

asbestos-containing material (RACM); and any asbestos training course provider or asbestos training course instructor who conducts mandatory asbestos training courses.

The Proposed Project will require demolition/renovation of buildings where asbestos-containing materials have been detected above their regulatory thresholds (see Section 4.13 – Air Quality, Section 4.15 – Hazardous, Toxic, and Radioactive Waste, Section 4.17 – Human Health and Safety). The SCDHEC’s Asbestos Section would be the agency responsible for assuring that the aforementioned laws and regulations were followed.

8.3 LOCAL LAWS AND REGULATIONS

The Zoning Ordinance of the City of North Charleston, South Carolina – (North Charleston, South Carolina Code of Ordinances, Appendix A)

City of North Charleston has enacted and ordained the zoning ordinance of the city for the purposes of guiding development in accordance with existing and future needs, preserving and enhancing the present advantages of the city and the community, overcoming present handicaps and preventing or minimizing such future problems as may be foreseen, promoting efficiency and economy in the process of development or redevelopment of the city, protecting, promoting, and improving the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare, lessening congestion in the streets and making adequate provision for traffic, promoting safety from fire, panic and other dangers, promoting health and general welfare, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population and promoting the healthful and convenient distribution of population, protecting scenic areas, promoting good civic design, appearance and arrangement, and promoting wise, adequate and efficient expenditure of public funds and resources and the adequate provision of public utilities, transportation, water, sewage, schools, parks and other public requirements. The city council of North Charleston is authorized to regulate the height, bulk, number of stories and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts, and other open spaces, the density and distribution of population, and the location and use of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes, the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or land, including requirements of off-street parking and loading, landscaping and protection and regulation of trees in consideration of their value from an environmental, agricultural, aesthetic, scenic or preservation standpoint, taking into account, among other items, the character of the area in which the property is located and its peculiar suitability for particular uses, the conservation of value of land and buildings and the encouragement of the most appropriate use of land, buildings and structures, the promotion of desirable living conditions and the sustained stability of neighborhoods, the protection of property against blight and depreciation, the securing of economy in governmental expenditures, and the encouragement of the most appropriate use of land throughout the city.

There are many sections of the zoning ordinance that would apply to the Proposed Project including, but not limited to, the regulation of trees, protecting scenic areas, flood protection, stormwater, building setbacks, building heights and massing, signage, and traffic considerations (see Section 4.2 – Hydrology, Section 4.3 – Water Quality, Section 4.4 – Vegetation and Wildlife, Section 4.9 – Land Use and Infrastructure, and Section 4.11 – Visual Resources and Aesthetics). Several applicable sections of the zoning ordinance are covered below. The City of North Charleston would be responsible for ensuring that the Proposed Project was consistent with the zoning ordinances.

City of North Charleston District Use Classification – Planned Development District (North Charleston, South Carolina Code of Ordinances, Article V, Section 5)

The Planned Development District is a special district established by a certain procedure and designated on the official zoning map by boundaries and symbols. Use, area, bulk, height, and other requirements are determined by the procedures in the code of ordinances. The intent of the ordinance is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character, and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open areas. The City of North Charleston is the responsible agency and the rules would apply because a portion of the Proposed Project falls within a Planned Development District (see Section 4.9 – Land Use and Infrastructure).

City of North Charleston Zoning Regulations (Tree Protection and Riparian Buffers) – (North Charleston, South Carolina Code of Ordinances, Appendix A, Article VI, Section 6-16 and 6-17)

The tree protection ordinance's purpose is to preserve existing trees of 8 inches in diameter or greater at breast height and generally prevent the clear cutting of sites, a practice which destroys the balance of nature, leads to sedimentation and erosion, contributes to air and water pollution, and unnecessarily robs the community of valuable natural resources. The riparian buffer ordinance's purpose is to maintain stream habitats and associated vegetation for the purposes of maintaining the physical, chemical and biological integrity of water resources; providing vital natural filtration of stormwater; reducing erosion and controlling sedimentation; stabilizing stream banks; maintaining tidal and stream flows; improving aquatic and terrestrial wildlife habitats; maintaining scenic value and recreational opportunities; and mitigating the impacts of flooding and tropical storms. Construction of the Proposed Project will result in the clearing of trees and will require permits from the City of North Charleston (see Section 4.4 – Vegetation and Wildlife).

City of North Charleston Stormwater Management Program (North Charleston, South Carolina Code of Ordinances, Appendix A, Article VII, Section 7-2.2)

The City of North Charleston has a Stormwater Management Program that is consistent with the CWA, South Carolina Pollution Control Act, and South Carolina Stormwater Management and Sediment Reduction Regulations. The goal of the program is to reduce the amount of runoff pollution that eventually makes its way into local waters. Most land-disturbing construction activities in the City require a Stormwater Permit. The City has guidance in the form of a Stormwater Permitting and Design Manual (City of North Charleston 2008b).

A Construction Permit is required for all new single-family residential construction, new development, and redevelopment projects that disturb 5,000 square feet or more. All Construction Permit applications can be made, as necessary, to the City of North Charleston's Public Works Department. The Proposed Project, being greater than five acres, would fall under a Type III permit application.

The City of North Charleston has general design standards that must be incorporated into BMPs for projects within their jurisdiction. Incorporation of the general design standards constitutes adequate control of the discharge of pollutants. The City of North Charleston is the responsible agency for this requirement. The Proposed Project would disturb more than 5,000 square feet; therefore a permit would be required (see Section 4.3 – Water Quality).

City of North Charleston Flood Damage Prevention Regulations (North Charleston, South Carolina Code of Ordinances, Ch. 5, Article V)

The City of North Charleston adopted an ordinance revising and amending the city's flood damage prevention regulations to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. The provisions were designed to restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities. It also requires that structures vulnerable to floods, including appurtenant structures, be protected against flood damage. The City of North Charleston is the responsible agency and the regulations would apply because portions of the Proposed Project falls within floodplains (see Section 4.2 – Hydrology).

Settlement Agreement and Release (Civil Action No: 2011-CP-10-491, 2011-CP-10-493, 2011-CP-10-494, 2011-CP-10-555C, 2011-CP-10-3147),

A Memorandum of Understanding and Agreement (MOUA) was signed by the SCPA and the City of North Charleston, where the City would develop the northern portion of the former CNC site and SCPA would develop the southern portion of the site (Port Facility Area). The MOUA further specified "that certain minimum infrastructure must be in place before the SCPA commences container operations." This minimum infrastructure included a truck access road from the Port Facility Area to

I-26, as well as several rail overpasses. This MOUA would apply to the Proposed Project. The SCPA and the City of North Charleston would be the responsible parties (see Section 4.9 – Land Use and Infrastructure).

Site Clearing Permits (Charleston, South Carolina Code of Ordinances, Section 7-10)

This section of the Charleston Code of Ordinances requires for a clearing permit to be issued by the chief building official in instances where land within the city will be cleared of vegetation. This includes altering the contour of the land or any trees or shrubs located on the respective property. Routine maintenance of trees or shrubs and routine sodding are not required to have a clearing permit. Other exceptions to this permitting process are utility companies, electric suppliers, and governmental agencies who are constructing or maintaining easements for water, sewer, electricity, gas, drainage, telephone or television transmission or rights-of-way. However, these companies, suppliers, or agencies must complete an agreement with the city in which certain standards and lines of communication must occur. The City of Charleston is the responsible agency and the regulations would apply because vegetation will be cleared as a result of the Proposed Project.

Stormwater Management and Flood Control (Charleston, South Carolina Code of Ordinances, Ch. 27)

Chapter 27 of the Charleston Code of Ordinances describes the stormwater management and flood control programs that are instilled in this particular city. The purpose of this chapter is to protect, maintain, and enhance water quality and the environment of the city and the short-term and long-term public health, safety, and general welfare of the citizens of the city. Another purpose is to minimize property damage by establishing requirements and procedures to control the potential adverse effects of increase stormwater runoff and related pollutant loads associated with both future development and existing developed land. A Stormwater Design Standards Manual has been created as part of this Chapter, and should be referenced to understand the design standards, procedures, and criteria for conducting hydrologic, hydraulic, pollutant load evaluations, and downstream impact for all components of the stormwater management system. Regular inspections conducted by the department of public service will occur to ensure compliance of stormwater and flood control regulations. The City of Charleston will require a Type III building permit application because the Proposed Project will disturb an area that is five acres or greater (see Section 4.3 – Water Quality). The Type III application will need to include (among other items): a stormwater technical report, specifications for all components of construction activities related to grading, utilities, sediment and erosion control, temporary and permanent vegetation, and water quality BMPs, and a stormwater master plan. The City of Charleston is the responsible agency and the regulations would apply because the Proposed Project will disturb an area that is five acres or greater and because portions of the Proposed Project falls within floodplains (see Section 4.2 – Hydrology).

City of Charleston Zoning Ordinance

The Zoning Ordinance of Charleston aims to preserve the historic city and its neighborhoods, manage tourism impacts, and protect the city's natural setting while accommodating growth and enabling economic development. This ordinance establishes a zoning map that includes 44 base zoning districts, 12 overlay zoning districts, 16 Old City height districts, 62 Planned Unit Developments, and 4 Neighborhood Districts. Listed below are the titles of the major Articles that are included in this ordinance.

- General Provisions
- Land Use Regulations
- Site Regulations
- Sign Regulations
- Exceptions and Modifications
- Land Development Plan Review
- Official Road Plan
- Subdivision, Property Line Adjustment or Abandonment
- Administration and Enforcement

Appendices that discuss various other topics, such as rules for zoning boards and commissions is also included in this ordinance. The City of Charleston is the responsible agency and the regulations would apply because all development within city limits must comply with all elements of the zoning ordinance (see Section 4.9 – Land Use and Infrastructure).

Tree Protection Requirements (Charleston Zoning Ordinance, Article 3, Part 6)

The intention behind this section is to protect trees by regulating the cutting down, damaging, planting and replacement of trees. It is not however intended to prohibit agriculture, silviculture, horticulture, or nursery operations within the city. Certain operations are exempt from these requirements. Tree removal restrictions and tree survey requirements are to be upheld, as well as standards for approval to remove trees. During construction activities, tree protection requirements must be met while also adhering to specific requirements for tree replacement, relocation, planting, and maintenance requirements. A table that includes tree species that are categorized by ratings taken from the Tree Species Rating Guide (March 2001) developed by the Southern Chapter of the International Society of Arboriculture is also included in this section for mitigation purposes. The City of Charleston is the responsible agency and the regulations would apply because trees will be removed as a result of the Proposed Project. (see Section 4.4 – Vegetation and Wildlife)