

AN ORDINANCE

ORDINANCE #: 2024-014

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, CHAPTER 151: ZONING, SECTION 151.3 (ZONING DISTRICTS) TO CREATE A NEW ZONING DISTRICT - FLEXIBLE REVIEW DISTRICT (FRD)

WHEREAS, the Planning Commission of the City of Goose Creek held a public meeting on September 3, 2024, to consider a change to Chapter 151: Zoning;

WHEREAS, pursuant to said meeting, the Planning Commission unanimously recommended that the Zoning Ordinance be amended to include the zoning district defined and described in "Exhibit A" as the Flexible Review District (FRD);

WHEREAS, the Mayor and City Council of the City of Goose Creek, South Carolina, conducted a Public Hearing on September 10, 2024;


NOW, BE IT ORDAINED and ordered by the Mayor and City Council of the City of Goose Creek, South Carolina, that Chapter 151: Zoning, Section 151.3 (Zoning Districts) is hereby amended according to "Exhibit A".

INTRODUCED the 10th day of September 2024.

DONE the 8th day of October 2024.



Mayor Gregory S. Habib

Attest: 
Kelly J. Lovette, MMC, City Clerk


Mayor Pro Tem Debra Green-Fletcher

Councilmember Jerry Tekac


Councilmember Christopher Harmon


Councilmember Gayla S.L. McSwain


Councilmember Hannah J. Cox


Councilmember Melissa Enos-Sims

EXHIBIT A

FRD: Flexible Review District

(1) Purpose

The purpose of the FRD is to promote innovative residential design and development, often utilized in in-fill projects and newly annexed parcels, wherein specific land use designations may be in transition. Flexibility and creativity in the design, character and quality of the development is made possible through the development and approval of a detailed plan, which describes the specific uses, densities, landscaping, open space, conservation, and other requirements for development. Substantial flexibility is provided, with an expectation that development quality will surpass what is otherwise achievable through other zoning districts. It is recognized that some concepts will be more appropriate than others and the approval of an application in one location does not necessarily indicate the development will be applicable in other locations.

(2) Intensity and Dimensional Standards

Standard	Requirements
Lot Area, min. (acres)	N/A
Lot Width, min. (ft.)	
Impervious Surface Ratio, max. (%)	
Density, max. (du/acre)	
Intensity, max. (sf)	
Front Yard Setback, min. (ft.)	To be established in the approved development document
Side Yard Setback, min. (ft.)	
Rear Yard Setback, min. (ft.)	
Building Height, max. (ft.)	
Other intensity and dimensional standards	

(3) General Provisions for Flexible Review District (FRD) Zoning Districts.

Flexible Review District (FRD) Zoning Districts are intended to:

- (a) Support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and provision of public services.
- (b) Reduce the inflexibility of zoning district standards that sometimes results from strict application of the base district regulations, and development standards established in this Ordinance.
- (c) Allow greater freedom and flexibility in selecting:
 - (1) The form and design of development;
 - (2) The ways by which pedestrians, cyclists, and vehicular traffic circulate;
 - (3) How the development will be located and designed to respect the natural features of the land and the protect the environment;
 - (4) How design amenities are to be applied; and
 - (5) The location and integration of open space and civic space into the development.
- (d) Preserve natural and scenic features.
- (e) Allow more efficient use of land, with smaller networks of streets and utilities.
- (f) Provide pedestrian connection within the site, and to the public right-of-way.
- (g) Encourage the provision of centrally-located open space amenities on the site.
- (h) Promote development forms and patterns that respect the character of established surrounding neighborhoods and/or other types of land uses.
- (i) Promote development form that respects and takes advantage of a site's natural and man-made features, such as rivers, lakes, wetlands, floodplains, trees, and historic resources.

(4) Development Standards.

The standards set forth in Chapter 151 and Chapter 153, shall serve as a development guide for the FRD. However, variations are permitted. Applicants shall discuss variations with Staff prior to submitting their rezoning application.

(5) Application Process and Preliminary Development Plans.

A pre-application conference is required with Staff prior to submittal. Applications for a FRD shall be by amendment to the official zoning map in accordance with the zoning code and shall include the following:

- (a) Preliminary Development Plan — The applicant shall submit one printed site plan and one electronic site plan which shall include the following:
 - (1) A boundary survey with vicinity map, title block, scale, and north arrow.
 - (2) Total number of acres of overall site.
 - (3) Location and number of acres of various areas by type of use (eg, single family, duplex, townhome, etc.)
 - (4) Number of units and density of various residential types, such number to represent the maximum number of units and to include setbacks.
 - (5) Approximate square footage of nonresidential use and approximate number of bedrooms in each residential unit.

- (6) Primary traffic circulation pattern, including major points of ingress and egress.
 - (7) Approximate number and location of parking spaces per use.
 - (8) An indication that an acceptable drainage system can be designed for the proposed project.
 - (9) Any such information or descriptions as may be deemed reasonably appropriate for review.
- (b) Natural Resources Inventory — The primary objective of the natural resources inventory is to provide better information about the type of land covers, topography and significant natural, historical and cultural features on sites proposed for development. The applicant shall submit a natural resources inventory at the same scale as the preliminary development plan including the following:
- (1) Land cover type (i.e., wooded, pasture, wetland etc.) indicating the wood line or boundary line between wooded and non-wooded areas of the site.
 - (2) Topographic contour lines at 4-foot intervals.
 - (3) Stream and floodplain information.
- (c) Statement of Intent — The applicant shall submit one paper copy and one electronic copy of a report setting forth the characteristics of the proposed FRD including the following:
- (1) A description of the procedures of any proposed homeowner’s association or other group maintenance agreement.
 - (2) A statement setting forth the proposed development schedule.
 - (3) A statement of the public improvements both on and off site that are proposed for dedication and/or construction and an estimate of the timing for providing such improvements.
 - (4) A statement of impact on public facilities including water, sewer collection and treatment, fire protection etc., and letters from the appropriate agencies or districts verifying that such facilities or services are available and adequate to serve the proposed development.
 - (5) A statement describing and/or renderings or photographs of the architectural style, appearance and orientation of proposed buildings.
 - (6) A statement describing the buffers, landscaping, and screening of proposed project.
 - (7) A statement describing the maintenance and screening of any proposed pond, lake, or storm water management facility contained in the development.
 - (8) A statement describing pedestrian access and circulation throughout the project.
 - (9) A project contact statement with/from Berkeley County School District.
 - (10) Any such information or descriptions as may be deemed reasonably appropriate for review.
- (d) A joint City Council and Planning Commission workshop shall be required to review the development plan and provide comments ahead of the public hearing.
- (e) A public hearing shall be held in accordance with procedures set forth in Chapter 151.
- (f) The Planning Commission shall make a recommendation upon the proposed development which shall be advisory to City Council.

- (g) The City Council may, after fulfilling all applicable requirements of this section and all applicable requirements, act to either approve, approve with modification or disapprove the application for a FRD.
- (h) Approval of a Concept Plan shall constitute authority for the applicant to prepare a Final Development Plan. All Final Development Plans in the FRD will require a site plan review and approval by Staff.

(6) Final Development Plan.

No building permit or certificate of occupancy shall be issued in a FRD until all regulatory approvals have been provided, based on prior review of the Planning Commission and City Council, and there is recorded a Final Development Plan (FDP) meeting the requirements of this section. One reproducible copy of the FDP setting forth specific design characteristics of the Development in accordance with the approved Preliminary Development Plan shall be submitted to the Planning Director and shall include but not be limited to the following information:

- (a) Vicinity map, title block, scale, north arrow, and property line survey.
- (b) Location and proposed use of all buildings or structures within the development and gross square footage.
- (c) Names of boundary streets.
- (d) Number of residential dwelling units by type and number of bedroom units in each.
- (e) Location of any utility easements.
- (f) Total floor area for all nonresidential uses by type.
- (g) Open space areas, specifying the proposed treatment or improvements of all such areas and delineating those areas proposed for specific types of developed recreational facilities.
- (h) All off-street parking and loading areas, structures, the total number of spaces, and the dimensions.
- (i) The number of acres devoted to each land use.
- (j) Sketches and/or elevations of typical buildings/structures and their design standards.
- (k) The site's traffic circulation plan, including the location of curb cuts and points of ingress/egress, and also including the location and width of all streets, drives, medians, service areas, dumpster pads, entrances to parking areas, etc.
- (l) The site's lighting plan, including the location, height, and type of all exterior fixtures.
- (m) The site's Landscape, Screening/Buffer Plan.
- (n) The site's Signage Plan, which includes all exterior signage of the development.
- (o) Yard dimensions from the development boundaries and adjacent streets.
- (p) A letter or permit from Berkeley County stating that a detailed drainage plan has been submitted and approved.
- (q) Other such information or descriptions as may be deemed reasonably appropriate for review.

(7) Staff Action.

Staff may approve or disapprove the Final Development Plan submitted by the applicant. In reviewing the Final Development Plan, Staff may require any such design modifications as necessary to assure compliance with the approved Preliminary Development Plan. In the event that Staff finds that the Final Development Plan is not in accordance with the approved Preliminary Development Plan, it shall disapprove the final plan.

(8) Recording of Final Development Plan and Statement of Intent.

Following approval of the Final Development Plan by Staff, it is the responsibility of the applicant to ensure that one copy of the Final Development Plan and Statement of Intent is recorded in the Register of Deeds of Berkeley County; one copy of both documents is filed with the Planning Director.

(9) Subdivision Plats.

Approval of a Final Development Plan shall constitute authority for the applicant to submit subdivision plats, if applicable, in accordance with procedures set forth in the City of Goose Creek Zoning and Land Development regulations.

(10) Changes to FRD.

Changes to a proposed FRD or to an approved FRD may be permitted in accordance with one of the following procedures as determined by the Planning Director:

- (a) Minor—Changes to a FRD which are of a design nature and which do not alter the original concept or use characteristics of the FRD may be approved by the Planning Director, provided no minor change may be approved which is in conflict with specific conceptual considerations previously contained in City Council's preliminary approval.
- (b) Major Changes—Changes to a FRD which would alter the basic concept and general characteristics of the development may be approved by City Council in accordance with the procedures that originally established the district. Examples of major changes include, but are not limited to the following: boundary changes, changes in the maximum number of structures or residential units, increased density, substantial changes to residential housing type, use changes, access changes, etc.

(11) Failure to Begin, Complete or Make Adequate Progress.

The descriptive statement as approved by City Council and duly recorded shall set forth the development schedule for the project including phasing of the development. City Council may require the posting of a bond with a corporate surety to guarantee that the schedule as set forth in the descriptive statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for rectification of improper development characteristics such as failure to develop areas designated as common open spaces. If there is failure to begin, or failure to complete, or failure to make adequate progress as agreed in the descriptive statement, the City Council may enforce and collect upon such bonds or sureties as described above, or may change the district classification of the development, and thus terminate the right of the applicant to continue development, or may initiate action to charge the developers with specific violation of the Zoning Ordinance or any appropriate combination of the above remedies may be taken.