

Walterboro City Council
Work Session on
Unified Development Ordinance (UDO) Update Meeting
April 22, 2014
5:30 P.M.

Present were: Mayor Bill Young, Council Members Jimmy Syfrett, Tom Lohr, Bobby Bonds, James Broderick and Judy Bridge. Council Member Paul Siegel was absent.

Also Present were: City Manager Jeff Molinari, City Clerk Betty Hudson, City Attorney George Cone, and Planning & Codes Director David Dodd.

Present in the Audience:

Interim Chief Ken Dasen, Wayne Crosby, Donna Laird and a representative from the press.

The purpose of the meeting was to discuss updates to the Unified Development Ordinance (UDO).

Mayor Young called the meeting to order. City Manager Molinari stated that on April 1, 2014, the Planning Commission held a public hearing to look at some proposed revisions to the UDO. One of those revisions involves the Historical Overlay. Mr. Molinari then suggested that Council hold a separate meeting on the Historical Overlay because there is so much material involved. However there were some smaller recommendations that the Planning Commission made to the UDO to make the City more business friendly. City Manager Molinari then recognized Mr. David Dodd, who was present to brief Council on the proposed recommendations.

Planning and Codes Director David Dodd told Council that in the last couple of years, the City started having an issue that the City was not perceived as being business friendly. So, the Planning Commission started to review certain things and sections that could be worded to be a little more business friendly and make it clearer in language, so that it would be easier to rule in favor of a business friendly interpretation. Mr. Dodd then highlighted the following proposed changes to the UDO:

1) Section 2.4 Permitted Uses Table

Add Correctional Facility as a Conditional and Special Exception Use to the General Commercial District in order to allow the Colleton County Jail to replace a dilapidated section of the older part of their building that previously housed Trustees, with a new modular structure for that same purpose.

Mayor Young then asked, does this restrict that to the one 2½ acre area over there and does it not open it up to other commercial areas? Mr. Dodd responded yes, and that's why the conditions were specially set the way they were, because the only parcel in General Commercial that meets those conditions is the current Correctional Facility. The zoning has not changed a bit. It is still General Commercial Zoning.

Mayor Young then asked a question concerning the Correctional Facility. He said, when you say, "Minimum lot size 2½ acres cannot be located on any major arterial street," does that still not open it up to other areas? What keeps it from being open to other areas? Mr. Dodd responded, because in our General Commercial Zoned properties, we don't have any other 2 ½ acre size parcels that are not located on major arterial streets. Any other parcel that is that large is located on a major arterial street, which would eliminate them.

Mayor Young then asked, can that change? Mr. Dodd responded that it would only change if it was re-zoned. In other words, what's currently zoned General Commercial Business District will only allow this application to affect that one parcel that's inside the City. If you took some other parcel that is zoned something else and re-zoned it to General Commercial, then it will allow that if it met all those conditions.

Page - 2-
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Mayor Young then said, I just don't want to leave any kind of crack in there for somebody to locate a Correctional Facility in the future somewhere that would hurt a business or it might hurt a residential area, whether it's in Forest Hills or any other residential neighborhood. I mean that is a serious concern for me.

Mr. Dodd then said, if we have an additional need in the community for an additional Correctional Facility, they would obviously have to come and look at zoning and look at getting something large enough to suit their needs and probably even annexing something in, and having it zoned adequately so that they meet the zoning requirements or not get in the City limits.

Council Member Bonds pointed out that his concern is that he did not like the word "modular" when we talked about the unit. What concerns me is, let's assume number 1 on their project sales tax is a new "Correctional Facility-Detention Center-Sheriff's Department." What's going to happen is, that property is going to end up being vacant and filled in some other fashion. Is there any type of accommodation to this being a modular structure as opposed to any other structure? Mr. Dodd responded, state law says you have to treat modulars like any stick built project. Council Member Bridge added, and that's what the jail building is now, did you know that?

Mayor Young then asked, is that lot 2½ acres? Why wouldn't we want to say maximum size 2½ acres instead of minimum size? Mr. Dodd responded that this is because there are a lot of smaller parcels that won't meet that minimum size because they are not 2½ acres. So it eliminates all of this.

The Mayor then said, then I don't have to worry about the fact that this is not going to allow this facility to go anywhere else. Who is going to make sure in the future when you are not here anymore? I mean, who is going to make sure that some future Council does not come in and re-zone something and hurt the quality of life in Walterboro? If there is a way to do it that emits that, it would be preferable for me, so that it goes to that one location.

Mr. Dodd responded that if later on you decide that this is not a good use for General Commercial Zoning, you can take it back out. Council Member Bonds then asked, why can't we just grant them a variance to do that. Mr. Dodd responded, you can't grant a variance to a use. You can grant variances to conditions and to standards, but not to uses. The use is a Correctional Facility and we can't grant a variance to allow a Correctional Facility and the zoning does not allow it. So, this is allowing it in that zone.

Council Member Bridge then said, I think we probably should look at getting someone in to look at our zoning of certain areas on the list now, just in terms of preservation of properties for commercial use or future properties of our city, and at that point we can look at taking that back out.

Mr. Dodd noted that where the current jail is, they (the county) have already demolished the old portion. The new unit will be placed behind the current building so you will not even see it from the streets.

Mayor Young then said, I am not worrying about this current site. I am worried about them abusing this to put something somewhere else in the future. But I am sure they will probably go out of town, but you just don't know.

City Manager Molinari said, you've got some protection there, too. It's not a use by right, and they still have to go through the BZA in granting a special exception. They've got to meet certain criteria that the BZA will base their determination on.

Discussion was held on the fact that this item was on the agenda for the regular City Council

Meeting tonight. It was agreed that Council could do first reading and any changes could be made before Second Reading.

2) Section 3.4.4

Delete Item B which restricts Auto and Boat Service uses from having driveways within 300 feet of an existing intersection and also restricts those uses from having a driveway within 750 feet of another Auto or Boat Service use. The current restrictions potentially limit utilizing vacant commercial properties that are designed for this type of use by creating a non-conforming situation, and therefore, could prevent a business property owner from having an opportunity to rent or sell the affected property. The change would also require correcting the lettering of this section from A - L to A - K.

Mr. Dodd pointed out that the SCDOT regulates driveways, and so unless we specifically want to disallow Automotive Service businesses with that restriction, we can just eliminate that and again that gets rid of a business unfriendly part of our ordinance. It makes us more business friendly. We are not shutting down the available spaces for businesses to locate.

Mayor Young asked, why was that put in there to start with? Mr. Dodd answered, I think that was something that the consultants added. I don't think it came from our old ordinance. Mr. Dodd stated that there are a couple of places on South Jefferies that were designed as automotive service buildings that cannot be used for that purpose with the current provision in the ordinance.

On a question raised by Council Member Bridge on the requirements of the SCDOT, Mr. Dodd pointed out that the SCDOT does not limit it to uses as much as distances and the number of driveways so that you don't have so many places entering the highway. A good example is the property on Bells Highway that is currently BoJangles. It was a redeveloped property. It used to have three driveways going into that one lot. DOT would not allow them to continue to have three driveways going into that one lot. They restricted them to having only one driveway and they were able to negotiate with DOT to have 1½ driveways, by that I mean they took a shared driveway with Breland's Strawberries. They put in a nice curb cut second driveway, but half of that is on Breland's property and ½ is on their property.

Council Member Broderick then asked Mr. Dodd if he could get Council the information on the SCDOT regulations. Mr. Dodd agreed to provide this information.

Mr. Dodd noted that the conditions for a Correctional Facility in the General Commercial Zone include:

- A) Minimum lot size is two and one half acres.
- B) Cannot be located on any major arterial street.
- C) Cannot front on more than one street.

3) Section 5.4 Signs That Require a Permit

Mr. Dodd pointed out that this section adds the condition of "permanent" to the signs that require a Certificate of Zoning Compliance with the associated fee of \$50.00, which will reduce the fees that are applicable to sign permits that are issued for Banners and Temporary Special Event Signs, which are not "permanent," and will help business owners save dollars.

4) Section 5.4 C

This section increases the allowable size of freestanding signs in the General Commercial District, for businesses that are located on 3 lane or wider, arterial streets, from 16 square feet up to

48 square feet and allows the business locations that meet the street width condition to be more competitive with other nearby businesses that are zoned Highway Commercial District. Mr. Dodd stated that probably half of the signs on the existing General Commercial properties exceed the 16 square foot size by 2 or 3 times. So, the change is to allow up to 48 square feet if they are located on a 3 lane or wider arterial street. This would be sections of north and south Jefferies, a portion of Wichman Street and a portion of Hampton Street.

Mr. Dodd stated that in our other districts, for example Highway Commercial, allows signs to be 72 sq. feet. So, 48 square is not quite half of what's allowed in Highway Commercial. So, if you look at the Artisans Center sign, the IGA sign, the First National Bank sign, all of those signs exceed the 48 sq. feet. So, most of the General Commercial signs in the areas that are being affected already exceed by far the 16 sq. foot allowance. They would either have to remove their signs or apply for a variance and be able to somehow demonstrate a hardship in order to have a variance granted. But by changing the size of the allowance, it would keep a lot of those out, and will be a valuable asset to their business.

5) Section 8.6 Parking of Heavy Vehicles

Mr. Dodd said, by adding the provision for the variance being granted for up to one year at a time, so that they cannot continually be allowed without being revisited annually. This is as the result of a suggestion after an application last year for a truck. It brought in a lot of concern for the area. The current language is also correcting the word "objectives" to "objections."

6) Section 10.4.1 Planning Commission Membership

Planning Commission Membership is being corrected to a "four" year term to be consistent with the Walterboro Code. It is currently listed as three years in the UDO.

At this point Mayor Young suggested that the meeting be stopped at this point. Another meeting will be set for a later date to finish the discussion on this item.

No further discussion was held and the meeting concluded at 6:07 P.M. Notice of this meeting was distributed to all local media and posted on the City Hall bulletin board at least twenty-four hours prior to meeting time.

Submitted by,

Betty J. Hudson
City Clerk

APPROVED: August 12, 2014