

**DRAFT**

**CHAPTER/ARTICLE/SECTION #:** §5.1.4 (Overlay Zoning District Effect)

**REASON FOR AMENDMENT:** Change the process for overlay zoning districts to allow properties in the overlay zoning districts to be developed in compliance with the overlay zoning district regulations without requiring rezonings.

**DATE:** September 7, 2010

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Staff Commentary:

South Carolina State Law Section 6-29-720 defines an overlay zone as “a zone which imposes a set of requirements or relaxes a set of requirements imposed by the underlying zoning district when there is a special public interest in a particular geographic area that does not coincide with the underlying zone boundaries.” Charleston County currently has five overlay zoning districts including: the Maybank Highway Corridor Overlay District, the Mount Pleasant Overlay District, the Folly Road Corridor Overlay District, the Dorchester Road Corridor Overlay District, and the University Boulevard Overlay District.

All of these overlay zoning districts include land use recommendations for the parcels in the overlay zoning district and contain other regulations including, but not limited to density, intensity and development standards, site design requirements, and architectural standards to ensure that development in the County is consistent with adjacent municipalities (within the overlay zoning districts). When an overlay zoning district is adopted, the land uses recommended for the parcels in the overlay zoning district and the other standards (density, intensity, and dimensional standards, site design requirements, etc.) become the zoning for the affected parcels.

However, Charleston County currently requires owners of parcels in overlay zoning districts to submit rezoning applications in order to develop these parcels with the uses recommended in the overlay zoning district. Staff is recommending the amendment to Section 5.1.4, above, to allow the flexibility to develop parcels in overlay zoning districts in compliance with overlay zoning district regulations without requiring applicants to submit rezoning applications, pay the application fees, and go through the rezoning process.

PROPOSED AMENDMENT:

CHAPTER 5 | OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS

ARTICLE 5.1 GENERAL

§5.1.1 ESTABLISHMENT OF DISTRICTS

The following Overlay and Special Purpose zoning districts are hereby established:

DISTRICT NAME		TYPE
NRM	Natural Resource Management	Special Purpose
WDU	Water-Dependent Use	Special Purpose
MHC-O	Maybank Highway Corridor Overlay	Overlay
MP-O	Mount Pleasant Overlay	Overlay
FRC-O	Folly Road Corridor Overlay	Overlay
DRC-O	Dorchester Road Corridor Overlay	Overlay
MUFZ	Multiple Use Floating Zone	Floating Zone
UB-O	University Boulevard Overlay	Overlay

§5.1.2 PROCEDURE FOR ESTABLISHMENT

Overlay and Special Purpose zoning districts shall be established, changed or modified in accordance with the procedures applicable to all zoning districts as described in Chapter 3 of this Ordinance.

§5.1.3 OVERLAY ZONING DISTRICT APPLICABILITY

The overlay zoning districts only apply to parcels indicated on the corresponding Overlay Zoning District Maps.

§5.1.4 OVERLAY ZONING DISTRICT EFFECT

- A. The overlay zoning districts contained in this Ordinance are zones that impose a set of requirements or relax a set of requirements imposed by the underlying zoning district. Therefore, compliance with Article 3.4, Zoning Map Amendments (rezonings), of this Ordinance, is not required for parcels within these overlay zoning districts to be developed in compliance with the overlay zoning district regulations, including but not limited to the use regulations and density, intensity and dimensional standards of the overlay zoning districts. Development of parcels within the overlay zoning districts shall comply with all other applicable requirements and processes of this Ordinance, including but not limited to the Site Plan Review process, the Zoning Permit process, and the Subdivision process.**
- B. If the land use recommendation for a parcel in an overlay zoning district, as shown on the overlay zoning district map, is not utilized, the regulations of the underlying zoning district shall apply.**
- C. The provisions of this Section do not apply to Special Purpose Districts and Floating Zones, where compliance with Article 3.4, Zoning Map Amendments (rezonings), and all other applicable sections of this Ordinance, may be required.**

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**[Note: The name of each overlay district in the ZLDR (titles, sections, tables of contents and maps) will be changed from “Overlay District” to “Overlay Zoning District.”]**