addition, the code does not address street trees in existing subdivisions.

If the Town proceeds with a unified format code, we recommend consolidating the tree protection and planting requirements into a single chapter, and organizing the regulations based on the development scenario. This would allow consolidation of common provisions, which reduces redundancy in the codes.

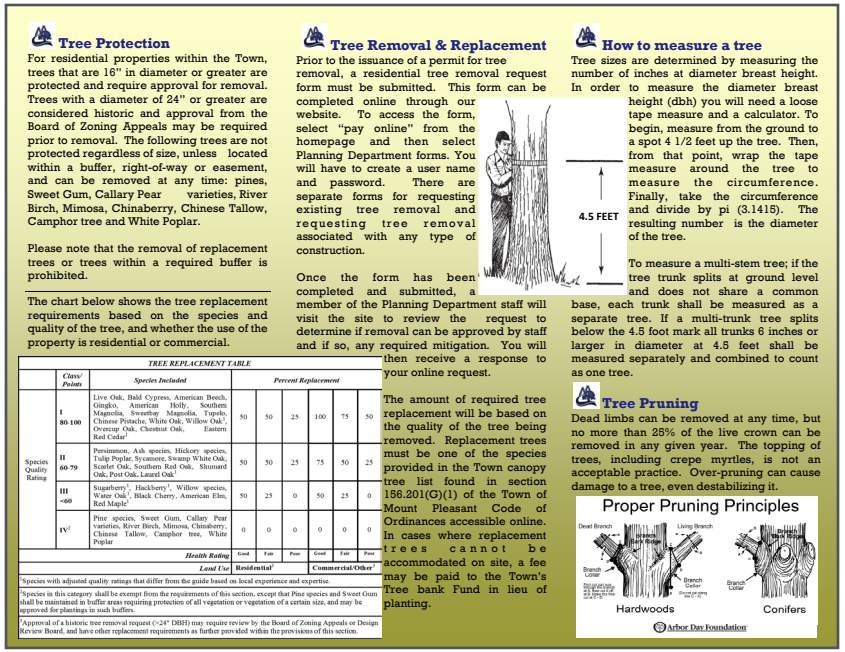
However, if the Town maintains the LDRs and Zoning Code as separate chapters, most of the tree protection and planting requirements should move to the LDRs. Zoning Code provisions for trees should primarily address post-development tree removal and mitigation on individual lots.

Stakeholders caution that any revisions to the tree code should consider the amount of review and enforcement required to administer the regulations and how this relates to current and future staffing levels.

Stakeholders recommend reconsideration of the qualifications for payments to the Town's Tree Bank. These provisions (§ 156.226(E)) should include specific criteria to identify the situations in which an applicant can provide a fee-in-lieu of replacement trees.

Water, Sewer, & Utilities. The Town's land development requirements are not geared towards utilities. Some requirements are difficult to meet because they are intended for developers/subdividers rather the construction of linear water, sewer, and other utility lines. It is unclear what requirements apply, especially requirements related to landscaping, driveway separation/ curb cuts, and turning radii.

Utility projects are subject to the DRT review process, which should help clarify requirements and streamline the approval process. Revisions to the development standards should consider whether and how the requirements apply to utility projects.



Tree Protection

For residential properties within the Town, trees that are 16" in diameter or greater are protected and require approval for removal. Trees with a diameter of 24" or greater are considered historic and approval from the Board of Zoning Appeals may be required prior to removal. The following trees are not protected regardless of size, unless located within a buffer, right-of-way or easement, and can be removed at any time: pines, Sweet Gum, Callary Pear varieties, River Birch, Mimosa, Chinaberry, Chinese Tallow, Camphor tree and White Poplar.

Please note that the removal of replacement trees or trees within a required buffer is prohibited.

The chart below shows the tree replacement requirements based on the species and quality of the tree, and whether the use of the property is residential or commercial.

TREE REPLACEMENT TABLE

	Class/ Points	Species Included	Percent Replacement					
Species Quality Rating	I 80-100	Live Oak, Bald Cypress, American Beech, Gingko, American Holly, Southern Magnolia, Sweetbay Magnolia, Tupelo, Chinese Pistache, White Oak, Willow Oak[1], Overcup Oak, Chestnut Oak, Eastern Red Cedar[1]	50	50	25	100	75	50
	II 60-79	Persimmon, Ash species, Hickory species, Tulip Poplar, Sycamore, Swamp White Oak, Scarlet Oak, Southern Red Oak, Shumard Oak, Post Oak, Laurel Oak[1]	50	50	25	75	50	25
	III <60	Sugarberry[1], Hackberry[1], Willow species, Water Oak[1], Black Cherry, American Elm, Red Maple[1]	50	25	0	50	25	0
	IV[2]	Pine species, Sweet Gum, Callary Pear varieties, River Birch, Mimosa, Chinaberry, Chinese Tallow, Camphor tree, White Poplar	0	0	0	0	0	0
		Health Rating	Good	Fair	Poor	Good	Fair	Poor
		Land Use	Residential[3]			Commercial/Other[3]		

[1]Species with adjusted quality ratings that differ from the guide based on local experience and expertise.

[2]Species in this category shall be exempt from the requirements of this section, except that Pine species and Sweet Gum shall be maintained in buffer areas requiring protection of all vegetation or vegetation of a certain size, and may be approved for plantings in such buffers.

[3]Approval of a historic tree removal request (>24" DBH) may require review by the Board of Zoning Appeals or Design Review Board, and have other replacement requirements as further provided within the provisions of this section.

Tree Removal & Replacement

Prior to the issuance of a permit for tree removal, a residential tree removal request form must be submitted. This form can be completed online through our website. To access the form, select "pay online" from the homepage and then select Planning Department forms. You will have to create a user name and password. There are separate forms for requesting existing tree removal and requesting tree removal associated with any type of construction.

Once the form has been completed and submitted, a member of the Planning Department staff will visit the site to review the request to determine if removal can be approved by staff and if so, any required mitigation. You will then receive a response to your online request.

The amount of required tree replacement will be based on the quality of the tree being removed. Replacement trees must be one of the species provided in the Town canopy tree list found in section 156.201(G)(1) of the Town of Mount Pleasant Code of Ordinances accessible online. In cases where replacement trees cannot be accommodated on site, a fee may be paid to the Town's Tree bank Fund in lieu of planting.

How to measure a tree

Tree sizes are determined by measuring the number of inches at diameter breast height. In order to measure the diameter breast height (dbh) you will need a loose tape measure and a calculator. To begin, measure from the ground to a spot 4 1/2 feet up the tree. Then, from that point, wrap the tape measure around the tree to measure the circumference. Finally, take the circumference and divide by pi (3.1415). The resulting number is the diameter of the tree.

4.5 FEET

To measure a multi-stem tree; if the tree trunk splits at ground level and does not share a common base, each trunk shall be measured as a separate tree. If a multi-trunk tree splits below the 4.5 foot mark all trunks 6 inches or larger in diameter at 4.5 feet shall be measured separately and combined to count as one tree.

Tree Pruning

Dead limbs can be removed at any time, but no more than 25% of the live crown can be removed in any given year. The topping of trees, including crepe myrtles, is not an acceptable practice. Over-pruning can cause damage to a tree, even destabilizing it.

Proper Pruning Principles

The Planning & Development Department's website offers informational brochures on a variety of topics, including the Tree Protection ordinance. These types of guides are helpful to applicants and the general public, particularly for more complex regulations.

RECOMMENDATIONS

3-3.1 Modernize the development standards to reflect current planning goals and national best practices.

- » Consider applying certain development standards based on the adjacent street type, rather than use or district.
- » Require better integration between developments on adjacent properties when developed as different phases of the same project, or as new/unrelated projects.
- » Illustrate design and development standards where it is helpful to the reader.
- » Update technical design standards and move to a separate administrative manual.

3-3.2 Comprehensively review and revise the signs subchapter to ensure the regulations align with best practices, changes in land development policy, and current case law. Specifically:

- » Conduct a full legal review.
- » Reconsider and clarify standards related to the number and area of signs.
- » Improve the requirements for Master Sign Programs.
- » Consolidate exceptions into one section.
- » Review Chapter 96: Political Signs, and consider moving any provisions that are to remain to the Zoning Code.

3-3.3 Comprehensively review and revise tree protection requirements to ensure the standards are clear for each type of development scenario.

- » Consolidate and clarify procedures and requirements for tree protection in each type of pre- and post-development scenario.
- » Reconsider the qualifications for payments to the Town's Tree Bank. Add specific criteria to identify the situations in which an applicant can provide a fee-in-lieu of replacement trees.

3-3.4 Comprehensively review and revise the bufferyard regulations to ensure the standards are clear, appropriate, and relevant.

- » Better define the purpose and location all bufferyards.
- » Revise bufferyard standards to be flexible and appropriate to their context, and better integrated with tree preservation and planting, as well as utility, requirements.
- » Clarify long-term maintenance responsibilities.
- » Modernize and improve graphics.

3-3.5 Align Zoning Code provisions related to the measurement of building height and the definition of story with the Building Code.

3-3.6 Improve open space requirements, including standards related to the required amount, location, function/composition, and connectivity.
- » Consider expanding the zoning districts in which Cluster Development is allowed to help increase the amount of open space available to residents.

3-3.7 Modernize and update the subdivision development and design standards.

3-3.8 Clarify how development and design standards apply to utility projects, such as water and sewer line extensions.

3-3.9 Clarify how front, rear, side yards (setbacks) are defined. Include a section that explains how setbacks are measured, with clear illustrations. Add a procedure for defining yards and measuring setbacks on unusually shaped lots.

3-3.10 Strengthen pedestrian and vehicular interconnectivity for commercial and residential development.

3-3.11 Establish standards and connection requirements for developments adjacent to Mount Pleasant Way.

3-3.12 Review parking ratios and standards, including bicycle parking requirements, to ensure they reflect best practices.
- » Align the list of uses in the off-street parking schedule with those listed in the use table.
- » Allow applicants to propose alternative parking requirements, based on a private parking study, Urban Land Institute standards, or other appropriate standards.
- » Consider eliminating parking ranges and consider using minimums or maximums, based on location or district.
- » Revisit and update shared parking provisions.
- » Consider requiring small overflow/guest parking areas in strategic locations in residential developments, particularly in townhouse developments.
- » Reevaluate parking standards for townhouses.

3-3.13 Review and revise curb cut spacing requirements to align with industry standards.

3-3.14 Consider regulating impervious surface coverage in each zoning district instead of lot coverage.

3-3.15 Add the Town's crosswalk policy to the code.

3-4 UPDATE THE ZONING DISTRICTS & USES

Background

Zoning divides cities into districts where various regulations apply. These can include conventional districts, overlay districts, special use districts, planned districts, floating zones, composite zoning, design-based districts, and performance-based zoning, among others.

Table 3 summarizes approaches to structuring zoning regulations. The Town of Mount Pleasant currently uses three of these approaches: conventional districts, planned development districts, and overlay districts. Table 4 lists the existing zoning districts.

The oldest and most basic approach is conventional, use-based (also known as "Euclidean") zoning. This divides the community into districts where different uses are allowed, and different setbacks, building height, lot coverage, and other metrics apply. These are referred to as "underlying" or "base" zoning districts when the zoning code also establishes overlay districts.

Planned developments (PDs) or planned unit developments (PUDs) grew in popularity in the mid-20th century in response to the rigidity of typical zoning district regulations. PDs typically are stand-alone zoning districts where an applicant can deviate from the normal base district standards, in exchange for providing a higher level of design, amenities, or other community benefits.

PDs and PUDs are commonly used in communities throughout the country because they offer an approach to accommodate innovative developments and respond to unique site attributes. PDs also enable negotiation between the local government and developer. For example, the local government could allow an increase in building height in exchange for the provision of additional open space (a public benefit).

Overlay districts overlap the base residential, non-residential, and special use districts to enhance or relax the base district standards. Overlay districts supplement existing districts with additional standards to achieve the overlay's purpose. This type of zoning approach is familiar to code users, but can be complicated since it involves multiple layers of regulations.

Table 3. Approaches to Zoning Regulation

Approach	What is it?	Advantages	Limitations	How does this apply to the Town of Mount Pleasant?
Conventional Zoning	This divides a city into districts that establish uniform use and dimensional standards, such as setbacks, height, and density.	Because this is the most common approach to land development, it is familiar to zoning administrators and applicants. Controls scale. Separates incompatible uses into different districts.	Conventional zoning districts generally do not distinguish between character areas, e.g., a retail building along a busy arterial near downtown is subject to the same standards as a retail building in a suburban neighborhood. Zoning is often blamed for poor development patterns because it does not comprehensively regulate design.	Development stakeholders are familiar with this approach. Conventional zoning techniques probably will continue to form the cornerstone of the zoning regulations.
Overlay Zoning	These are zoning districts that overlap the base residential, non-residential, and special use districts to establish additional standards or incentives.	Allows a city to supplement existing districts with additional use or design standards. Also very familiar to code users.	Zoning overlays can form the legal framework for other approaches, such as design-based zoning (see discussion below). Complicated because it involves several layers of regulations.	The Town currently uses this approach for a variety of purposes, including the application of building design standards, the regulation of development in the Old Village Historic District, and to regulate development along certain corridors.

Approach	What is it?	Advantages	Limitations	How does this apply to the Town of Mount Pleasant?
Planned Unit Development (PUD)	This allows the modification of development standards for master planned developments to provide more creative approaches to development.	As with conventional zoning, this is a common approach and is familiar to code users. It is flexible, and allows standards to be negotiated on a case-by-case basis.	The lack of standards often produces unpredictable and undesirable development outcomes. Requires an unpredictable and potentially lengthy approval process.	The Town already uses this approach for its Planned Development Districts (PD). However, approaches that codify the conditions that are typically negotiated through PD approval, coupled with administrative approval, could streamline the process and allow developers to devote more of their budget to improving site design rather than permitting costs.
Floating Zones	An unmapped zoning district with special conditions or requirements. Floating zones are applied to a property at the request of the property owner.	Can help plan for future land uses, such as affordable housing, schools, or shopping centers, before a viable location is identified.	Requires the property owner to request rezoning, which adds time and expense to the development process.	The Town could use this approach to plan for desired economic development uses, affordable housing, parks, or cultural arts facilities.
Incentive Zoning	Allows development flexibility, such as increased height or density, in exchange for public benefits, such as open space or affordable housing. To address legal concerns, development incentives should be directly correlated with the public benefits received.	Private sector provides public benefits and amenities. Helps cities achieve comprehensive plan goals and desired development outcomes.	It can be difficult to “right-size” the incentives to ensure developers take advantage of them.	Two of the Town’s Planned Development Districts, the PD-CD and PD-WFH, involve incentive-based regulations.

Approach	What is it?	Advantages	Limitations	How does this apply to the Town of Mount Pleasant?
Performance-Based Zoning	Like form-based zoning, performance-based zoning (pioneered by our long-time colleagues at Kendig Keast Collaborative) divides districts by prescriptive ratio-based metrics to control development impacts. For example, the regulations could prescribe minimum ratios for landscaping and open space, along with maximum impervious surface, building coverage, or floor area metrics by district.	Like form-based zoning, a performance-based model is more flexible than conventional, one-dimensional zoning. Standards such as such as impervious surface limits are effective in controlling development near marshes and waterways.	Can be complicated. Development ratios tend to have a very weak relationship to design, and are largely limited to limiting the scale and footprint of development.	Effective where there are persistent environmental or topographical issues, such as floodplains, riparian corridors, or steep slopes. However, performance zoning is not limited to these issues, and Lane Kendig and Bret Keast of Kendig Keast Collaborative have now expanded these concepts to character-based regulations that blend building and site design with performance metrics.
Composite Zoning	Rather than having zoning districts of just one component (a list of uses), composite districts provide separate and independent zoning components such as use, site, and architectural characteristics. One of each of these components then can be combined to create a “composite” zoning district. The zoning map designates areas for use, building, and site design classifications.	This provides a very flexible approach to zoning, while preserving the basic standards that code users are familiar with.	This has the effect of a series of overlay districts, so it is more complicated than conventional districts.	This approach could be used to implement the character-based Planning Districts identified in the Comprehensive Plan.

Approach	What is it?	Advantages	Limitations	How does this apply to the Town of Mount Pleasant?
Design-Based Zoning (Form-Based or Transect-Based)	Divides a city into zones where the regulations vary by physical design characteristics, rather than by use.	Directly addresses design and gives landowners flexibility as to permitted uses. Applies well to urban situations, such as downtowns, urban districts, and corridors.	Tends to be complex and unfamiliar to existing code users, although the concept has gained familiarity over the past 10 years. Neighborhood interests and property owners might still want to control uses (e.g., intensive non-residential uses in residential neighborhoods, residential uses in industrial zones that are reserved for employment generators). Limited in scope - they do not address issues such as congestion, suburban corridors, stream corridors, and related issues.	The Boulevard Overlay District is largely a design-based district, those it does retain some elements of traditional Euclidean zoning.
Design Guidelines	Separate documents that contain flexibly written, and typically non-binding, considerations for design. The guidelines are usually administered by a board, such as the planning commission or a separately created design review board.	Flexible - the city and applicants retain more discretion in negotiating design solutions, and can better customize design objectives to specific projects than through specific standards. Can be amended more readily than the zoning regulations.	Scatters design considerations among separate documents, which can lead to confusion and complexity. Sometimes unclear to applicants and administrators whether or not a guideline is binding. Compliance negotiation can lead to delays in development approval or unpredictable results.	Design guidelines would be applied on a case-by-case basis. For example, they could apply as part of redevelopment district that follows a Special Area Plan.

Table 4. Town of Mount Pleasant Zoning Districts

BASE ZONING DISTRICTS (30 districts)			
Residential Use Districts (10)		**Non-Residential Use Districts (12)**	
RC-1	Rural Conservation-1 District	LO	Limited Office District
RC-2	Rural Conservation-2 District	OP	Office Professional District
RR	Rural Residential District	NC	Neighborhood Commercial District
CC	Community Conservation District	AB	Areawide Business District
R-1	Low-Density Residential District	AB-2	Areawide Business-2 District
R-2	Low-Density Residential District	PI-1	Public Institutional-1 District
R-3	Medium-Density Residential District	PI-2	Public Institutional-2 District
R-4	Medium-Density Residential District	ED	Economic Development District
TH	Townhouse District	MD	Marine District
MF	Multi-Family Residential District	LI	Light Industrial District
Planned Development Districts (5)		CO	Conservation-Open Space District
PD-CD	Planned Development – Conservation Design District	CR-O	Conservation-Recreation-Open Space District
--	Planned Development – Commercial Village Project	**Special Use Districts (3)**	
PD-MU	Planned Development – Mixed Use District	CL	Cultural Landscape District
PD-WFH	Planned Development – Workforce Housing District	WG-C	Waterfront Gateway – Cooper River District
--	Planned Development (per S.C. Planning Act)	WG-W	Waterfront Gateway – Wando River District
OVERLAY ZONING DISTRICTS (12 districts)			
CDR-OD	Commercial Design Review Overlay District	SB2-OD	Sweetgrass Basket-2 Overlay District
HNB-VR-OD	Hungryneck Boulevard-Venning Road Overlay District	ISLC-OD	Impervious Surface Lot Coverage Overlay District
HC-OD	Joint Town/County Highway Corridors Overlay District	**Boulevard Overlay Districts (3)**	
OV-HD	Old Village Historic District	CB-OD	Coleman Boulevard Overlay District
SCW-OD	Shem Creek Waterfront Overlay District	JDB-OD	Johnnie Dodds Boulevard Overlay District
SR2-OD	Special R-2 Overlay District	CDB-OD	Chuck Dawley Boulevard Overlay District
SB-OD	Sweetgrass Basket Overlay District		

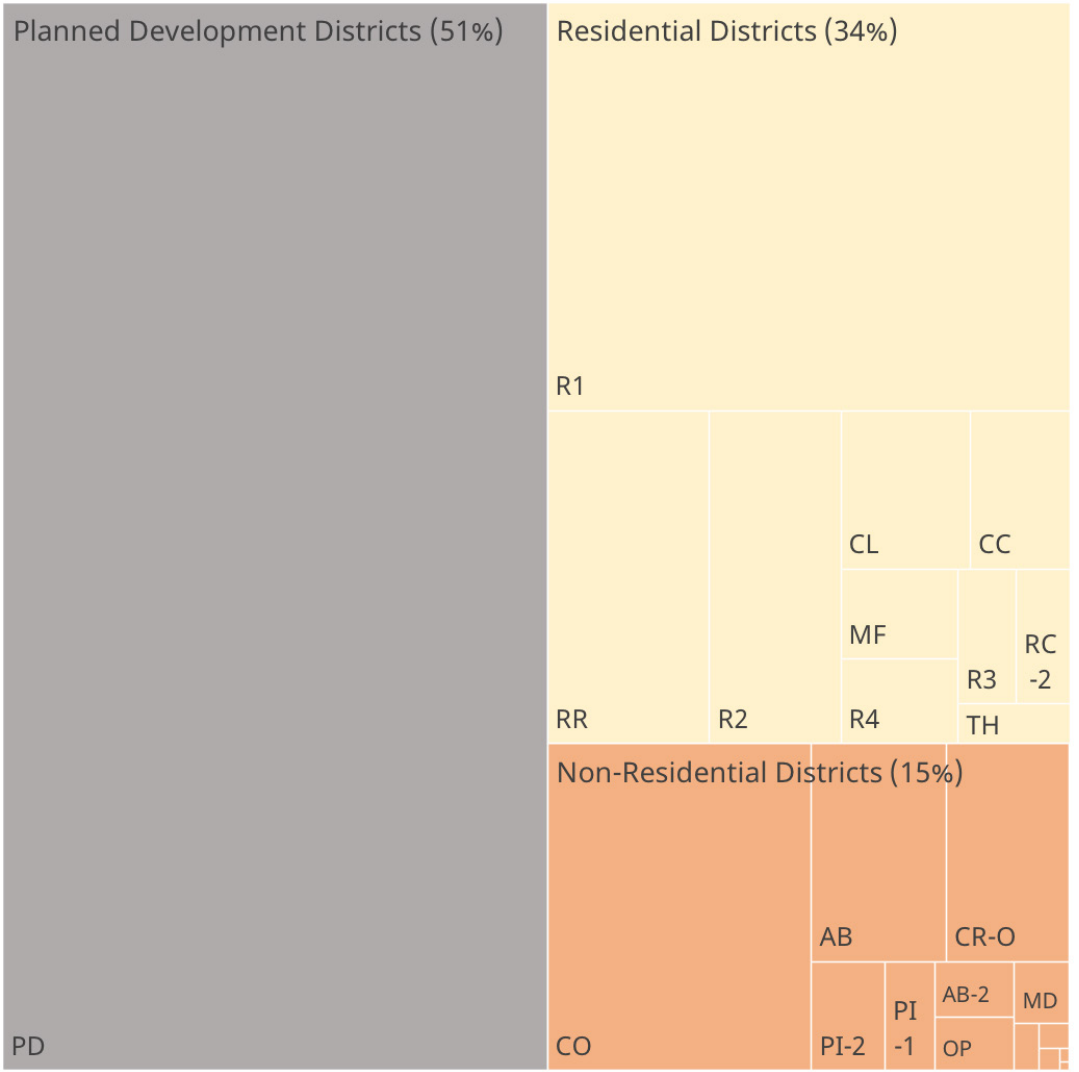
Base Zoning Districts

As shown in Table 4, the Zoning Code categorizes the Town's base zoning districts as Residential, Non-Residential, Planned Development, and Special Use Districts. We discuss Planned Development Districts separately (see below).

All 25 of the Town's base zoning districts (other than PD) are conventional zoning districts. This is a fairly high number of base zoning districts for a town the size of Mount Pleasant. There are a total of 10 Residential Use Districts, 12 Non-Residential Use Districts, and 3 Special Use Districts, which cover 49% of the Town (*see* Figure 3).

The Special Use Districts (Cultural Landscape, Waterfront Gateway-Cooper, and Waterfront Gateway-Wando) allow a mixture of residential and non-residential uses. However, for purposes of the following discussion, we consider CL as a Residential Use District and WG as a Non-Residential Use District. This is based on the current or approved use of properties with these zoning classifications.

Figure 3. Town of Mount Pleasant Land Area by Base Zoning District



Zoning of Annexed Land

Stakeholders raised a concern about the "automatic" zoning district assignment for annexed land. Some annexed land is zoned based on its Comprehensive Plan Future Land Use Map designation, such as Community Conservation. Marsh and marsh islands are zoned Conservation-Open Space District. Everything else is zoned R-1, Low Density Residential District. Stakeholders feel R-1 may not always be the most appropriate classification. Stakeholders also noted that base district zoning is automatic upon annexation, but overlay district zoning is not (although perhaps it should be).

The Future Land Use Map (FLUM) is the Town's adopted guide for where land uses and districts should be located in the future. Zoning a property consistent with its designation on the FLUM should be a desired outcome and, thus, easy to achieve. While the assumed or "default" zoning upon annexation might be tied to the property's FLUM designation, property owners remain free to request a different district.

Alternatively, the Town could evaluate case-by-case the appropriate zoning district for each annexed area, based on:

- Current zoning,
- Part of town,
- Policies, and
- Cultural areas.

Finally, stakeholders raised a concern with the mandatory annexation requirement for sewer service and, in particular, its impact on Settlement Communities. During the development codes update, the Town should conduct a holistic review and evaluation of all requirements related to annexation.

In any case, although statutory guidance and even the practice among South Carolina jurisdictions is not well-settled, legal requirements for rezonings upon annexation should be confirmed and followed in the rewrite of the Town's zoning ordinances.

Residential Use Districts. Figure 4 shows the Town's Residential Use Districts by land area. The three most frequently used districts, R-1, RR, and R-2, comprise over 80% of the land zoned for residential use (outside PD Districts). One district, RC-1, is not used at all. The remaining districts each comprise approximately 1% to 5% of the land zoned for residential use.

Townhouses are a common land use throughout Mount Pleasant, yet only 1.15% of land (approximately 114 acres) is zoned Townhouse District. This likely means that most townhouse developments are zoned PD, which could point to issues with the TH District's dimensional and development standards.

The names of most of the Residential Use Districts do not give readers a quick impression of the purpose of the district. In fact, several districts share the same name,

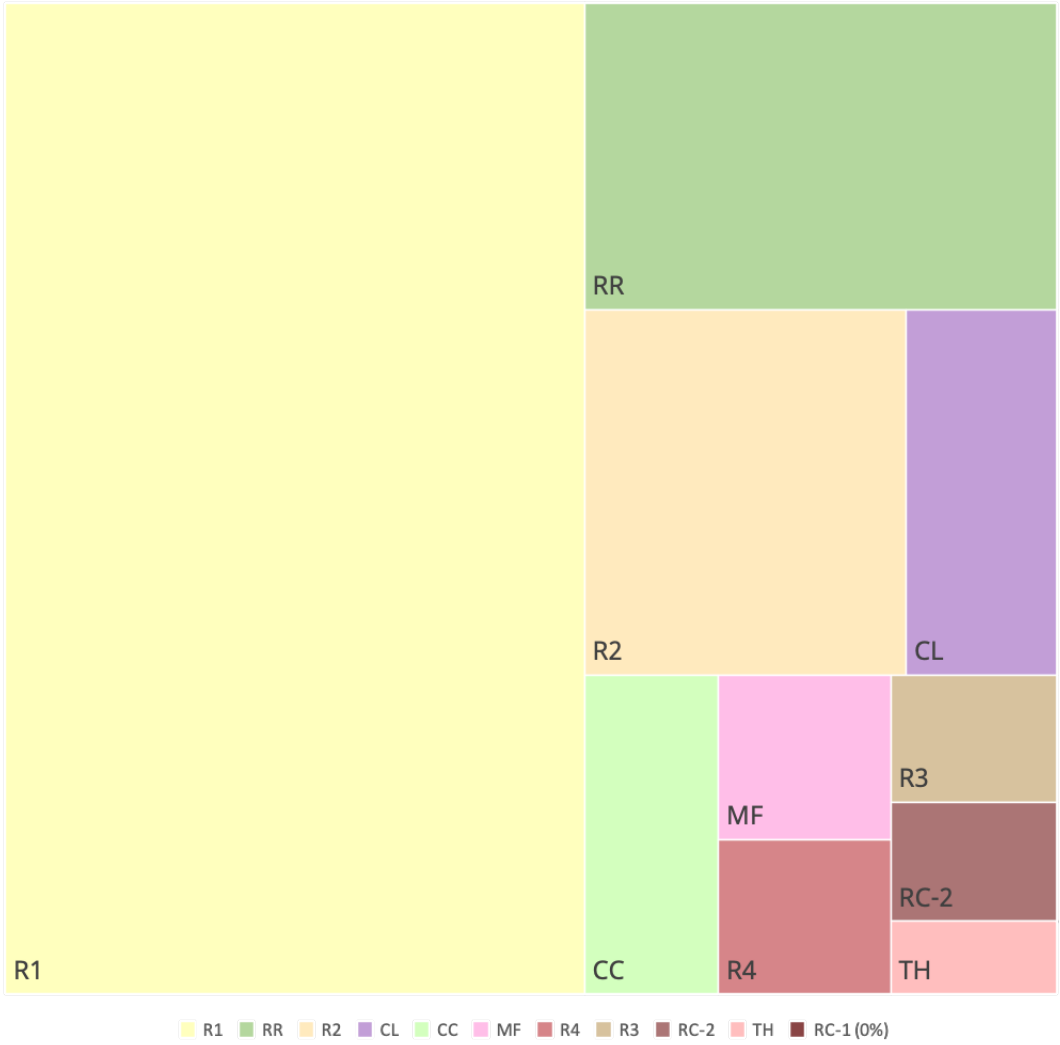
distinguished only by a number, as well as very similar purpose statements (e.g., R-1, Low-Density Residential District, and R-2, Low-Density Residential District; R-3, Medium-Density Residential District, and R-4, Medium-Density Residential District).

We recommend renaming the Residential Use Districts, especially the R-1, R-2, R-3, and R-4 Districts, so that the names are more indicative of the district's purpose. This can be accomplished in a variety of ways. For example, the districts could be numbered based on their minimum lot size (e.g., R-10, R-8, R-6, R-4, to represent 10,000, 8,000, 6,000, and 4,000 square foot minimum lot sizes, respectively).

Alternatively, the district abbreviation could stay the same but the names could change to better reflect the primary permitted uses (e.g., R-3, Mixed Residential District, since it permits duplexes in addition to detached single-family dwellings).

Since the Town is in the process of completing its newest Comprehensive Plan, it is the right time to consider a more comprehensive update and modernization of the current zoning district structure to better implement the plan's land use recommendations.

Figure 4. Residential Use Districts by Land Area



The future land use recommendations in the *draft* Comprehensive Plan focus on community design and neighborhood character. The Town should rethink its base zoning district structure in order to effectively implement a more character-based approach to development. As shown in Table 3, communities can use a variety of creative approaches to zoning district regulation. While the Town could consider more complex approaches, such as composite zoning, it could also consider a different approach to conventional zoning.

For example, the Residential Use Districts could include groups of districts that share the same permitted uses, with subdistricts that apply different dimensional and development standards.

The *draft* Comprehensive Plan establishes character-based Future Land Use Categories that can form the basis for these groups. Table 5 maps the current Residential Use Districts into these categories. The table illustrates how these groups would begin to take shape; additional subdistricts would need to be added in order to fully recognize the Town's unique Planning Districts and character areas. Most of the Residential Use Districts would be renamed for clarity and consistency with the other subdistricts in the Zoning District Group.

The current RR, R-1, R-2, and R-4 Districts could be consolidated into a group of Conventional Residential Neighborhood Districts. The subdistricts could be based on lot size as suggested above, or could be tied to the Planning Districts identified in the *draft* Comprehensive Plan. Groups of Traditional Residential Neighborhood and Mixed Neighborhood Districts could provide for more diverse housing types, such as duplexes, triplexes, townhouses, and multi-family. The subdistricts comprising the Settlement Community Districts could represent each community (e.g., Phillips Community, Four Mile Community, Ten Mile Community).

Table 5. Aligning Current Residential Use Districts with Future Land Use Categories

Future Land Use Category / Zoning District Group	Corresponding Residential Use Districts / Subdistricts
Rural Neighborhoods	RC-1, RC-2
Settlement Communities	CC
Conventional Residential Neighborhood Districts	RR, R-1, R-2, R-4
Traditional Residential Neighborhood Districts	R-3, TH
Mixed Neighborhoods	MF

Stakeholders identified a specific concern with the CC, Community Conservation, District that the character-based approach to structuring the zoning districts described above could help resolve. The CC District is intended "to preserve and protect the unique development characteristics of early residential settlements and to sustain the sense of community inherent therein" (§ 156.303(A)(4)). This district applies primarily to historic African American Settlement Communities. However, the CC District's dimensional and development standards do not correspond to existing or desired development

patterns in these communities. Streets typically do not have curb and gutter and stormwater is conveyed through swales and roadside ditches; however, the Town's codes do not allow these elements in new developments in the CC District.

The CL, Cultural Landscape, District currently is comprised of residential subdivisions with passive recreational and open space uses. The CL District implements a recommendation from the 2009-2019 Comprehensive Plan. However, the district does not seem to have developed in the way the plan envisioned.

The standards in the CL District do not appear to align with the district's purpose. For example, part of the purpose is to "perpetuate low-density rural character" (§ 156.319(A)), but it is one of only three districts that allow "big house dwellings." Big house dwellings are small multi-family buildings that contain between two and six dwelling units. This housing type is more appropriate in moderate density districts. In fact, the other districts that allow this use are Multi-Family (a district intended for medium and high density residential uses) and Waterfront Gateway-Wando (a district intended to create a mixed use gathering place, with twice the allowable residential density of the CL District).

The *draft* Comprehensive Plan builds on the CL concept and incorporates a greater focus on the historic Settlement Communities in this area to create a "Cultural Core." The plan calls for development of a Cultural Core Small Area Plan, with subsequent revisions to the Zoning Code to implement the recommendations. In conjunction with these code amendments, the Town should consider renaming and revising the CL District to better reflect the manner in which the district has developed.

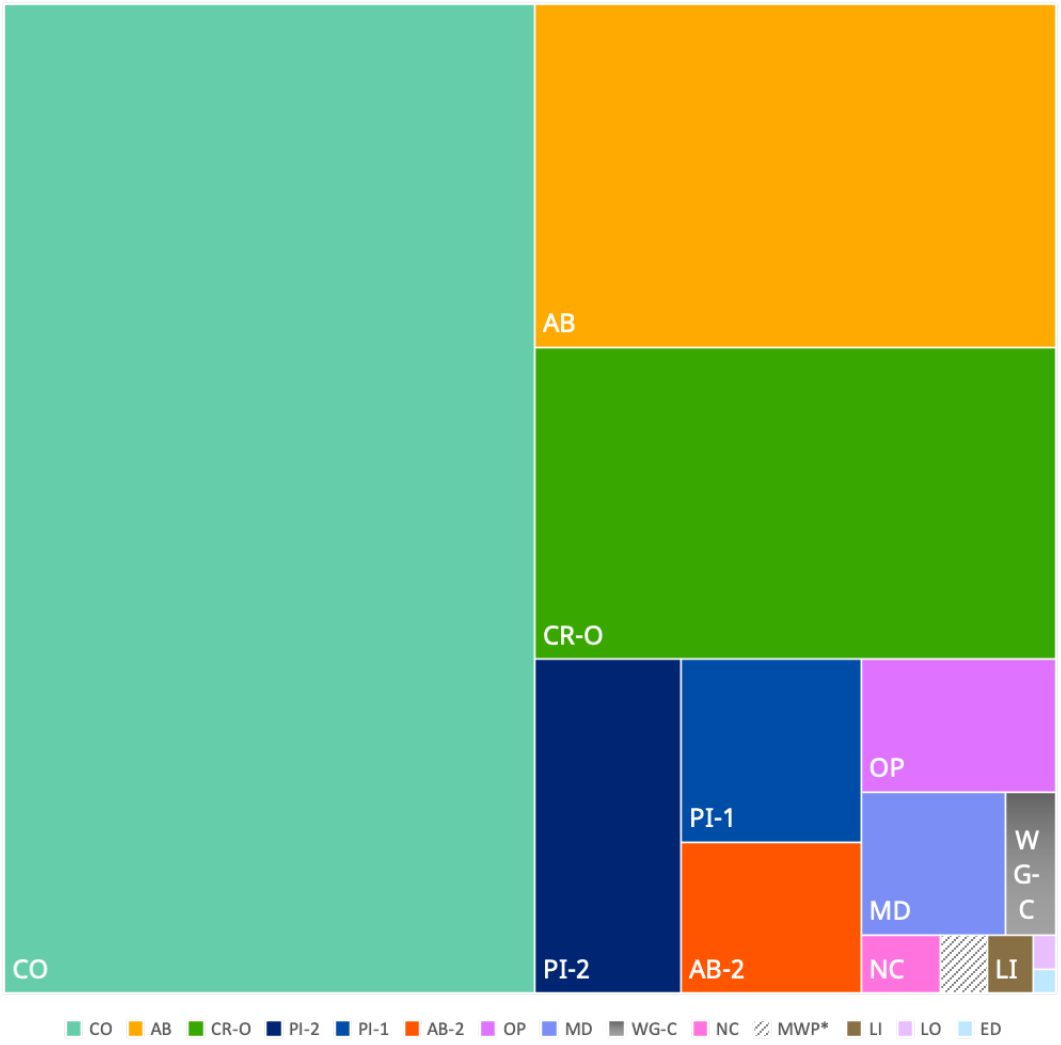
Non-Residential Use Districts. Figure 5 shows the Non-Residential Use Districts by land area. A significant portion (66%) of the Town's land area zoned for non-residential use (outside PD Districts) is zoned for conservation, recreation, and open space uses. The five least used districts (WG-C, NC, LI, LO, ED) comprise approximately 1.5% of zoned land.

The WG-W District is not used at all. It can only be applied to a handful of properties along Highway 41 near the Wando River, though—most of which are unincorporated. This district may need revision based on recommendations in the new Comprehensive Plan, but the policy basis remains relevant.

Uniquely, the Town's Memorial Waterfront Park, a public park located on approximately 11.5 acres of former South Carolina Department of Transportation (SCDOT) right-of-way, is un-zoned. The park comprises only 0.04% of the Town's land area.

Like the Residential Use Districts, the Non-Residential Use Districts need modernization and updating to effectively implement the draft Comprehensive Plan land use recommendations and focus more on development and neighborhood character. The code could group non-residential districts in the same manner suggested for the residential districts (groups of districts with the same permitted uses and subdistricts that apply different dimensional and development standards).

Figure 5. Non-Residential Use Districts by Land Area



**Memorial Waterfront Park (un-zoned)*

The Town does not have a true Agricultural District. Agricultural uses are allowed in both Rural Conservation Districts, but only the RC-1 District is specifically intended to support the needs of the agricultural industry (§ 156.303(A)(1)). The RC-1 District is only available for implementation on Cat Island and in the Guerin's Bridge Road area. Other areas outside the Town's Urban Growth Boundary (UGB) are appropriate for agricultural uses.

An agricultural district is needed to ensure working farms, forestry uses, and agriculture support uses can operate without encroachment by potentially incompatible land uses, such as residential subdivisions. The *draft* Comprehensive Plan also recommends creation of an agricultural zoning district to better implement the intended rural characteristics of portions of the Route 17 North area (Recommendation 9, p. 5-35) and Rural area (Recommendation 6, p. 5-44).

Planned Development Districts. As shown in Table 4, there are five types of Planned Development Districts specified in § 156.305(C). All are classified on the Zoning Map as, simply, "PD." The Town has over four dozen distinct PD Districts, which comprise 51% of the Town's zoned land area. This is slightly more than the combined total of base Residential and Non-Residential Use Districts.

The PD process allows for flexibility in the development review process, which may result in developments of higher quality, a greater mix of uses, or of elevated design features. However, over-reliance on the PD process can also reflect an inability of the current regulations to accommodate projects the community desires and to implement plan policies in a consistent manner.

In Mount Pleasant, PDs have been used primarily to deviate from or augment otherwise applicable use or development standards. For example:

- PDs sometimes are used instead of variances, when an applicant wants to modify a standard but cannot demonstrate a hardship.
- PDs are used to address shortcomings in the current code, including the inability to mix detached single-family and townhouse uses outside of the Multi-Family or Special Use Districts.
- PDs also are used to allow minor adjustments to certain standards such as setbacks (whereas many communities allow these minor adjustments to be administratively approved).

Mount Pleasant's experience is not unusual. Procedures for individual master planned developments were enacted throughout the country beginning in the 1960s as a way to give developers more flexibility to design innovative projects or master-planned communities. The underlying concept is that if the private sector is given greater leeway and flexibility to design a project and mix uses, communities will benefit from more creative development and from a higher level of amenities, such as open space, than would otherwise be required.

The theory is sound, yet today officials and citizens in Mount Pleasant (and elsewhere) often encounter significant practical shortcomings once they are operating outside of standard zoning district requirements and development regulations. In general, the negotiation inherent in creating a PD causes a loss of predictability, which can lead to longer approval times and higher carrying costs for developers. Flexibility brings uncertainty to how ordinance provisions will be applied, as multiple aspects of the development are negotiated. Similarly, nearby property owners may feel they cannot rely on existing zoning protections, having little certainty about what land uses or structures may be permitted through a PD at any time.

PD applications also require substantial negotiation time for Town staff up front, but also the development of what amounts to a mini-development code that has to be administered once it is adopted. Not only is this much more time consuming than traditional zoning implementation, but makes enforcement and compliance difficult for staff and, again, uncertain for those living in

or near an approved PD. Some of the Town's PD Districts have been amended over a dozen times, further confusing administration.

Stakeholders and property owners have a particular concern with older PD Districts not fully built out, especially those with use and development standards no longer consistent with generally-applicable Town policies and regulations. Stakeholders on this project raised the question of whether PD Districts can expire. The "shelf life" of a PD is an open question and the answer varies from community to community. PDs rarely "terminate," but usually continue indefinitely, again, requiring separate and distinct administration, not only by planning staff, but commonly by a homeowners association as well.

The South Carolina Vested Rights Act (a component of the Planning Act) addresses this question to some degree. S.C. Ann. Code section 6-29-1530 establishes a two-year vested right for "site specific development plans." A "vested right" is the "right to undertake and complete the development of property under the terms and conditions of a site specific development plan or a phased development plan" (§ 6-29-1520(10)). The Act defines and provides examples of a "site specific development plan," and specifically includes planned unit development plans or approvals (§ 6-29-1520(9)).

The vested rights provisions in the Town's LDRs and Zoning Code (§§ 155.085 and 156.049) expressly include Planned Development Districts as a site-specific development plan. However, the codes do not specify how the Town determines that the vested right associated with a PD District has expired, nor what happens to a PD District upon expiration of the vested right. For example, if the PD is not built out in a certain amount of time, it is unclear whether the PD (as it relates to the unbuilt portion of the development) expires, whether the built portion retains its PD zoning or reverts to an alternate district (following, of course, the public notice and hearing procedures specified in the Planning Act), or what regulations or agreements apply when the developed portion no longer meets the requirements of the original PD District.

The Vested Rights Act does not offer specific guidance in these respects. Thus, it appears a local government can determine the best way to address the unique situation of undeveloped or partially developed planned developments in its jurisdiction, provided the local government's procedure meets the timeframes and other requirements in the Act. Therefore, it is recommended the Town revisit its approach to the PD concept to determine whether revisions may increase efficiency, predictability, and consistency in administration of the zoning and land development regulations. Revisions to the codes also should address specifically a procedure for addressing "expired" PD Districts, in consultation with legal counsel. PD procedures should be considered in conjunction with applicable vested rights provisions.

Planned Developments in South Carolina. The state Planning Act expressly authorizes local governments in the state to use the planned development technique discussed here. However, the courts have weighed in, on

two Charleston County cases, on how PDs must be crafted and adopted. Specifically, although local governments may utilize techniques other than those expressly described in the Act (§ 6-29-720(C)), if a local government chooses to invoke a described technique (e.g., planned development zoning), it must meet the requirements specified in the Planning Act (*Sinkler v. County of Charleston*, 2010). In other words, the local government's authority to use techniques in addition to those expressly listed does not authorize it to deviate significantly from the manner in which expressly listed techniques are authorized.

The S.C. Planning Act defines and describes planned developments in §§ 6-29-720 and 6-29-740:

> "'planned development district'…a development project comprised of housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and mixed-use developments. A planned development district is established by rezoning prior to development and is characterized by a unified site design for a mixed use development" (S.C. Ann. Code § 6-29-720 (C)(4))

> "In order to achieve the objectives of the comprehensive plan of the locality and to allow flexibility in development that will result in improved design, character, and quality of new mixed use developments and preserve natural and scenic features of open spaces, the local governing authority may provide for the establishment of planned development districts as amendments to a locally adopted zoning ordinance and official zoning map…"
> *(S.C. Ann. Code* § 6-29-740*)*

Types of Planned Development Districts. As noted above, the Town offers several types of PD Districts, each with its own applicability and standards. Section 156.305(C) states that, in order to qualify for PD District zoning, a proposed project must contain at least three acres and must qualify as "one or more" of the five listed types of projects, as follows:

- "The project qualifies as a *Conservation Design Development* under the criteria set forth in division (H) of this section;
- The project qualifies as a *Commercial Village Project* under the criteria set forth in § 156.310(H);
- The project qualifies as a *mixed use planned development* zoning district classification pursuant to the criteria set forth in division (I) of this section;
- The project qualifies as a *workforce housing planned development* zoning district classification, pursuant to the criteria set forth in division (J) of this section;
- The project meets the requirements of S.C. Code §§ 6-29-720(C)(4) and 6-29-740 of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended."

As written, it could be interpreted that proposed PD Districts *may*—but are not required to—meet the Planning Act requirements for planned development districts, since the fifth "type" of PD is an overarching compliance statement. Instead, the code should expressly require that all PD Districts meet the statutory requirements *and* also qualify as one of the Town's (4) specific types of PD.

Of Mount Pleasant's four types of PD Districts, only the PD-MU expressly requires a mixture of uses. The Commercial Village PD and the PD-WFH "encourage" mixed uses, but do not require them. The PD-CD doesn't preclude an applicant from proposing commercial uses in the PD, but the code standards clearly contemplate residential developments in more rural areas (where mixed uses may be less desirable or practical). The required mix of uses under the Town's various zoning techniques, including PD, should be revisited during the code rewrite to ensure consistency with the Planning Act and subsequent judicial opinions.

We identified a few additional issues with the Town's PD Districts. First, PD criteria should be revisited to ensure they provide sufficient specificity. For example, one development standard requires "[c]ontiguous open space and dimensional requirements for that space" (§ 156.305 (H)(2)(b)2.), a provision that may not provide sufficient guidance to decision-makers or predictability to developers and affected property owners.

Second, § 156.105 provides standards for Cluster Development, which are very similar to the requirements for a PD-CD. Cluster Developments are permitted only in the RC-1, RC-2, CL, and WG-W Districts. The PD-CD District may be implemented in areas designated Community Conservation, Low-Density Neighborhood, or Rural Conservation by the Comprehensive Plan Future Land Use Map. The primary benefit to a developer of using the PD-CD appears to be the ability to negotiate the dimensional, design, and development standards; and having more available locations for implementation. If this is the case, it may be worth revisiting this district in light of available variance or other modification alternatives that may not involve the full PD process.

Third, the PD-WFH is intended to "achieve the goals of the comprehensive plan by allowing flexibility in development that will result in the provision of housing affordable to low and moderate income families" (§ 156.305(J)(1)). However, requiring proposed developments to undergo an unpredictable and potentially lengthy review and approval process may undermine the district's intent. If a key Town goal is to increase the supply of affordable housing, making the incentives offered by the PD-WFH District available in other appropriate non-PD base districts may well advance that goal.

Fourth, the cross-referenced criteria applicable to the PD-Commercial Village Project are applicable for all developments "consisting of shopping centers, strip centers, super centers, malls, and other combined commercial projects totaling more than 100,000 square feet, including outparcels" (§ 156.310(H)(1)). As noted with respect to the PD-CD district, the PD-CVP may simply be a vehicle to deviate from the otherwise applicable development standards. There may be more efficient and predicable alternatives.

For the reasons discussed in this section, we recommend the Town consider eliminating all PD Districts except the PD-MU. We believe this will significantly increase predictability and consistency in Town implementation and, potentially, greatly increase efficiency for Town staff, reducing burdens on Town resources. PD provisions,

in any case, should be reviewed to ensure continued to support of current Comprehensive Plan policies and compliance with the Planning Act.

We recommend PD Districts be reserved for mixed use developments that are unusual in nature or offer exceptional community benefits or design, in a manner other base districts may not accommodate.

Recommended improvements to the PD standards generally should reduce the need for negotiated (PD) approvals. These improvements include:

- **Districts.** The most important way to minimize the future use of negotiated PD approvals in Mount Pleasant is to revise the Zoning Code to not only accommodate, but also to encourage or, in some instances, require, innovative and creative projects that respond to Town goals, rather than restricting or prohibiting such projects. In particular, updating and modernizing the current categories of zoning districts, as discussed in the Residential and Non-Residential Use Districts sections above, may help accommodate straightforward, ordinance-based development, that also more directly effectuates Town policies.
- **Development Standards.** In addition, the codes will benefit from clearly articulating the standards the Town expects in all new development, rather than negotiating over compatibility issues as part of each PD application. The codes can provide clear and objective standards in the rewrite process that anticipate the issues and concerns Mount Pleasant currently negotiates on a case-by-case basis, such as lot size, buffering, and other neighborhood compatibility techniques.
- **Procedures.** A new authorization for the Planning & Development Department Director to approve minor adjustments to certain standards like setbacks, subject to objective limits, would further minimize the need to use the full PD process simply to tailor code requirements to specific projects. The revised code should clearly define the parameters of this authority, not only to avoid unlawful delegations authority, but to provide clarity and predictability to the development community, elected officials, stakeholders, and affected property owners.

The Future of Existing PD Districts. Even if PDs are used less frequently used in the future, the Town would still administer and enforce the existing PD Districts unless and until they are rezoned. This can involve significant staff time, and so warrants discussion of alternatives to addressing existing PD Districts.

Stakeholders feel that some PD Districts should retain the current zoning, particularly PD Districts that are fully or largely complete (e.g., Seaside Farms), or that could not be developed under another base zoning district (e.g., I'On). However, other PD Districts may be rezoned into a base zoning district, particularly those that are largely undeveloped or those with development standards similar to another base district.

There are a number of different approaches to address existing PDs. The simplest approach is to leave the current zoning in place until the property owner requests a

rezoning. This approach has the least impact on property owners but the most impact on staff, since it indefinitely keeps in place the number of "mini-codes" staff, the Planning Commission, and Town Council must administer and enforce.

An intermediate approach is to encourage property owners to voluntarily rezone by offering incentives, such as waiving rezoning application fees.

A more direct approach is a Town-initiated rezoning of PD Districts to compatible base zoning districts. This approach would analyze and identify the most appropriate base zoning district for each parcel currently in a PD, based on permitted uses, lot sizes, setbacks, and other dimensional and development standards. Under this scenario, any nonconformities created by the rezoning would be important to consider and address.

Town-initiated rezonings may provide an "opt-out" provision for property owners to propose an alternate zoning district they feel is a better fit. This would be subject to approval by Town Council like any other rezoning and, unlike large-area, or comprehensive rezonings, can be much more complex; perhaps more so than maintaining PD status.

Overlay Districts

The Town uses 12 overlay zoning districts for a variety of purposes—some of which may be more appropriately addressed through development standards, as discussed below.

Stakeholders agree that the Overlay Districts need review to ensure their continued relevance and effectiveness. Some, like the Boulevard Overlay District, have become unnecessarily complicated. The boundaries and standards of others are inconsistent with their intent and purpose, such as the Sweetgrass Basket Overlay District. Many of the overlay districts are primarily used to establish design-related criteria that could instead be applied through changes to base district standards. The *draft* Comprehensive Plan also reflects the need to revisit the overlay districts, and provides specific recommendations for changes to these and other overlays.

The *draft* Comprehensive Plan also calls for the addition of new overlay districts, including a Gateways & Corridors Overlay. Many existing overlay districts could be integrated into or replaced by this Gateways & Corridors Overlay, including the Joint Town/County Highway Corridors, Hungryneck Boulevard-Venning Road, Sweetgrass Basket (1 & 2), and Boulevard Overlay Districts. Certain standards in these overlays could be incorporated into base zoning districts or into the generally applicable development standards.

Stakeholders find there is too much variation in zoning along major corridors. The Gateways & Corridors Overlay would help streamline the districts and provide consistency throughout the Town based on street type and/or Planning District.

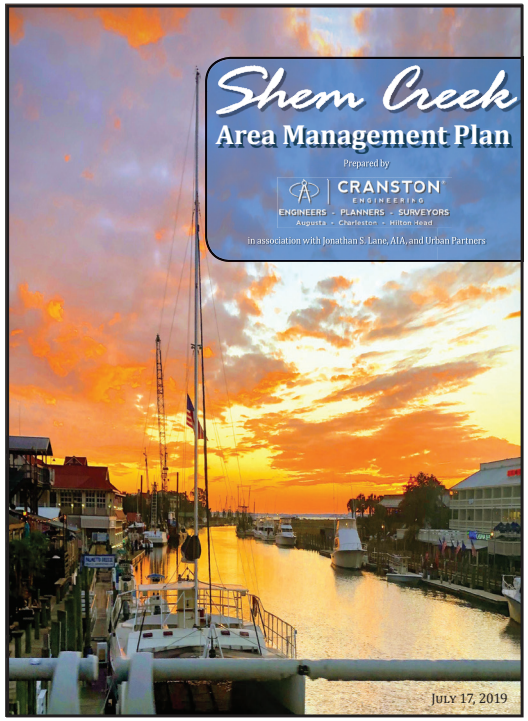
The *draft* Comprehensive Plan also contemplates overlay districts to implement land use recommendations for mixed use centers and nodes of activity. These overlay districts would be developed following a special area planning process for each center. Design-based approaches might apply well to the Centers and Corridors and would seem to be consistent with the *draft* Comprehensive Plan's focus on neighborhood and community character.

The Commercial Design Review Overlay District (CDR-OD) is not mapped. It applies to most non-residential developments in the Town. These design standards do not need to be incorporated into a separate overlay zoning district. Instead, the standards can apply to certain base districts and uses like other development and site design standards (e.g., parking, bufferyards).

The CDR-OD regulations include a significant number of graphics that help clarify the regulations. Reorganizing and reformatting this section of the code into its own subchapter would improve readability.

The Special R-2 Overlay District (SR2-OD) is solely used to adjust front setbacks in the Old Village/Old Mount Pleasant area. The Town could consider eliminating the SR2-OD and incorporating the smaller front setback into the applicable base district regulations. The *draft* Comprehensive Plan recommends expansion of the existing Historic District to protect more of the Old Village area, which could also be used to apply different setbacks.

The Shem Creek Waterfront Overlay (SCW-OD) expands permitted uses of the base district to include uses allowed in the Marine District, prohibits rental and sale of jet skis, and allows pervious parking lots. The Town recently commissioned a study and plan for the Shem Creek area. The plan includes proposed revisions to the SCW-OD, which should be implemented to align the overlay district with the community's vision.



Uses & Use Regulations

The most basic element of conventional zoning is the division of uses by district. Even form-based codes, which deemphasize use regulation, typically include a list of permitted, excluded, and specially regulated uses. Use regulations are important to protect property values, maintain compatibility, and protect neighborhoods. In each zoning district, some uses are permitted, some are prohibited, and others are regulated through discretionary review (e.g., special exception use approval by the Board of Zoning Appeals).

In Mount Pleasant, some uses are conditional and require approval by the Zoning Administrator. Section 156.326 specifies the conditions or standards that must be met. Some communities apply these standards whether the use is permitted or requires special exception approval, without this third "conditional" category. However, the Town's approach appears to be consistent with the Planning Act, which defines conditional uses as "zoning ordinance provisions that impose conditions, restrictions, or limitations on a permitted use that are in addition to the restrictions applicable to all land in the zoning district. The conditions, restrictions, or limitations must be set forth in the text of the zoning ordinance" (§ 6-29-720 (C)(6)).

There are not many uses allowed by special exception; the vast majority or uses are permitted or conditional. As noted in Section 3-2, assigning as many review procedures as possible to staff is a best practice. Instead of a separate permit process, conditional uses could be approved through the zoning permit process recommended in Section 3-2 which would verify compliance with the conditions.

The Town utilizes a use table to list permitted, conditional, and special exception uses, which is a best practice. Use tables streamline the code, allowing repetitive lists of uses to be removed from the individual district regulations. They also are user-friendly and easy to read and understand. Visual aids can further facilitate reading and understanding of the use table. For example, the Rock Hill Zoning Ordinance color-codes the use table to match the zoning map.

TABLE OF PRIMARY USES

P = Permitted Use C = Conditional Use S = Special Exception Blank Cell = Prohibited

USE CATEGORY	USE TYPE	RESIDENTIAL									BUSINESS										USE-SPECIFIC STANDARDS
		SF-2	SF-3	SF-4	SF-5	SF-8	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC	CC	CI	DTWN	MUC	IB	IG	IH	
Residential																							
Household living	Single-family detached	C	C	C	C	C	C		C		C	C	C	S	S	S		S	C		S		4.3.3.2.1(A)
	Single-family attached						C		C	C								C					4.3.3.2.1(B)
	Multiple family							C	C	C								C					4.3.3.2.1(C)
Group living	Dormitories/student housing							P					P					P					None
	Fraternity or sorority house								S				C										4.3.3.2.2(A)
	Group home (Type A)										S	S	S	S	S		S	S	S				4.3.3.2.2(B)
	Group home (Type B)										S	S	S	S	S		S	S	S				4.3.3.2.2(B)

The Rock Hill Zoning Ordinance color-codes the use table to match the zoning map.

The Town originally implemented the use table in 2014. There have been a few amendments since then, but the use table needs a thorough review to ensure uses are consistent with the purpose of the districts in which they are allowed. In this regard, stakeholders identified two particular uses of concern: hotels and self-storage facilities.

The use list should be audited against modern industry classifications (such as the North American Industrial Classification System (NAICS) and the American Planning Association's Land-Based Classification Standards (LBCS)) to ensure that—between the listing and use definitions—all known uses are accounted for. The listing of uses should include fairly broad categories, but with specific definitions that consolidate similar specific uses in a logical fashion.

Accessory Uses & Structures. Accessory uses currently are addressed in § 156.110. The code also reserves two sections (§§ 156.327 and 156.328) for an accessory use table and accessory use conditions. The provisions in § 156.110 could be moved here, or could be consolidated with the principal use table and conditions. For example, the use table could indicate a permitted accessory use with an "A."

In any case, the standards need review and modernization. Some of the language and standards are confusing, such as the different maximum footprints that apply based on certain conditions.

The code should better address fences and driveways for single-family residential uses. These items generally are not regulated and are inconsistently reviewed—typically only when another review process reveals a potential impact on a tree or drainage or other easement.

Temporary Uses. The Temporary Uses section (§ 156.329) needs complete revision. It does not address common temporary uses, such as trailer office compounds, construction (roll off) dumpsters, parking areas, and outdoor promotional business events. However, there are fairly detailed requirements for portable storage containers (e.g., "PODs") that are difficult for staff to monitor. There is no incentive for a property owner to comply and, ostensibly, many portable storage containers go unpermitted. These provisions should be streamlined to remove the requirement for a permit and simply provide a limit on how long a container can remain on a property. Other temporary uses could be permitted through the zoning permit process recommended in Section 3-2.

Stakeholders expressly noted that timeframes and definitions for temporary uses should align with Building Code requirements. While certain items like setbacks and height could vary from the Building Code, applicable requirements should not conflict.

Special Events are addressed in Chapter 116, which is not part of Title XV: Land Usage. They are expressly separate from Temporary Use Permits. Special events require permits, which are issued by the Town Administrator or designee. There are also provisions for Special Events at Mount Pleasant Memorial Waterfront Park (Chapter 97). A cross-reference in the Zoning Code to these requirements would be helpful to readers.

Affordable Housing. In addition to the PD-WFH, the Town Code has several provisions related to affordable housing. For example, § 156.296 establishes an exemption grant program where the Town essentially covers the cost of impact fees for qualified (affordable) dwelling units. Section 156.079 exempts affordable housing units from the Building Permit Allocation System. Section 154.08

allows exemptions from Development Impact Fees for certain types of affordable units. Stakeholders pointed out that these various code sections contain inconsistent provisions, particularly with respect to income qualifications. These provisions should be aligned. In addition, the Workforce Housing Exemption Grant program requirements should be relocated to the Development Impact Fees chapter.

The *draft* Comprehensive Plan contains a number of recommendations pertaining to affordable housing. As noted in the discussion of the Planned Development District earlier in this section, the Town should implement these recommendations through base district standards or potentially through a floating zone.

Another way to encourage the development of affordable housing is to allow greater diversity in housing types. This doesn't require income limits or complex calculations of sales prices. It simply allows appropriate zoning districts to permit smaller lots and housing units, including small multi-family uses like the Town's Big House Dwellings. For example, a mixed neighborhood district could allow for duplexes, triplexes, and cottage developments, alongside more traditional detached single-family residential dwellings. The *draft* Comprehensive Plan recognizes the importance of accommodating these "Missing Middle" land uses.

Short-Term Rentals. The Town adopted its current short-term rental (STR) ordinance in August 2019, and it became effective in January 2020. The ordinance should be reviewed in the near future to identify any issues or concerns with implementation. The STR permit process could be incorporated into the zoning permit process recommended in Section 3-2.



"The Missing Middle Housing types provide diverse housing options, such as duplexes, fourplexes, and bungalow courts, that fit seamlessly into low-rise walkable neighborhoods and support walkability, locally-serving retail, and public transportation options. They provide solutions along a spectrum of affordability to address the mismatch between the available U.S. housing stock and shifting demographics combined with the growing demand for walkability."
Opticos Design, Inc.; https://missingmiddlehousing.com

RECOMMENDATIONS

3-4.1 Revise the Planned Development Districts.
- » Consider eliminating the PD-Commercial Village Project.
- » Consider eliminating the PD-Conservation Design.
- » Consider eliminating the PD-Workforce Housing.
- » Ensure the PD-Mixed Use complies with the S.C. Planning Act.

3-4.2 Update and modernize the Residential Use Districts structure, based on the future land use and character recommendations in the Comprehensive Plan.
- » Better align the CC District dimensional and development standards with the existing and desired development patterns in the historic Settlement Communities.

3-4.3 Update and modernize the Non-Residential Use Districts structure, based on the future land use and character recommendations in the Comprehensive Plan.

3-4.4 Create a new Gateways & Corridors Overlay District to consolidate requirements currently found in the Joint Town/County Highway Corridors, Hungryneck Boulevard-Venning Road, Sweetgrass Basket (1 & 2), and Boulevard Overlay Districts.

3-4.5 Review and modernize the temporary use regulations. Align timeframes and definitions with Building Code requirements.

3-4.6 Review and modernize the accessory use regulations. Specifically address fences and driveways.

3-4.7 Develop a detailed procedure to address PD Districts with “expired” vested rights, in consultation with the Town’s legal counsel.

3-4.8 Evaluate and modify the Town’s incentives for workforce housing, making the incentives available in appropriate base zoning districts or through a floating zone.

3-4.9 Align provisions related to affordable housing. Ensure all chapters of the code define requirements in the same manner (e.g., income qualifications).

3-4.10 Revise the SCW-OD to implement recommendations in the Shem Creek Area Management Plan.

3-4.11 Consider eliminating the CDR-OD and instead maintaining its standards and requirements as development standards applicable in certain districts or for certain uses.

3-4.12 Conduct a holistic review and evaluation of all requirements related to annexation, including the mandatory annexation requirement for sewer service.

- » Evaluate the best legal approach to classifying newly annexed lands, in light of the property's Future Land Use Map designation and other policies relevant to the area of town.
- » Consider the alternatives of automatic or "default" designations as well as case-by-case processes, as permitted by law.

3-4.13 Create an agricultural district.

3-4.14 Consider whether the SR2-OD provisions should be incorporated into a base zoning district, or applied through the expansion of the existing historic district.

3-4.15 Review the new STR ordinance to identify any issues or concerns with implementation.

- » Consider incorporating the STR permit process into the zoning permit process.

3-4.16 Review and update the use table. Audit the use list against modern industry classifications, such as the NAICS or the LBCS.

- » Allow Missing Middle housing types in appropriate districts.

3-4.17 Consider rezoning existing PD Districts.

3-4.18 Rename and revise the CL District to better reflect the manner in which the district has developed.

4 OTHER AREAS OF RECOMMENDED CHANGES

In addition to the primary areas of recommended changes described in Section 3, our stakeholder interviews and code analysis revealed a handful of other specific aspects of the code where improvements are needed.

Three of these areas (Administration & Enforcement, Applicant & Public Outreach, and Definitions & Terms) include generalized improvements that should be considered in conjunction with each of the four primary areas of recommended changes.

The other two areas, Development Impact Fees and Nonconformities, currently are under review by the Town. The Town could consider this report's recommended changes in these areas in conjunction with its current review, or the changes could be addressed in the comprehensive ordinance revision process.

4-1 ADMINISTRATION & ENFORCEMENT

Stakeholders feel that the Town's ordinances have outgrown staff's ability to implement and enforce. A revised, streamlined development code will improve administration.

Nonetheless, changes to the code should take into consideration current and anticipated future staffing levels to ensure the regulations can be effectively implemented and enforced. Enforcement responsibilities should be clear for all code sections.

New code provisions, and any existing provisions that remain, should clearly reflect the Town's goals and priorities. As mentioned earlier, the development codes often regulate minor items that do not significantly improve final outcomes. Removing these items from the codes will also improve administration and help streamline review procedures.

As noted in Section 4-2, applicants find frequent code changes confusing and difficult to keep up with. Even with these frequent regulatory changes, the codes are rarely updated to respond to changes in State and federal law, or to incorporate Zoning Administrator and Board of Zoning Appeals interpretations that are not site-specific.

Just as the Planning Act requires review and revision of the Comprehensive Plan on a periodic basis to reflect changes in the community, the Town should require review of its own development codes on at least an annual basis.

In addition to a periodic review, some communities only consider development code amendments once or twice per year. This allows time for more comprehensive study of each proposed change and allows staff and officials time to create an implementation plan for significant or procedural changes. A set update schedule improves predictability for applicants and citizens. However, this could limit the Town's ability to implement development code-related changes in response to new or evolving planning issues.

4-2 APPLICANT & PUBLIC OUTREACH

The Town continues to build on its public outreach efforts and improve its coordination with applicants. The Town has offered online submittals and digital plan review for a number of years. This is a great benefit for applicants, and makes it easier to provide information to interested citizens. Once the online submittal is made, however, applicants would like more communication about where the application is in the process.

Creating a common workflow for each procedure, as recommended in Section 3-2, could provide for a standardized applicant notification procedure. For example, the code could require staff to notify an applicant once an application's Completeness Review is finished, once the application has been placed on a meeting agenda (if applicable), and again once a decision is rendered. This also would eliminate inconsistencies in how information is relayed to applicants.

Applicants find the frequent Zoning Code changes confusing and not well communicated. The Town follows required public notice procedures, but applicants would benefit from more proactive notice. For example, the Planning & Development Department's website could have a page dedicated to proposed and recently adopted LDR and Zoning Code changes. This is particularly important when updates to the online versions of the codes lag weeks or months behind ordinance adoption.

Applicants indicated that periodic public education sessions on changes to the codes or to explain certain elements of the development process would be helpful. Of course, this creates additional demands on already limited staff resources. However, the benefit is increased public understanding of the Zoning Code and development process, which ultimately benefits staff as well.

Online resources are an important way to provide some of this outreach. For example, staff could prepare short handouts or videos on popular topics or frequently asked questions, such as how to obtain a tree removal permit. Resources like this are available on the Town's website, but some do not reflect current requirements or processes (e.g., the Commercial Projects Review Process informational brochure). The interactive Projects & Applications Map is a great resource, particularly for citizens, but it is inconsistently updated. This can be frustrating for the public, and likely increases calls and emails to staff when a public notice sign goes up but is not reflected on the map. While online resources are beneficial, it is critical they are kept up to date.

4-3 DEFINITIONS & TERMS

The Zoning Code has a fairly robust set of definitions. As noted in Section 3-1, readers expect to find a glossary at the end of a document rather than the beginning. The definitions in § 156.007 should be relocated to the end of the code. Definitions in other sections should be consolidated here as well. In the text of the code, defined terms should be distinguished through capitalization or other text attributes, such as **bold** font.

The codes use different (and sometimes undefined) terms to refer to the same thing (e.g., developer, subdivider, owner). Commonly used terms (e.g., apartments) are not defined. All definitions need review to ensure they are clear and unambiguous. Additional graphics may be helpful in some cases, such as for the definitions of front, rear, and side yards. Finally, the codes should avoid the use of planning and legal jargon and "buzz words" that will date the regulations.

Every phase of the comprehensive ordinance revision project will necessitate revisions and additions to the definitions. A "working" definitions document should be prepared early, and used throughout the project to track proposed changes to the definitions. It is important for everyone involved in the update process to share a common understanding of the meaning of the terms used in the codes since the definitions provide clarity to the standards.

4-4 DEVELOPMENT IMPACT FEES

The Town's Development Impact Fee program is established in Chapter 154. The fee amounts currently are under review by the Town. In addition, the *draft* Comprehensive Plan recommends future study of the effect of impact fees on the local business community and housing market, and modifications to the program to facilitate the development of desired uses in desired locations (Section 6.6, Complete Action Work Plan, Actions RG42, RG43, PI16, PI17).

While this project does not include a review of the Development Impact Fee program, we heard two specific concerns from stakeholders that the Town should consider in future study and updates.

First, land uses need to be better defined. Most of the land uses listed in the Impact Fee Schedule are not defined in § 154.04. A consolidated set of definitions for all of Title XV would help.

Second, the ordinance and underlying policies need review to ensure the desired impacts are captured. For example, impact fees are not assessed for outside floor area (e.g., outdoor dining, garden center display). However, outdoor areas at restaurants sometimes are enclosed for year-round use, effectively circumventing the impact fee requirement for this additional square footage.

4-5 NONCONFORMITIES

When a zoning code is adopted or changed, existing development may or may not meet the new zoning requirements. Uses, lots, structures, and site improvements (e.g., parking, landscaping, signs) that do not meet the new requirements are considered legal nonconforming (or "grandfathered") if they were established or built in accordance with the laws applicable at the time of their establishment or construction. Zoning codes typically allow nonconforming uses to continue and nonconforming structures to be occupied, but limit or prohibit changes to the use or structure. Often, compliance with new regulations is triggered when changes or improvements go beyond a certain threshold. This generally is the case for nonconformities in Mount Pleasant.

The Zoning Code addresses nonconforming lots, uses, and structures (§§ 156.140, 156.141, and 156.142); and nonconforming signs (§ 156.163). Section 156.142 addresses "insufficient automobile parking facilities," but does not address other nonconforming site improvements such as landscaping.

Town Council currently is reviewing the provisions for nonconformities and abandonment of use. Stakeholders indicated there has been discussion of allowing replacement of significantly damaged or destroyed (by hurricane, fire, etc.) nonconforming uses and structures, as well as establishing different provisions for different areas of town. For example, the code already includes special provisions for the Historic District.

Establishing different nonconformity provisions for different areas or districts requires careful study and a clear rationale for treating these areas differently. When codes are adopted or changed, they reflect a community's current goals and policies. If existing development no longer conforms to desired development patterns, it is in the community's interest to bring the uses and structures into compliance—while respecting individual property rights.

However, if the code causes existing, desirable land uses and development patterns to be nonconforming, the community should instead consider amending its code to ensure these desirable elements are permitted and not rendered nonconforming.

The code also should recognize that reinvestment in some properties that do not strictly comply with current regulations can maintain existing neighborhood assets and economic growth and, in these cases, should be allowed with appropriate conditions.

Overall, the nonconformities subchapter needs review and update. All code provisions related to nonconformities should be consolidated into one location. Nonconforming site improvements should be addressed. Provisions for exterior storage of vehicles (which is not a nonconforming use) should be relocated to a more appropriate section of the code. In addition, stakeholders noted a few areas where clarification or changes may be needed.

Section 156.142(C) allows structural alteration and repair only of nonconforming residential structures used for residential purposes. Stakeholders feel there should be some ability to improve a nonconforming non-residential structure without going through the variance process. This should be tied to clear, objective standards that can be administered by staff.

This section also sets a limit for renovations: any nonconforming structure that is "renovated, repaired, altered or otherwise improved by more than 50% of its reasonable replacement value at the time of renovation, repair, or alteration shall be brought into conformance with all applicable sections of this zoning code." Stakeholders identified the need to specify that this threshold is a measure of all cumulative renovations over a defined period of time, rather than a threshold for each individual renovation. The code should clearly define how to calculate this.

For example, the Town's flood regulations consider all changes made to a structure over a period of 10 years. "Any combination of repairs, reconstruction, rehabilitation, addition or other improvement to a structure taking place during a period of ten years, the cumulative cost of which equals or exceeds 50% of the fair market value of the structure…" is considered a substantial improvement requiring compliance with the current code (§ 152.04).

Stakeholders also noted the code does not define "reasonable replacement value," which leaves room for interpretation and inconsistency. The Town could consider using assessed value instead. This value is established by the county tax assessor's office and is available in online public records for all properties in the Town of Mount Pleasant.

Finally, § 156.141(A)(2) requires the combination of adjacent nonconforming lots, if under the same ownership, prior to sale of or construction on one or more of the lots. It is difficult for staff to enforce this provision, and a buyer or seller has no incentive to comply. Unless the Town is able and willing to monitor this provision and enforce compliance, it should consider removing it from the Zoning Code.

5 IMPLEMENTATION PLAN

Based on the findings in this Technical Codes Evaluation, code organization and procedural issues currently are the most pressing concerns in Mount Pleasant. Reorganizing and reformatting the development codes, consolidating related provisions, correcting inconsistencies, and resolving internal conflicts—even without making major changes to the standards themselves—would go a long way in addressing many of the stakeholders' concerns with the codes. Clarifying procedural requirements and responsibilities and consolidating processes where possible would significantly improve the zoning and land development process.

This report identifies four primary areas of recommended changes to the development codes. We recommend structuring the revision process in phases according to these four primary areas of change:

> *Phase 1: Create a More User-Friendly Code*
>
> *Phase 2: Revise the Development Review Procedures*
>
> *Phase 3: Modernize & Improve the Development & Design Standards*
>
> *Phase 4: Update the Zoning Districts & Uses*

This report offers a number of recommendations in each of these areas, including broad as well as specific recommendations for change. Table 6 lists these individual recommendations and assigns them a priority (high, medium, or low) to assist staff in prioritizing future amendments to the codes.

Based on available resources, the Town could choose to implement all of the recommendations in one phase at the same time, or could address high priority items in each phase first before moving on to medium and low priority items. Some medium or low priority items may be simple to implement, particularly in conjunction with other related changes, and so could be implemented sooner than anticipated.

In conjunction with each phase, definitions should be updated, revised, and consolidated; and related Comprehensive Plan Action Items should be considered for implementation.

However the Town chooses to implement the recommendations, we recommend the preparation of an Annotated Outline and Style Guide as the next two steps in the code revision process.

The Annotated Outline will provide a user-friendly, condensed overview of changes to the development codes. It will organize the development codes in Title XV into a logical format that ensures all of the standards and procedures in the zoning and land development regulations work together. The outline should include:

- A correspondence table that links new sections and headings to existing sections and headings;
- Related Comprehensive Plan Action Items; and
- Where needed, a commentary explaining the rationale for the recommended changes to each section of the codes.

The Annotated Outline is not a static document and can be revised when appropriate during the comprehensive code revision process. As the new code takes shape, it may be necessary to add or reorganize certain sections. The Annotated Outline should reflect these changes.

The second step we recommend is preparation of a Style Guide to ensure code amendments are consistently organized and formatted. Unlike the outline, this document generally should not change once it is complete.

Table 6 establishes priorities for the revisions recommended in this report to facilitate the creation of a work plan. Recommendations are prioritized as:

- **High (H):** Tasks that should be completed as soon as possible.
- **Medium (M):** Tasks that are less crucial than the high priority tasks but are still important to complete in a timely manner.
- **Low (L):** Tasks that should be accomplished but do not have the same level of urgency as those in the medium to high priority category.

Some items are shown as “ongoing.” These tend to be broader tasks that apply throughout one or more phases, such as adding illustrations and graphics.

Table 6. Prioritized Recommendations for Revisions

Recommendation		Priority
Phase 1: Create a More User-Friendly Code		
3-1.1	Prepare an outline of the revised development codes, including a correspondence table that links new sections and headings to existing sections and headings.	H (Next Step)
3-1.2	Develop a style guide for the development codes so that future code amendments are consistently formatted.	H (Next Step)
3-1.3	Consider the best way to maintain the development codes online, with an eye to functionality; ease and efficiency of use, maintenance, and update; and cost.	H
3-1.4	Consolidate definitions into a single subchapter at the end of the development codes. Ensure new and revised definitions are consistent with the Building Code.	Ongoing
3-1.5	Increase the use of tables to present quantitative information and long lists, especially in the LDRs. Ensure tables are consistently numbered, titled, and formatted.	Ongoing
3-1.6	Increase the use of graphics to illustrate regulatory standards. Ensure graphics are consistently numbered, titled, and formatted.	Ongoing
Phase 2: Revise the Development Review Procedures		
3-2.1	Integrate all of the Town's development-related review and approval processes into a single Procedures chapter or subchapter. Map each procedure using a common workflow.	H
3-2.2	Codify the Development Review Team review process.	H
3-2.3	Authorize staff to approve minor adjustments to approved development plans, including in the field (during project close-out). This includes standards for minor amendments to PD Districts.	H
3-2.4	Establish a process for requesting certain levels of code interpretation, including a formal, written interpretation from the Zoning Administrator or Building Official.	H
3-2.5	Increase clarity in the Design Review process.	M
3-2.6	Evaluate and revise the Impact Assessment process to clearly define its required elements, acceptable levels of service/capacity, and mitigation requirements.	M

Recommendation		Priority
Phase 2: Revise the Development Review Procedures (continued)		
3-2.7	Evaluate the pros and cons of administrative adjustments for certain development standards such as setbacks, parking, and bufferyards.	M
3-2.8	Consolidate zoning-related permits, including conditional use, temporary use, short-term rental, sign, mobile vending, and potentially tree removal permits, as well as changes in use, under a single zoning permit process.	M
3-2.9	Streamline the platting process for property line adjustments by allowing exceptions to the typical preliminary plat/final plat process for adjustments that do not create new lots or rights-of-way.	M
3-2.10	Clarify the conditions under which the Town can issue conditional or temporary certificates of occupancy.	M
3-2.11	Add a procedure for Comprehensive Plan and Future Land Use Map amendments.	L
3-2.12	Remove submittal requirements from the codes and cross-reference submittal checklists maintained outside the codes.	L
3-2.13	Add a summary table of approval processes and authority.	L
Phase 3: Modernize & Improve the Development & Design Standards		
3-3.1	Modernize the development standards to reflect current planning goals and national best practices.	Ongoing
3-3.2	Comprehensively review and revise the signs subchapter to ensure the regulations align with best practices, changes in land development policy, and current case law.	H
3-3.3	Comprehensively review and revise tree protection requirements to ensure the standards are clear for each type of development scenario.	H
3-3.4	Comprehensively review and revise the bufferyard regulations to ensure the standards are clear, appropriate, and relevant.	H
3-3.5	Align Zoning Code provisions related to the measurement of building height and the definition of story with the Building Code.	H

Recommendation		Priority
Phase 3: Modernize & Improve the Development Standards (continued)		
3-3.6	Improve open space requirements, including standards related to the required amount, location, function/composition, and connectivity.	H
3-3.7	Modernize and update the subdivision development and design standards.	H
3-3.8	Clarify how development and design standards apply to utility projects, such as water and sewer line extensions.	H
3-3.9	Clarify how front, rear, side yards (setbacks) are defined. Include a section that explains how setbacks are measured, with clear illustrations. Add a procedure for defining yards and measuring setbacks on unusually shaped lots.	M
3-3.10	Reevaluate the requirements for pedestrian and vehicular interconnectivity to improve transportation and pedestrian movement for commercial and residential development.	M
3-3.11	Establish standards and connection requirements for developments adjacent to Mount Pleasant Way.	M
3-3.12	Review parking ratios and standards, including bicycle parking requirements, to ensure they reflect best practices.	M
3-3.13	Review and revise curb cut spacing requirements to align with industry standards.	M
3-3.14	Consider regulating impervious surface coverage in each zoning district instead of lot coverage.	L
3-3.15	Add the Town's crosswalk policy to the code.	L

Recommendation		Priority
Phase 4: Update the Zoning Districts & Uses		
3-4.1	Revise the Planned Development Districts.	H
3-4.2	Update and modernize the Residential Use Districts structure, based on the future land use and character recommendations in the Comprehensive Plan.	H
3-4.3	Update and modernize the Non-Residential Use Districts structure, based on the future land use and character recommendations in the Comprehensive Plan.	H
3-4.4	Create a new Gateways & Corridors Overlay District to consolidate requirements currently found in the Joint Town/County Highway Corridors, Hungryneck Boulevard-Venning Road, Sweetgrass Basket (1 & 2), and Boulevard Overlay Districts.	H
3-4.5	Review and modernize the temporary use regulations. Align timeframes and definitions with Building Code requirements.	H
3-4.6	Review and modernize the accessory use regulations. Specifically address fences and driveways.	H
3-4.7	Develop a detailed procedure to address PD Districts with “expired” vested rights, in consultation with the Town’s legal counsel.	M
3-4.8	Evaluate and modify the Town’s incentives for workforce housing, making the incentives available in appropriate base zoning districts or through a floating zone.	M
3-4.9	Align provisions related to affordable housing. Ensure all chapters of the code define requirements in the same manner (e.g., income qualifications).	M
3-4.10	Revise the SCW-OD to implement recommendations in the Shem Creek Area Management Plan.	M
3-4.11	Consider eliminating the CDR-OD and instead maintaining its standards and requirements as development standards applicable in certain districts or for certain uses.	M

Recommendation		Priority
Phase 4: Update the Zoning Districts & Uses (continued)		
3-4.12	Conduct a holistic review and evaluation of all requirements related to annexation, including the mandatory annexation requirement for sewer service. Evaluate the best legal approach to classifying newly annexed lands, in light of the property's Future Land Use Map designation and other policies relevant to the area of town. Consider the alternatives of automatic or "default" designations as well as case-by-case processes, as permitted by law	M
3-4.13	Create an agricultural district.	M
3-4.14	Consider whether the SR2-OD provisions should be incorporated into a base zoning district, or applied through the expansion of the existing historic district.	M
3-4.15	Review the new STR ordinance to identify any issues or concerns with implementation.	M
3-4.16	Review and update the use table. Audit the use list against modern industry classifications, such as the NAICS or the LBCS.	L
3-4.17	Consider rezoning existing PD Districts.	L
3-4.18	Rename and revise the CL District to better reflect the manner in which the district has developed.	L

APPENDIX A: PUBLIC PARTICIPATION STRATEGY

INTRODUCTION

This technical code evaluation is the first phase in a larger project that will include addressing the findings of this report with comprehensive ordinance revisions. While the code evaluation effort involved a targeted group of stakeholders with in-depth knowledge of the technical aspects of the codes, the comprehensive ordinance revision efforts should include broader public participation.

This Public Participation Strategy describes how the Town could interface with the public and stakeholders, collect public comments, disseminate information throughout the process, and ensure public input is considered as the comprehensive code revision project takes shape.

PURPOSE

The public participation process **collects information** from key public and private stakeholders in the Town's land development process, establishing a dialogue between the Town and the public and giving stakeholders a voice in shaping the code revision.

It also **educates** the public and development stakeholders about the development codes, progress with the revisions, and how the drafts are unfolding.

The public participation process will focus on development code updates, and is not intended to revisit the *Comprehensive Plan*. The code revision, however, will **provide greater focus** for the Town's broad land-use policies, along with targeted revisions relating to development standards, zoning districts, and administrative procedures among other matters.

HOW WILL THIS PROCESS DIFFER FROM THE PROCESS USED IN THE COMPREHENSIVE PLAN?

In many ways, this process can be seen as a continuation of the *Comprehensive Plan* process. Many of the same stakeholders will be involved, and the code revisions will include specific implementation items identified in the plan. However, there are several key differences:

- The Plan establishes the Town's vision, along with specific ways to accomplish that vision through land development regulation and guiding principles. The code revision process simply codifies many of the policies identified in the plan. While there are often several ways to accomplish a policy, this process is more of a technical than a visionary exercise.
- The stakeholders involved in a development code update are usually much different than those involved in a plan update. The inevitable focus on technical issues requires a different kind of outreach and, in some respects, a different audience. While the code revision process will involve the public as much as possible, the most interested participants tend to be those who are involved in the day to day administration of the code's procedures and standards.
- A development code is a legal document, and therefore requires significantly more attention to legal details such as state and federal legal requirements, procedures, and nonconformities. The interested audience for these details tends to be very small.

CODE REVISION WORKING GROUP

To maintain the interest and momentum generated during development of the Comprehensive Plan, the Town should consider establishing a Code Revision Working Group to guide the update process and provide feedback and direction. The Code Revision Working Group would meet as frequently as needed, typically once per month, and could include representatives from:

- The Plan Forum, a group of 34 Mount Pleasant Planning Area residents established to guide the Comprehensive Plan update process;
- Town Neighborhoods and Planning Districts;
- Town Boards and Commissions, such as the Planning Commission, Board of Zoning Appeals, Design Review Board, Historic District Preservation Commission, Cultural Arts & Pride Commission, and the new Settlement Communities Task Force;
- Town departments, including the Planning & Development, Transportation, and Public Services Departments; and
- Other stakeholder groups that frequently interact with the development codes, such as engineers, architects, surveyors, and real estate development professionals.

The Code Revision Working Group meetings are not envisioned as public meetings. Rather, they are an opportunity for collaboration and coordination on the technical aspects of revising the development codes.

CITIZEN & STAKEHOLDER INVOLVEMENT

The code revision process should include opportunities for online engagement throughout the process, as well as opportunities for "real-time" engagement at specific milestones during the project. "Real-time" engagement activities include in-person or virtual public workshops, as well as appointed and elected officials' meetings.

The Town should maintain a page on its website for the code revision project. The page would include notices and updates about the project, including announcements of upcoming events, as well as downloadable content. If possible, the Town could include an online form to allow citizens to submit comments and questions. The Town could also use its social media channels to promote and publicize the code revision project.

"Real-time" engagement typically would occur towards the end of each phase of the code revision project.

Phase 1: Annotated Outline & Style Guide. The next steps in the comprehensive code revision process are preparation of an Annotated Outline and a Style Guide for the revised development codes. The outline would be based on the findings of the final Development Codes Technical Evaluation and provide a user-friendly, condensed overview of proposed changes to the development codes, which will guide the drafting process. The Style Guide will establish the format and "look" of the revised codes.

The Code Revision Working Group will provide input at this stage, but a public workshop is not anticipated.

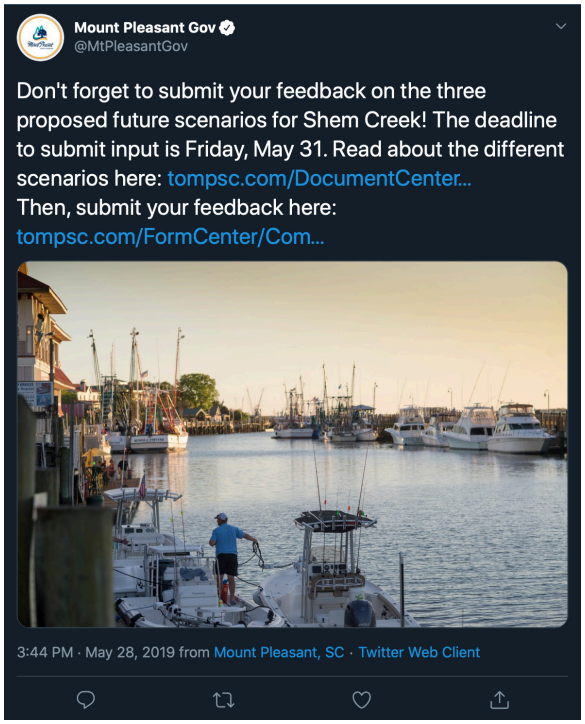
Phases 2-4: Drafting. The drafting process will begin immediately thereafter, taking place in the phases recommended in Technical Codes Evaluation Implementation Plan.

The Town should hold one or more public workshops towards the end of each phase or set of revisions. At each of these meetings, citizens and other stakeholders would be asked to provide input and feedback on the proposed code revisions.

Public hearing drafts of the revised ordinances would incorporate feedback from the public workshop(s). Final drafts would incorporate input received during the public hearing process and from the Planning Commission and Town Council.

Public involvement is anticipated to include:

- Attending public workshops, Planning Commission, Planning & Development Committee, and Town Council meetings.
- Receiving periodic updates by e-mail, Facebook, Twitter, Instagram, and/or YouTube. The Code Revision Working Group would develop content, and the Town would post or distribute email (including email blasts), or online content pursuant to its established protocols.
- Reviewing project updates, reports, or development code drafts posted on the Town's website.
- Providing comments to staff, Code Revision Working Group members, Planning Commission members, or Town Council members at public meetings during the process and possibly through online feedback forms.















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