

Post & Courier

CHARLESTON COUNTY COUNCIL ZONING PUBLIC HEARING **Tuesday, May 23, 2017 at 5:00 PM**

Charleston County Council will hold a public hearing on Tuesday, May 23, 2017 at 5:00 pm in County Council Chambers (located on the second floor of Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, North Charleston, SC 29405) on the following proposed amendments to the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR):

- a. Sections 3.1.12.E and 3.1.12.F, Requests for Postponements
- b. Article 3.8, Zoning Permits; Article 8.5, Final Plats; Article 8.7, Access; Article 8.11, Street Names, Street Signs, and Addresses; and Appendix A, Road Construction Standards
- c. Section 6.4.23, Bona Fide Forestry Operations
- d. Table 6.1-1 and Section 6.4.48, Landscaping and Horticultural Services
- e. Section 6.4.5, Communications Towers
- f. Section 6.4.57, Specialized Manufacturing
- g. Table 6.1-1 and Article 6.7, Special Events
- h. Sections 8.1.3 and 8.5.5, Subdivision Procedures for Recording
- i. Section 8.3.1 and Article 8.13, Water Supply and Disposal and Chapter 12, Definitions
- j. Sections 8.4.2.A.4 and 8.5.2.B, Preliminary and Final Plat Requirements
- k. Sections 8.4.2.A.4.j and 8.5.2.B.9, Preliminary and Final Plat Application Requirements
- l. Section 9.6.3, Architectural Design Guidelines for Fencing
- m. Section A.1.12.B, Applying Road Classifications: Public Road

More information may be obtained by contacting the Charleston County Planning Department at (843) 202-7200. This Public Notice is in accordance with Section 6-29-760 of the Code of Laws of South Carolina.

Beverly T. Craven
Clerk of Council

**PROPOSED TEXT AMENDMENTS TO THE CHARLESTON COUNTY
ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR)**

Public Hearing: May 23, 2017

Planning and Public Works Committee Meeting: June 1, 2017

1st Reading: June 6, 2017

2nd Reading: June 20, 2017

3rd Reading: July 18, 2017

Summary of Proposed Amendments:

The following text amendments are being proposed to clarify the ZLDR:

- a. Sections 3.1.12. E and 3.1.12.F: Establish a time frame for postponed applications to be considered withdrawals and require re-submittal of applicable application requirements.
- b. Sections 3.8, 8.5, 8.7, 8.11, and Appendix A: Add requirements for inspections of ingress/egress easements and private rights-of-way prior to issuance of zoning permits for land development activities to ensure use of legally approved accesses to lots.
- c. Section 6.4.23: Clarify conformity with South Carolina State Law (Section 48-23-205) regarding Bona Fide Forestry Operations and define the interpretation of the administration of State Law requirements.
- d. Table 6.1-1 and Section 6.4.48: Clarify the requirements for landscaping and horticultural services by zoning district.
- e. Section 6.4.5: Replace the term "Stealth Tower" with "Antennae Concealment Tower" as "Stealth Tower" has been trademarked.
- f. Section 6.4.57: Relax requirements for specialized manufacturing and production uses.
- g. Table 6.1-1 and Article 6.7: Clarify regulations for temporary and principal special events uses and establish specific requirements for special events on Wadmalaw Island, as requested by the Wadmalaw Island Land Planning Committee.
- h. Sections 8.1.3 and 8.5.5: Clarify the subdivision requirements for simultaneous recording of plats and deeds.
- i. Sections 8.3.1 and 8.13 and Chapter 12: Clarify the water and sewer availability requirements.
- j. Sections 8.4.2.A.4 and 8.5.2.B: Require inclusion of flood zone information on Preliminary and Final Plats.
- k. Sections 8.4.2.A.4.j and 8.5.2.B.9: Remove subdivision plat application requirement for US Army Corps of Engineers (USACE) coordination letters.
- l. Section 9.6.3: Add design guidelines for fencing in the right-of-way buffer on non-single family residential properties.
- m. Section A.1.12.B: Establish a process to increase the 10-lot maximum requirement for County non-standard roads.

This packet includes a table of contents and the full text of each individual proposed amendment, as well as public input.

Staff Recommendation:

Consideration of amendments to the Zoning and Land Development Regulations Ordinance (ZLDR).

Planning Commission Review and Recommendation:

Planning Commission reviewed and made recommendations on the proposed amendments at the following meetings: August 8, 2016; September 12, 2016; October 24, 2016; and November 14, 2016. Following the November 14, 2016 Planning Commission meeting, the County Attorney's Office had further suggestions to the amendments. Those revisions were incorporated into the proposed amendments and recommended by the Planning Commission at their March 13, 2017, April 10, 2017, and May 8, 2017 meetings. The attached table of contents contains the Planning Commission dates of recommendation and vote tally for each individual amendment.

Recommendation from the Planning Commission: The Planning Commission recommended approval for all proposed amendments, except for the requested amendments to Appendix A to establish a process to increase the 10-lot maximum requirement for County non-standard roads to 15 lots. Regarding this amendment, Planning Commission recommended disapproval (vote: 7 to 1).

Speakers:

- At the August 8th meeting, two people spoke in favor of the amendments to Article 6.7, Special Events, and offered suggestions regarding special event regulations on Wadmalaw Island specifically. At the October 24th meeting, one person spoke in favor of the amendments to Article 6.7 and provided a letter of support from the Wadmalaw Island Land Planning Committee, which has been included in this packet.
- At the March 13th meeting, five people spoke in opposition to the amendments to Article 6.7, Special Events, and one provided a letter from the Wadmalaw Island Land Planning Committee in opposition to the removal of the Wadmalaw Island exceptions that were originally part of the proposed amendments.
- At the April 10th meeting, four people spoke in favor and two people spoke in opposition of the amendments to Article 6.7, Special Events. Two people spoke neither in favor nor in opposition to the request. One expressed concern about the 2,000 attendance limit and the time it took to receive letters of coordination. The other had concerns about the number of people that would be on the roads and removing people's abilities to generate income from the use of their properties.
- At the May 8th meeting, three people spoke in favor and two people spoke in opposition of the amendments to Article 6.7, Special Events. One person spoke neither in favor nor in opposition to the request; however, this person did indicate concern over the requirement for access to an arterial road and voiced support for the one-year time limit for Special Exception requests that expand the temporary use.

Notifications:

The Planning Commission meetings were noticed in the *Post & Courier* approximately fifteen days before each meeting. Additionally, over 300 people on the ZLDR/Comprehensive Plan Interested Parties' List were notified prior to each meeting.

May 23, 2017 Public Hearing

Notifications:

The Public Hearing was noticed in the *Post & Courier* on April 21, 2017, thirty-two (32) days prior to the hearing. Additionally, over 300 people on the ZLDR/Comprehensive Plan Interested Parties' List were notified on April 21, 2017.

**PROPOSED AMENDMENTS TO THE CHARLESTON COUNTY
ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE:
MAY 23, 2017 COUNTY COUNCIL PUBLIC HEARING**

Table of Contents

	<u>Chapter/ Section/Article</u>	<u>Subject</u>	<u>Description</u>	<u>Planning Commission Recommendation</u> (2016 Meeting Date and Vote)	<u>Planning Commission Recommendation</u> (2017 Meeting Date(s) and Vote(s))
CHAPTER 3					
1.	3.1.12.E & 3.1.12.F	Requests for Postponements	Establish a time frame for postponed applications to be considered withdrawals and require re-submittal of applicable application requirements.	September 12, 2016 Approval (8 to 0)	March 13, 2017 Approval (8 to 0)
2.	3.8, 8.5, 8.7, 8.11, and Appendix A	Zoning Permits; Final Plats; Access; Street Names, Street Signs, and Addresses; and Road Construction Standards	Add requirements for inspections of ingress/egress easements and private rights-of-way prior to issuance of zoning permits for land development activities to ensure use of legally approved accesses to lots.	September 12, 2016 Approval (8 to 0)	March 13, 2017 Approval (8 to 0)
CHAPTER 6					
3.	6.4.23	Bona Fide Forestry Operations	Clarify conformity with South Carolina State Law (Section 48-23-205) and define the interpretation of the administration of State Law requirements.	September 12, 2016 Approval (8 to 0)	March 13, 2017 Approval (8 to 0)
4.	6.1-1 & 6.4.48	Services to Buildings or Dwellings: Landscaping and Horticultural Services	Clarify the requirements for landscaping and horticultural services by zoning district.	October 24, 2016 Approval (7 to 0)	March 13, 2017 Approval (8 to 0)
5.	6.4.5	Communications Towers	Change the term "Stealth Tower" to "Antennae Concealment Tower" as "Stealth" has been trademarked.	November 14, 2016 Approval (9 to 0)	No changes from Nov. 14, 2016 version
6.	6.4.57	Specialized Manufacturing	Relax requirements for specialized manufacturing and production.	September 12, 2016 Approval (8 to 0)	March 13, 2017 Approval (8 to 0)
7.	6.1-1 & 6.7	Special Events	Clarify regulations and establish specific requirements for special events on Wadmalaw Island.	October 24, 2016 Approval (7 to 0)	March 13, 2017: Deferral to April 10 Meeting (8 to 0); April 10, 2017: Deferral to May 8, 2017 (7 to 0); May 8, 2017: Approval (8 to 0)
CHAPTER 8					
8.	8.1.3 & 8.5.5	Subdivision Procedures and Recording	Clarify requirements for the simultaneous recording of plats and deeds.	September 12, 2016 Approval (8 to 0)	March 13, 2017 Approval (8 to 0)

**PROPOSED AMENDMENTS TO THE CHARLESTON COUNTY
ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE:
MAY 23, 2017 COUNTY COUNCIL PUBLIC HEARING**

	<u>Chapter/ Section/Article</u>	<u>Subject</u>	<u>Description</u>	<u>Planning Commission Recommendation</u> (2016 Meeting Date and Vote)	<u>Planning Commission Recommendation</u> (2017 Meeting Date(s) and Vote(s))
9.	8.3.1, 8.13, and 12	Water Supply and Sewage Disposal and Definitions	Clarify water and sewer availability requirements.	September 12, 2016 Approval (8 to 0)	March 13, 2017 Approval (8 to 0)
10.	8.4.2.A.4 & 8.5.2.B	Preliminary and Final Plat Requirements	Require inclusion of flood zone information on Preliminary and Final Plats.	September 12, 2016 Approval (8 to 0)	No changes from Sept. 12, 2016 recommendation
11.	8.4.2.A.4.j & 8.5.2.B.9	Preliminary and Final Plat Application Requirements	Remove subdivision plat application requirement for US Army Corps of Engineers (USACE) coordination letters.	November 14, 2016 Approval (9 to 0)	March 13, 2017 Approval (8 to 0)
CHAPTER 9					
12.	9.6.3	Architectural Design Guidelines for Fencing	Add design guidelines for fencing in the right-of-way buffer on non-single family residential properties.	October 24, 2016 Approval (7 to 0)	March 13, 2017 Approval (8 to 0)
APPENDIX A					
13.	A.1.12.B	Applying Road Classifications: Public Road	Establish a process to increase the 10-lot maximum requirement for non-standard County roads.	October 24, 2016 Disapproval (6 to 1)	March 13, 2017 Disapproval (7 to 1)

CHAPTER/ARTICLE/SECTION: Section 3.1.12.E, Requests for Postponements of Applications, Reconsiderations of Applications, and Reconsiderations of Conditions of Approval to the Board of Zoning Appeals and Section 3.1.12.F, Requests of Postponements of Applications to the Planning Commission

REASON FOR AMENDMENT: Establish a time frame for postponed applications to be considered withdrawals and require re-submittal of applicable application requirements

DATE: March 13, 2017 Planning Commission Meeting

PROPOSED AMENDMENTS:

E. Requests for Postponements of Applications, Reconsiderations of Applications, and Reconsiderations of Conditions of Approval to the Board of Zoning Appeals

Requests for postponements of applications from Board of Zoning Appeals Public Hearings must be made in writing by the applicant. Such requests received after advertisement of any public hearing or after any ~~postings~~ ***required signs have been posted*** on the subject property shall be subject to all applicable application fees as listed in the fee schedule approved by County Council. ***An application is deemed withdrawn if it is postponed for more than one (1) year from the date it was scheduled to be heard. If an application is deemed withdrawn, the applicant must submit a new application in compliance with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance, and all applicable fees must be paid.*** For requests for reconsiderations of applications or reconsiderations of conditions of approval to the Board of Zoning Appeals the applicant must file a reconsideration request. If the BZA decides to reconsider an application or conditions of approval, the applicant shall file the applicable Appeal, Special Exception, or Zoning Variance application fee prior to being scheduled for a BZA Public Hearing.

F. Requests for Postponements of Applications to the Planning Commission

Requests for postponements of all applications from Planning Commission meetings, with the exception of subdivision applications, must be made in writing and the letter must be signed by both the property owner(s) and the applicant(s). Postponement requests received within ten (10) calendar days of the Planning Commission meeting for which the application is scheduled shall be considered withdrawn. ***An application that is postponed for more than one (1) year from the date it was scheduled to be heard is deemed withdrawn. If an application is deemed withdrawn,*** ~~In the event an application is withdrawn for failure to meet the ten (10) day provision,~~ the applicant must submit a new application in compliance with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance, and all applicable fees must be paid. The Planning Commission may waive the required fees when the request for postponement is made due to extenuating circumstances as determined in the sole discretion of the Planning Commission.

CHAPTER/ARTICLE/SECTION*: Art. 3.8, Zoning Permits; Article 8.5, Final Plats; Article 8.7, Access; Article 8.11, Street Names, Street Signs, and Addresses; and Appendix A, Road Construction Standards

REASON FOR AMENDMENT: Add requirements for inspections of ingress/egress easements and private rights-of-way prior to issuance of zoning permits for land development activities to ensure use of legally approved accesses to lots.

DATE: March 13, 2017 Planning Commission Meeting

PROPOSED AMENDMENTS:

Art. 3.8, Zoning Permits: §3.8.3, Application Filing

Applications for Zoning Permits shall be filed with the Planning Director on forms available in the Planning Department. Zoning Permit applications shall include the following information:

- A. For all new construction or changes in building footprint, applications shall include a site plan drawn to engineer's scale that shows proper dimensions, dimensions and locations of all existing and ~~all proposed:~~ structures and accessories; setbacks; driveways; ***access(es) to public rights-of-way; private rights-of-way and/or ingress/egress easements; public easements that exist on the property;*** and wetlands/OCRM Critical Line, if applicable;
- B. Applications shall include an approved, recorded plat indicating new County Parcel ID Number or if an approved, recorded plat is not available, the application shall include a Charleston County Parcel Boundary Map showing the subject parcel, surrounding properties, and County Parcel ID Number;
- C. Proposed construction, including accessory uses and structures, if occurring on more than one abutting lot of record, shall not be placed on property lines and must meet all setback requirements;
- D. Applications shall include paid receipt(s) from local providers for public water and/or sewer, or a letter from the utility company stating the fee(s) have been paid. If water and/or sewer service is not available, a well and/or septic tank permit final approval from SC DHEC shall be required;
- E. Applications shall include an approved tree survey showing Grand trees (24" DBH or greater, except pine trees) in the footprint, or within 20 feet, of any proposed construction as required by this Ordinance unless the applicant provides a signed statement indicating no protected trees will be affected;
- F. For all structures requiring a new address (e.g., new building construction, power poles, irrigation systems, or accessory structures with electrical service), written address confirmation must be obtained from the Planning Department. A site plan showing the location of ~~the all proposed~~ ***and all existing:*** structure(s); ~~and street access~~ ***access(es) to public rights-of-way; private rights-of-way and/or ingress/egress easements; and public easements that exist on the property,*** is required for address confirmation. ~~The site plan should also show the street access for all existing structures; and~~
- G. Commercial, Multifamily, Office, Industrial and other nonresidential uses require Site Plan Review approval prior to an application for a Zoning Permit.

H. The requirements listed below apply to all Zoning Permit applications for new construction of

structures, with the exception of additions/renovations to existing structures that are legally permitted and new construction of accessory structures, located on properties which access from an existing or proposed ingress/egress easement or private right-of-way as shown on an approved, recorded plat.

- a. Prior to issuance of Zoning Permits for land development activities other than construction of ingress/egress easements or private rights-of-way and installation of required street signs, all ingress/egress easements and private rights-of-way shall be: constructed in the location shown on the approved, recorded plat; constructed to comply with the International Fire Code, as adopted by County Council, from their point of connection to an existing publicly owned and maintained right-of-way to lot(s) proposed for development; and inspected pursuant to Section A.2.7 of this Ordinance.***
- b. The Director of the Zoning and Planning Department may allow use of a portion of an ingress/egress easement or private right-of-way that was constructed prior to [DATE of ADOPTION of this ORDINANCE] that cannot comply with the width clearance requirements of the International Fire Code when: (1) the Director determines that moving the ingress/egress easement or private right-of-way to a different location is not possible due to site constraints, property size, Grand Trees, wetlands, etc.; (2) the applicant submits letters from the providers of emergency services for the subject properties stating they can access all properties utilizing the ingress/egress easement or private right-of-way; and (3) all future portions of the ingress/egress easement or private right-of-way comply with the International Fire Code.***
- c. The landowner/developer shall submit construction plans to the Public Works Department demonstrating compliance with the requirements of this Ordinance.***
- d. If any portion of an ingress/egress easement or private right-of-way was constructed prior to submittal of Zoning Permit applications for development of any parcel(s) that use the ingress/egress easement or private right-of-way for access, the landowner/developer shall submit documentation to the Public Works Department to verify that the previously constructed ingress/egress easement or private right-of-way exists in the location shown on the approved, recorded plat and shall coordinate with the Public Works Department to have the ingress/egress easement, private right-of-way, and any required street signs inspected prior to submittal of applications for Zoning Permits. If any portion of an ingress/egress easement or private right-of-way was not constructed in the location shown on the approved, recorded plat, a new plat showing the existing location of the ingress/egress easement or private right-of-way must be submitted to the Zoning and Planning Department for approval and recording pursuant to Chapter 8, Subdivision Regulations, of this Ordinance, and the inspection process described above shall apply. Alternatively, the ingress/egress easement or private right-of-way may be constructed in the location shown on the approved, recorded plat that exists at the time of development plan submittal. Any portion(s) of the ingress/egress easement or private right-of-way that has not been constructed as required by this Ordinance must comply with the applicable sections of this Ordinance.***
- e. Upon approval of roadway and/or drainage construction plans by the Public Works Department, the landowner/developer may submit a Zoning Permit application for construction of the ingress/egress easement, private right-of-way, and/or drainage, as well as installation of required street signs, if applicable, to the Zoning and Planning Department. The landowner/developer must submit written documentation of the***

approval of the roadway construction plans by the Public Works Department as part of the Zoning Permit application submittal.

- f. Upon issuance of a Zoning Permit for construction of the ingress/egress easement, private right-of-way, and/or drainage, as well as for installation of required street signs, such work may commence. Upon completion, the landowner/developer must coordinate with the Public Works Department to have the roadway and/or drainage construction inspected pursuant to Section A.2.7 of this Ordinance.***
- g. No other Zoning Permits shall be issued for the property until the ingress/egress easement, private right-of-way, and/or drainage, and any required street signs, have been inspected and approved by the Public Works Department pursuant to Section A.2.7 of this Ordinance. After the County inspection and approval, the landowner/developer may submit a Zoning Permit application(s) for subsequent land development activities to the Zoning and Planning Department. The landowner/developer must submit written documentation of the approval of the roadway and/or drainage inspection by the Public Works Department as part of the first Zoning Permit application submittal following approval of the roadway construction inspection.***

Art. 8.5, Final Plats: §8.5.2.B, Accompanying Data

- 4. Should the Landowner/Developer decide to utilize Article A.2, Private Road Standards, of Appendix A, the following ~~five (5)~~ notes shall be placed on the plat:
 - a. Any future subdivision of this parcel, or road construction or extension of the existing roads shown hereon shall require compliance with the Charleston County Ordinances. Before Charleston County will consider acceptance of any dedication of roads into the County road system, the property owner(s) shall construct the roads to County of Charleston Road Construction Standards;
 - b. It is hereby expressly understood by the property owner, developer or any subsequent purchaser of any lots shown on the plat that the County of Charleston is not responsible for the maintenance of the streets, roads, common areas, drainage systems and any other municipal services which include, but are not limited to, garbage disposal, public sewage, fire protection or emergency medical service;
 - c. Be aware that the County of Charleston is not responsible for drainage and flooding problems relevant to the real property, and that emergency vehicles may have difficulty accessing the property;
 - d. No public funds shall be used for the maintenance of the roads shown on the plat; and
 - e. This approval in no way obligates the County of Charleston to maintain the 50 foot right-of-way until it has been constructed to County standards and accepted for maintenance by Charleston County Council.
 - f. Existing and proposed ingress/egress easements and/or private rights-of-way that provide access to the lots created by this plat must be constructed, inspected, and approved in compliance with the Charleston County Zoning and Land Development Regulations Ordinance in the location shown on this plat and shall be constructed from their point of connection to an existing publicly owned and maintained right-of-way to the lot(s) proposed for development prior to the issuance of Zoning Permits for new construction of structures,***

with the exception of additions/renovations to existing structures that are legally permitted and new construction of accessory structures. In addition, street signs on named ingress/egress easements and private rights-of-way shall be installed and inspected in compliance with the Charleston County Zoning and Land Development Regulations Ordinance.

Art. 8.7, Lots: §8.7.3, Access

- A. Double-frontage lots shall be avoided except where essential to provide separation of residential development from major roadways or to overcome specific disadvantages of topography and orientation. An easement with a minimum width of ten feet may be required to restrict access from the major street or other area.
- B. All lots shall be provided with a means of access in conformance with the standards and specifications of this Ordinance.
- C. All flag lots, cul-de-sac lots and privately accessed lots shall comply with the International Fire Code, as adopted by County Council.
- D. ***All ingress/egress easements and private rights-of-way shall be: constructed in the location shown on the approved, recorded plat; constructed to comply with the International Fire Code, as adopted by County Council, from their point of connection to an existing publicly owned and maintained right-of-way to lot(s) proposed for development; and inspected pursuant to Section A.2.7 of this Ordinance.***
- E. ***The Director of the Zoning and Planning Department may allow use of a portion of an ingress/egress easement or private right-of-way that was constructed prior to [DATE of ADOPTION of this ORDINANCE] that cannot comply with the width clearance requirements of the International Fire Code when: (1) the Director determines that moving the ingress/egress easement or private right-of-way to a different location is not possible due to site constraints, property size, Grand Trees, wetlands, etc.; (2) the applicant submits letters from the providers of emergency services for the subject properties stating they can access all properties utilizing the ingress/egress easement or private right-of-way; and (3) all future portions of the ingress/egress easement or private right-of-way comply with the International Fire Code.***

Art. 8.11, Street Names, Street Signs, and Addresses: §8.11.2, Street Signs

Installation and maintenance of street signs on private roads or easements are the responsibility of the applicant, developer, Home Owners Association, or property owners in accordance with the Charleston County Road Construction Standards in Appendix A of this Ordinance, MUTCD Standards, and with Chapter 4; and Article VII of the Charleston County Code of Ordinances, as amended. ***Street signs for named ingress/egress easements and private rights-of-way shall be installed and inspected pursuant to Section A.2.7 of this Ordinance.***

A.2, Private Road Standards

§A.2.2 INGRESS/EGRESS EASEMENT (Maximum of 10 Lots)

ADDITIONAL LANDOWNER/DEVELOPER RESPONSIBILITIES:

~~The landowner/developer shall determine the location of easement(s) and the type of access to be provided.~~ The location of the ***proposed ingress/egress*** easement(s) shall

be clearly depicted and labeled on submitted plats or plans. ***All ingress/egress easements must comply with the applicable requirements of this Ordinance including, but not limited to, the requirements contained in sub-sections a and b below. The landowner/developer shall secure the necessary licensed, professional personnel to prepare designs, obtain required approvals and permits, and oversee construction.***

- a. ***Prior to issuance of Zoning Permits for land development activities other than construction of ingress/egress easements and private rights-of-way, installation of required street signs, additions/renovations to existing structures that are legally permitted, and new construction of accessory structures, all ingress/egress easements shall be:***
 - i. ***Constructed in the location shown on the approved, recorded plat;***
 - ii. ***Constructed to comply with the International Fire Code, as adopted by County Council, from their point of connection to an existing publicly owned and maintained right-of-way to lot(s) proposed for development; and***
 - iii. ***Inspected pursuant to Section A.2.7 of this Ordinance.***
- b. ***The Directors of the Zoning and Planning Department may allow use of a portion of an ingress/egress easement that was constructed prior to [DATE of ADOPTION of this ORDINANCE] that cannot comply with the width clearance requirements of the International Fire Code when: (1) the Director determines that moving the ingress/egress easement to a different location is not possible due to site constraints, property size, Grand Trees, wetlands, etc.; (2) the applicant submits letters from the providers of emergency services for the subject properties stating they can access all properties utilizing the ingress/egress easement; and (3) all future portions of the ingress/egress easement comply with the International Fire Code.***

§A.2.3

PRIVATE RIGHT-OF-WAY DEDICATED TO A HOA WITH NO ROAD CONSTRUCTION REQUIRED (Maximum of 10 Lots)

ADDITIONAL LANDOWNER/DEVELOPER RESPONSIBILITIES:

~~The landowner/developer shall determine the location and size of proposed rights-of-way to be provided.~~ All rights-of-way shall be clearly depicted on submitted plats or plans. The landowner/developer is responsible for determining the construction suitability and the accessibility of the defined right-of-way, ***provided, however, that all private rights-of-way must comply with the applicable requirements of this Ordinance, including, but not limited to, the requirements contained in sub-sections a and b below. The landowner/developer shall secure the necessary licensed, professional personnel to prepare designs, obtain required approvals and permits, and oversee construction.***

- a. ***Prior to issuance of Zoning Permits for land development activities other than construction of ingress/egress easements and private rights-of-way, installation of required street signs, additions/renovations to existing structures that are legally permitted, and new construction of accessory structures, all private rights-of-way shall be:***
 - i. ***Constructed in the location shown on the approved, recorded plat;***
 - ii. ***Constructed to comply with the International Fire Code, as adopted by County***

Council, from their point of connection to an existing publicly owned and maintained right-of-way to lot(s) proposed for development; and
iii. *Inspected pursuant to Section A.2.7 of this Ordinance.*

b. *The Directors of the Zoning and Planning Department may allow use of a portion of a private right-of-way that was constructed prior to [DATE of ADOPTION of this ORDINANCE] that cannot comply with the width clearance requirements of the International Fire Code when: (1) the Director determines that moving the private right-of-way to a different location is not possible due to site constraints, property size, Grand Trees, wetlands, etc.; (2) the applicant submits letters from the providers of emergency services for the subject properties stating they can access all properties utilizing the private right-of-way; and (3) all future portions of the private right-of-way comply with the International Fire Code.*

§A.2.4 PRIVATE RIGHT-OF-WAY CONSTRUCTED AND DEDICATED TO A HOA

ADDITIONAL LANDOWNER/DEVELOPER RESPONSIBILITIES:

The landowner/developer shall determine the location and size of rights-of-way to be provided and the standards for the design and construction of the roadway and drainage systems, *provided that all private rights-of-way comply with the applicable requirements of this Ordinance including, but not limited to, the requirements contained in sub-sections a and b below.* The landowner/developer shall secure the necessary licensed, professional personnel to prepare designs, obtain required approvals and permits, and oversee construction.

- a. *Prior to issuance of Zoning Permits for land development activities other than construction of ingress/egress easements and private rights-of-way, installation of required street signs, additions/renovations to existing structures that are legally permitted, and new construction of accessory structures, all private rights-of-way shall be:*
- i. *Constructed in the location shown on the approved, recorded plat;*
 - ii. *Constructed to comply with the International Fire Code, as adopted by County Council, from their point of connection to an existing publicly owned and maintained right-of-way to lot(s) proposed for development; and*
 - iii. *Inspected pursuant to Section A.2.7 of this Ordinance.*
- b. *The Directors of the Zoning and Planning Department may allow use of a portion of a private right-of-way that was constructed prior to [DATE of ADOPTION of this ORDINANCE] that cannot comply with the width clearance requirements of the International Fire Code when: (1) the Director determines that moving the private right-of-way to a different location is not possible due to site constraints, property size, Grand Trees, wetlands, etc.; (2) the applicant submits letters from the providers of emergency services for the subject properties stating they can access all properties utilizing the private right-of-way and (3) all future portions of the private right-of-way comply with the International Fire Code.*

§A.2.5 DESIGN PROFESSIONAL RESPONSIBILITY

The design professional-of-record must be currently registered to practice in the State of South Carolina.

§A.2.6 CONSTRUCTION PLAN SUBMISSION

Roadway and/or drainage construction plans, ***and subsequent plan revisions,*** shall be submitted to the Public Works Department ~~for informational purposes~~ prior to ***submittal of Zoning Permit applications for land development activities other than additions/renovations to existing structures that are legally permitted and new construction of accessory structures. Such plans shall be submitted to the Public Works Department prior to Zoning Permit applications for construction of ingress/egress easements or private rights-of-way and installation of required street signs.*** ~~construction.~~ The submission shall include three sets of the construction plans and specifications, and a copy of all required regulatory permits.

~~Subsequent plan revisions shall also be submitted prior to construction incorporation.~~ ***Once the Public Works Department approves the roadway and/or drainage construction plans, the landowner/developer may submit a Zoning Permit application(s) for construction of the ingress/egress easement, private right-of-way, and/or drainage and installation of required street signs. No other Zoning Permits (other than Zoning Permits for additions/renovations to existing structures that are legally permitted and new construction of accessory structures) shall be issued for the property until the ingress/egress easement, private right-of-way, and/or drainage, as well as the installation of required street signs, have been inspected and approved by the Public Works Department pursuant to Section A.2.7 of this Ordinance.***

§A.2.7 COUNTY INSPECTION

All roadway and drainage work ~~should~~ ***shall*** be inspected by the Public Works Director for compliance with the submitted plans and specifications ***prior to the issuance of Zoning Permits for land development activities other than: construction of ingress/egress easements or private rights-of-way; installation of required street signs; additions/renovations to existing structures that are legally permitted; and new construction of accessory structures.*** The inspections will be performed to: provide construction documentation; ***review ingress/egress easements and private rights-of-way construction according to the International Fire Code, as adopted by County Council; ensure that ingress/egress easements, private rights-of-way, and drainage, have been constructed in compliance with this Ordinance; and, if applicable, to ensure street signs have been installed in the correct locations and are in compliance with applicable County ordinances.***

After the required County inspection and approval, the landowner/developer may submit Zoning Permit application(s) for subsequent land development activities.

The landowner/developer shall give a one-week notice prior to beginning work at the site. After the initial notice, a 24-hour notice shall be given prior to beginning each operation (or continuing an operation when the work has been disrupted for more than one work-day).

CHAPTER/ARTICLE/SECTION: Chapter 6/Article 6.4/§6.4.23 Bona Fide Forestry Operations
REASON FOR AMENDMENT: Update Ordinance to be in conformity with State Law and define the interpretation of the administration of State Law.
DATE: March 13, 2017 Planning Commission Meeting

PROPOSED AMENDMENTS:

§6.4.23 BONA FIDE FORESTRY OPERATIONS

~~For this use to be allowed, the contiguous parcels must have five acres or more of forest land. Additionally, if a parcel is harvested of Grand Trees (excluding Live Oak species per section 9.4.1.B. 2.d.) zoning permits or development applications may not be submitted within five years of issuing permit for the harvest because, it shall be presumed that such harvest was done in anticipation of future development and is not considered a bona fide forestry activity as defined by this ordinance.~~

~~Any person seeking to rebut this presumption shall have the burden of proving their claim by clear and convincing evidence. “Bona fide forestry operations” shall mean that the property is eligible for, and actually used for forestry or timber operations, and written application has been approved by the County~~

~~Assessor for the special assessment for agricultural use for the property in question pursuant to SC Code Section 12-43-220, SC Department of Revenue Regulation 117-1780.1. and other applicable statutes, rules and regulations.~~

Charleston County hereby adopts the processes and procedures outlined in S.C Code § 48-23-205 et. seq. (1976, as amended).

CHAPTER/ARTICLE/SECTION: Chapter 6/Article 6.4/§6.4.48, Services to Buildings or Dwellings, and Table 6.1-1, Use Table
REASON FOR AMENDMENT: Update the regulations to limit the intensity of Landscaping and Horticultural Service is the CT, CR, and CN, while removing this type use in S-3, RR-3, AGR, OR, and OG, and allowing more flexibility in the AG-8, AG-10, AG-15, and RM Zoning Districts.
DATE: March 13, 2017 Planning Commission Meeting

PROPOSED AMENDMENTS:

§6.4.48 SERVICES TO BUILDING OR DWELLINGS

B. Landscaping ***and Horticultural*** Services

1. ***Landscaping and Horticultural Services located in the CN and CT Zoning Districts shall, in addition to the requirement to comply with the Special Exception (S) provisions contained in the Ordinance, comply with the following conditions:*** ~~In zoning districts subject to conditions (C), a structure or structures used for landscaping services shall have a maximum floor area of 2,000 square feet; and~~
 - a. ***Any structure or structures used for landscaping services shall have a maximum floor area of 5,000 square feet;***
 - b. ***All landscaping service uses shall comply with the Site Plan Review requirements of this Ordinance;***
 - c. ***The maximum number of employees shall be limited to 15, including employees dispatched from the site and seasonal employees;***
 - d. ***The hours of operation shall not exceed Monday through Friday, 7:00am to 7:00pm;***
 - e. ***The subject property shall be a minimum of 3 acres in size;***
 - f. ***There shall be direct access to a public arterial street;***
 - g. ***A minimum twenty-five (25) foot landscape buffer and a minimum six (6) foot high opaque wooden fence within the landscape buffer shall be required adjacent to residential uses and Zoning Districts; and***
 - h. ***The number of parking spaces required shall include the number of employees and the number of company vehicles and trailers to be utilized in conjunction with this use.***
2. ***Landscaping and Horticultural Services located in the RM, AG-15, AG-10, AG-8, and CR Zoning Districts shall comply with the following conditions:***
 - a. ***Any structure or structures used for landscaping services shall have a maximum floor***

area of 5,000 square feet; otherwise, this use shall fall under the Special Exception provisions of this Ordinance;

b. All landscaping service uses shall comply with the Site Plan Review requirements of this Ordinance;

c. The subject property shall be a minimum of 5 acres in size if zoned RM, AG-15, AG-10, or AG-8 or a minimum of 3 acres in size if zoned CR;

d. There shall be direct access to a public arterial street;

e. A minimum twenty-five (25) foot landscape buffer and a minimum six (6) foot high opaque wooden fence within the landscape buffer shall be required adjacent to residential uses and Zoning Districts; and

f. The number of parking spaces required shall include the number of employees and the number of company vehicles and trailers to be utilized in conjunction with this use.

TABLE 6.1-1		ZONING DISTRICTS																		Condition	
		RM	AG 15	AG 10	AG 8	AGR	RR3	S3	R4	M8	M 12	MH S	MH P	O R	OG	C N	CR	C T	CC		I
AGRICULTURAL USES																					
RETAIL OR PERSONAL SERVICES																					
	Landscaping and Horticultural Services to commercial, industrial, or institutional buildings, and residences	C	C	C	C	Ⓢ	Ⓢ	Ⓢ						€	€	A S	A C	A S	A	A	§ 6.4.48

CHAPTER/ARTICLE/SECTION: Section 6.4.5, Communications Towers

REASON FOR AMENDMENT: Change the term “Stealth Tower” to “Antennae Concealment Tower”. The term “Stealth” has been trademarked.

PLANNING COMMISSION

RECOMMENDATION DATE: November 14, 2016

PROPOSED AMENDMENTS:

§6.4.5 COMMUNICATIONS TOWERS

A. Purpose and Legislative Intent

The Federal Telecommunications Act of 1996 affirmed Charleston County’s authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. The regulations of this Section are designed to site communications towers in Charleston County. It is the intent of these regulations to allow for the harmonious coexistence of communications towers and other land uses. It is also the intent of these regulations to reduce the overall negative impact of communications towers by:

1. Reducing the number of towers needed through a policy of encouraging co-location; and
2. If co-location is not feasible, encouraging the following:
 - a. The use of ~~Stealth~~ ***Antennae Concealment*** Tower Design, as defined in Section 6.4.5.C.1;
 - b. The clustering of towers (“tower farms”);
 - c. The placement of towers away from roadways;
 - d. The provision of effective screening; and
 - e. The location of communications equipment on existing structures or within existing utility substations or uses.

B. Co-Location Exemption

Proposed communications equipment co-locating on existing towers and structures without adding to their height shall require only a Zoning Permit and shall not be subject to the requirements of this Section.

C. ~~Stealth~~ *Antennae Concealment*** Tower Provision**

1. For the purposes of this Section, the term “~~Stealth~~ ***Antennae Concealment*** Tower” shall mean a communications tower designed to unobtrusively blend into its existing surrounding so as not to have the appearance of a communications

tower. Examples of ~~Stealth~~ ***Antennae Concealment*** Towers include, but are not limited to, antenna tower alternative structures, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing or proposed trees and landscaping, and antenna structures designed to look like light poles.

2. All proposed ~~Stealth~~ ***Antennae Concealment*** Tower designs must be approved by the Planning Director.
3. A complete zoning permit application for a ~~Stealth~~ ***Antennae Concealment*** Tower that meets all requirements of this Ordinance shall be approved.

D. Tower Abandonment

A tower that is not used for communication purposes for more than 120 days (with no new application on file for any communication user) is presumed to be out of service and the owner of such tower must notify the staff and remove the tower within 50 days. Towers which are not maintained by the owner according to the County Building Code shall be removed by the owner within 60 days. To assure the removal of towers which do not meet requirements for continued use or proper maintenance, a statement of financial responsibility shall be submitted for each tower over 100 feet and a performance bond for the amount of anticipated removal costs shall be posted for each tower over 150 feet. Removal costs shall be charged to the tower owner. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the tower.

E. Pre-Application Meeting

Prior to submitting a formal application for a Zoning Permit for Communications Tower the applicant is required to attend one or more pre-application meetings. The purpose of the pre-application meeting is to address key issues which will help to expedite the review and permitting process. The Planning Director may conduct a site visit at the pre-application meeting.

F. Zoning Permit Submittal Requirements

Prior to Zoning Permit approval, all applications for Communications Towers shall complete the Site Plan Review process as provided in Chapter 3 of this Ordinance. In addition to any Site Plan Review requirements, the application must contain the following items:

1. A site plan, drawn to engineer's scale, showing the location of the tower guy anchors (if any), existing or proposed buildings and structures or improvements, including parking, driveways or access roads, fences, and protected and Grand Trees affected by the proposed construction. If there are no Grand Trees affected, a surveyor's statement on the Site Plan must be shown. Adjacent land uses shall also be noted on the site plan, with precise measurements noted between the proposed tower and any residential structures on surrounding properties.
2. The Site Plan must show a vegetated buffer, either existing or installed, that provides an effective screen from public rights-of-way and adjacent property owners. If a buffer is to be installed, its placement on the site will vary in order to provide the most effective screening from public view. Required materials

will be based on installation of a 25' buffer around the fenced area.

3. The height and typical design of the tower, typical materials to be used, color, and lighting shall be shown on elevation drawings. The applicant shall submit documentation justifying the total height of any Communications Towers, facility and/or antenna and the basis therefore. Additionally, color and material samples shall be provided.
4. The tower must be located no closer to a residential structure than a distance equal to 1 ½ feet for each 1 foot in height of the proposed tower plus 50 feet as measured from the center of the proposed tower. At a minimum, there must be a 150-foot distance between the proposed tower and a residential structure.
5. A 6 foot non-climbable fence must be placed around the tower (except for those designed in a manner compatible with Section 6.4.5.A.2, ~~Stealth~~ ***Antennae Concealment*** Exemption) and any associated building. Guy wires may be fenced separately.
6. The proposed tower shall only be illuminated as required by the Federal Communications Commission or Federal Aviation Administration. Nighttime strobe lighting shall not be incorporated unless required by the Federal Communications Commission or Federal Aviation Administration. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting that shall be as unobtrusive and inoffensive as permissible under State and Federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within fifteen-hundred (1,500) feet of all property lines of the parcel on which the Communications Towers are located.
7. Communications Towers shall contain a sign no larger than four (4) square feet to provide adequate notification to persons in the immediate area of the presence of an Antenna that has transmission capabilities. The sign shall contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be located so as to be visible from the access point of the site. No other signage, including advertising, shall be permitted on any facilities, Antennas, Antenna supporting structures or Antenna Towers, unless required by law.
8. The proposed tower must be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties. The fall zone shall be determined by an engineer certified by the State of South Carolina in a letter which includes the engineer's signature and seal.
9. Proposed towers may not be located within 1,000 feet of the center of an existing tower unless the applicant certifies that the existing tower does not meet the applicant's structural specifications and the applicant's technical design requirements, or that a co-location agreement could not be obtained at a reasonable market rate. In the event of the above situation, the clustering of new towers on the same parcel near existing towers is permitted.

10. A copy of the tower's search ring.
11. The Applicant shall supply the FAA study number for the proposed tower.
12. For the purposes of co-location review and review of efforts at siting a tower on the same lot near an existing tower, the applicant shall submit satisfactory written evidence such as correspondence, agreements, contracts, etc., that alternative towers, buildings, or other structures are not available or suitable for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, providing a location free of interference from other communication towers, or available at the prevailing market rate (as determined by staff communication with persons doing business within the industry). Additionally, the applicant shall build the proposed tower in such a manner as may allow other telecommunication users to co-locate.
13. The tower shall be designed with excess capacity for future needs.
14. A statement of financial responsibility shall be submitted for each tower over 100 feet and a performance bond for the amount of anticipated removal costs shall be posted for each tower over 150 feet. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the tower.
15. The applicant shall furnish a Visual Impact Assessment which shall include:
 - a. A "Zone Visibility Map" which shall be provided in order to determine locations where the Tower may be seen.
 - b. Pictorial representations of "before and after" view from key viewpoints both inside and outside the County, including but not limited to major highways and roads; state and local parks; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents.
 - c. An assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting and adjacent properties and streets.

G. Retention of Expert Assistance and Reimbursement by Applicant

1. The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for recertification.
2. For towers proposed to be 100 feet or higher, the applicant shall deposit with the County funds sufficient to reimburse the County for all reasonable costs of the consultant and expert evaluation and consultation to the County in connection with the review of any application including the construction and modification of the site, once permitted. The initial deposit shall be \$5,000.00. The application will not be processed until receipt of this initial deposit. The County will maintain a separate account for all such funds. The County's consultants/experts shall invoice the County for all its services in reviewing the application, including the construction and

modification the site, once permitted. If at any time during the process this account has a balance less than \$1,000.00, the applicant shall immediately, upon notification by the County, replenish said account so that it has a balance of at least \$5,000.00. Such additional account funds shall be deposited with the County before any further action or consideration is taken on the application. In the event that the amount held in the account by the County is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant. The applicant shall not be entitled to receive any interest earnings on unused funds.

3. The total amount of the funds needed as set forth in subsection 2 of this Section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.
4. Additional fees may be required if additional hearings before the board of Zoning Appeals are caused by or requested by the applicant.

H. Surrounding Property Owner Notification

1. In order to better inform the public, in the case of a new Communications Towers, the applicant shall hold a “balloon test” as follows: the applicant shall arrange to fly, or raise upon a temporary mast, a minimum of three (3) foot diameter brightly colored balloon at the maximum height of the proposed new tower. The dates (including a second date, in case of poor visibility on the initial date) shall be provided to the Planning Director ten (10) days after receipt of the complete application notice. The dates shall be set a minimum of fifteen (15) days prior to the Planning Director making a final decision on the Zoning Permit. The balloons shall be flown for ten (10) consecutive hours between 8:00 a.m. and 6:00 p.m.
2. Once the application is deemed complete by the Planning Director for a Communications Tower Zoning Permit, the Planning Department shall provide Parties in Interest, Neighbor, Posted and Newspaper Notice in accordance with the requirements of Section 3.1.6 of this Ordinance. The public notice shall include the dates of the balloon tests as provided by the applicant and the date the Planning Director must make a final decision on the Zoning Permit.

I. Time Limit for Staff Review

Upon receipt of an application deemed complete by the Planning Director for a Communications Tower Zoning Permit, the Planning Director shall have a maximum of 45 days to act on the application. The 45 days begins from the date the applicant is sent written notice of a complete application from the Planning Director. Failure to act on the application within 45 days will result in the applicant being granted a Zoning Permit.

J. Zoning Permit Approval Criteria

1. A complete zoning permit application for a ~~Stealth~~ ***Antennae Concealment*** Tower that meets all requirements of this Ordinance shall be approved.

2. Upon review of a complete application, no Zoning Permit shall be issued for a communications tower until the Planning Director determines that the proposed tower complies with the following criteria and standards:
 - a. That the location and height of the proposed tower will not substantially impact the character of property listed in or eligible for the National Register of Historic Places, other significant environmental, cultural or historical sites, officially designated scenic roads or rivers, and that the tower is designed to blend into the environment and minimize visual impact.
 - b. If a completely new tower is necessary, the applicant must provide written proof of attempts at co-location and siting a tower on the same lot near an existing tower were proven not feasible or practical.
 - c. That the applicant has pursued any available publicly owned sites and privately owned sites occupied by a compatible use, and if not utilized, that these sites are unsuitable for operation of the facility under applicable communications regulations and the applicant's technical design requirements.
 - d. Staff shall review and approve the color and materials to be used for the proposed tower.
3. If the Planning Director finds a proposed communications tower will have a substantially negative impact on a surrounding area or adjoining property, the use shall fall under the Special Exception (S) provisions of this Ordinance.

In determining whether the use shall fall under the Special Exception (S) provisions, the Planning Director may consider one or more of the following items:

- a. The proposed use will be detrimental to adjacent land uses including historical sites;
- b. The proposed use will have a negative aesthetic visual impact;
- c. The proposed use will have an adverse affect on the environment (not including radio frequency emissions); and
- d. The proposed use is contrary to the public health, safety or welfare.

CHAPTER/ARTICLE/SECTION: Chapter 6/Article 6.4/§6.4.57 SPECIALIZED MANUFACTURING
REASON FOR AMENDMENT: To relax the conditions for manufacturing and production to accommodate changes in the business market.
DATE: March 13, 2017 Planning Commission Meeting

PROPOSED AMENDMENTS:

§6.4.57 ~~SPECIALIZED MANUFACTURING~~ ***MANUFACTURING AND PRODUCTION***

A. The following conditions shall apply to all Zoning Districts subject to conditions (C):

- ~~A. In zoning districts subject to condition (C), a structure or structures used for specialized manufacturing shall have a maximum floor area of 2,000 square feet and shall have no more than five (5) non-resident employees.~~
- ~~B.~~ ***1. All activities related to the specialized manufacturing use shall be confined to a structure that is entirely enclosed; and***
- ~~C. On-site retail sales are prohibited.~~
- ~~D.~~ ***2. All specialized manufacturing uses shall comply with the Site Plan Review requirements of this Ordinance.***

B. The following additional conditions shall only apply to the CR, CT, and CC Zoning Districts:

- 1. A structure or structures used for specialized manufacturing shall have a maximum floor area of 5,000 square feet; otherwise, this use shall fall under the Special Exception provisions of this Ordinance;***
- 2. Specialized manufacturing shall have no more than ten (10) employees, otherwise this use shall fall under the Special Exception provisions of this Ordinance; and***
- 3. On-site retail sales are limited to 25% of the gross receipts and 15% of the floor area.***

C. The following additional conditions shall only apply to the AG-10, AG-8, and AGR Zoning Districts:

- 1. A structure or structures used for specialized manufacturing shall have a maximum floor area of 2,000; however, an expansion to a maximum floor area of 5,000 square feet may be approved by the Board of Zoning Appeals under the Special Exception provisions of this Ordinance;***
- 2. Specialized manufacturing shall have no more than ten (10) employees; and***
- 3. On-site retail sales are prohibited.***

CHAPTER/ARTICLE/SECTION: Table 6.1-1, Use Table
REASON FOR AMENDMENT: Clarify Special Events use regulations
DATE: May 8, 2017 Planning Commission Meeting

PROPOSED AMENDMENTS: *Note that the term “special events” has been capitalized throughout these amendments as this term is defined in Chapter 12.*

TABLE 6.1-1	ZONING DISTRICTS																	Condition	
	RM	AG 15	AG 10	AG 8	AGR	RR 3	S3	R4	M8	M12	MHS	MHP	OR	OG	CN	CR	CT		CC I
Special Events (Commercial & Industrial)															Ⓒ	Ⓒ	Ⓒ	Ⓒ	Art. 6.7
Special Events (Residential & Agricultural)	Ⓒ	Ⓒ	Ⓒ	Ⓒ	Ⓒ	Ⓒ									Ⓒ	Ⓒ	Ⓒ	Ⓒ	Art. 6.7

ARTICLE 6.7 SPECIAL EVENTS USE

§6.7.1 PURPOSE

The intent of this Article is to provide regulations that guide the use of unincorporated properties for the purpose of hosting Special Events of varying sizes and functions. ~~This Article intends to create a balance of greater flexibility for Special Event uses,~~ while protecting the surrounding community. The regulations of this Article shall apply in conjunction with any other standards contained within this Ordinance.

§6.7.2 PRIVATE SPECIAL EVENTS

The following are exempt from the requirements of this Article: private parties and gatherings that do not meet the definition of “special event,” as defined in this Ordinance, auctions of private real estate, and estate auctions.

§6.7.3 TEMPORARY SPECIAL EVENTS

Temporary public assembly use and Special Events, such as cultural events, ~~circuses,~~ outdoor concerts and parking for Special Events, shall require a Temporary ~~Administrative~~ ***Special Events*** Permit from the Planning Director. Such permit shall not be issued for periods in excess of ten (10) consecutive days, and no more than five ***(5)*** such permits may be issued per lot, per calendar year, ***except as otherwise limited by this Article. The requirements of Section 6.7.5 shall apply in addition to the requirements of this Section.*** Temporary permits shall be issued only if adequate parking and sanitary facilities are provided to serve the proposed use or activity. Any ~~Temporary~~ ***Special Event*** utilizing 25 acres of land area or more shall require Special Exception approval in accordance with the procedures contained in Chapter 3 of this Ordinance.

Temporary ***Special Events*** Permits ~~may~~ ***shall*** be issued only if adequate parking and sanitary facilities are provided to serve the proposed use or activity ~~and~~ ***in order to assure*** the site can safely support the proposed activity. ***The following information is required to be submitted with applications for Planning Department may require one or more of the following items prior to issuing a Temporary Special Events***

~~zoning p~~**Permits for a Temporary Special Event** (in addition to the required fee):

- A. A detailed Letter of Intent describing the purpose of the event indicating date(s) and time(s), anticipated number of participants, and whether alcohol will be served and if amplified sound (music or other amplified noise) will be utilized;
- B. A legible site plan drawn to scale indicating vehicular traffic areas (parking, driveways, circulation etc.), gathering areas, restroom and vendor locations, and locations of existing and planned structures to be used as part of the event;
- C. Letters of coordination from Fire, Police, and Emergency Medical Services and Building Inspection Services if applicable;
- D. Documentation of Charleston County Business license issuance for the host and participating vendors and copy of valid Department of Revenue license if alcohol will be sold;
- E. Documentation from pertinent service providers for restroom facilities and garbage collection; and
- F. Other pertinent information as deemed necessary by the Planning Director.

The following requirements shall, in addition to all other applicable requirements of this Ordinance, apply to property located in the Agricultural and Residential Zoning Districts:

- A. A maximum of five (5) Temporary Special Events Permits may be issued per lot, per calendar year, and each permit shall be valid for a maximum of three (3) consecutive days;***
- B. Each Temporary Special Events Permit shall only be valid for a single special event. Multiple Special Events within the same three (3) day time period shall require separate Temporary Special Events Permits;***
- C. Daily event attendance in the AG-15, AGR, RR-3, S-3, R-4, M-8, M-12, MHS, and MHP Zoning Districts shall be limited to 500;***
- D. Daily event attendance in the RM, AG-10, and AG-8 Zoning Districts shall be limited to 2,000; and***
- E. The maximum number of Temporary Special Events Permits allowed per calendar year and/or maximum daily attendance may only be increased if the requirements listed below, as well as all other applicable requirements of this Ordinance, are met and the request is approved in accordance with the Special Exception Procedures contained in this Ordinance. If approved by the Board of Zoning Appeals, the approval is only valid for one (1) calendar year from the date of Zoning Permit issuance.***

1. Application.

- a. Compliance with Article 3.7, Site Plan Review, and Article 3.6, Special Exceptions, of this Ordinance is required, provided, however, that the approval criteria contained in this Article shall apply instead of the approval criteria contained in Section 3.6.5.***
- b. All applications must be signed by the property owner or designated agent.***
- c. Letters of coordination from the following agencies shall be submitted during Site Plan Review: S.C. Department of Health and Environmental Control (SCDHEC), Charleston County Sheriff's Department, the Charleston County Building Inspections Department, Charleston County Emergency Medical Services (EMS),***

the appropriate Fire Service provider for the subject property, and a designated solid waste collection/disposal company or a letter indicating a private method of waste collection/disposal.

2. Requirements.

- a. The subject property or properties shall contain a minimum of ten (10) combined acres of highland area and must border a public Arterial Street, as defined in this Ordinance;***
- b. There shall be direct access to a public Arterial Street, as defined in this Ordinance;***
- c. No more than twenty-five (25) events shall be allowed per calendar year;***
- d. Daily attendance shall not exceed 5,000;***
- e. All structures shall comply with the requirements of this Ordinance, including but not limited to, the density, intensity, and dimensional standards and accessory structure requirements;***
- f. All parking shall be contained on the subject property or on a contiguous property. A recorded, parking agreement shall be required if temporary off-street parking is provided on a parcel other than the subject property. At no time shall associated event parking be allowed in a public or private right-of-way or access easement;***
- g. The maximum occupancy of an individual permanent structure shall comply with the occupancy standards of the Charleston County Building Code;***
- h. All events shall adhere to the Charleston County Noise Regulations and all other applicable Charleston County ordinances;***
- i. All existing or proposed structures shall retain a residential or agricultural character;***
- j. A one hundred foot (100') Type F Buffer shall be required around the perimeter of the property;***
- k. Special Events shall not begin before 10 am and shall end by 10 pm; and***
- l. The applicant must hold at least one (1) community workshop prior to the submittal of the Special Exception application and written documentation of the community workshop(s) must be submitted. Written documentation may include, but is not limited to, sign-in sheets, meeting summaries, memos and/or letters from the applicant describing the meeting(s), etc. The purpose of the workshop(s) is to ensure early citizen participation in an informal forum, in conjunction with the development applications and to provide an applicant the opportunity to understand and try to mitigate any impacts an application may have on an affected community. A community workshop is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors.***

3. Special Exception Approval Criteria

The approval criteria contained in this Article shall apply instead of the approval criteria contained in Section 3.6.5 of this Ordinance. Applications may be approved only if the Board of Zoning Appeals finds that the proposed use:

- a. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;***
- b. Does not hinder or endanger vehicular traffic and pedestrian movement on adjacent roads;***
- c. Includes adequate provisions for items such as: setbacks and buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust glare, odor, traffic congestion and similar factors;***
- d. Where applicable, will be developed in a way that will preserve and incorporate any important natural features;***
- e. The setup and disassembly of Special Events will not be detrimental to the surrounding community;***
- f. Includes sufficient safeguards for the use of temporary structures, if applicable;***
- g. Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and***
- h. Is consistent with the recommendations contained in the Charleston County Comprehensive Plan and the character of the underlying zoning district "Purpose and Intent".***

If approved by the Board of Zoning Appeals, the approval is only valid for one (1) calendar year from the date of Zoning Permit issuance. In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. Additionally, the Board of Zoning Appeals may require additional conditions of approval including, but not limited to: event days and hours, the number of events per calendar year, limitations on outdoor activities, parking, buffers, and use and location of temporary structures.

If the proposed use is approved by the BZA, the Zoning/Planning Department shall provide written notification to the following agencies, as applicable: S.C. Department of Health and Environmental Control (SCDHEC), Charleston County Sheriff's Department, the Charleston County Building Inspections Department, Charleston County Emergency Medical Services (EMS), and the appropriate Fire Service provider for the subject property.

§6.7.4 SPECIAL EVENTS ESTABLISHED AS PRINCIPAL USES IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

A. *Special Events in Commercial and Industrial Zoning Districts shall comply with the requirements of Section 6.7.5 and the following:*

- 1. The establishment of a new Special Events principal use in the CN, CT, CR, CC, and I Zoning Districts shall comply with the requirements of Article 3.7, Site Plan Review, of this Ordinance.***

~~§6.7.5 Outdoor Special Events~~

(Section 6.7.5 can be found on page 5 of these amendments)

- ~~A. Use of vacant or undeveloped properties for the establishment of a new outdoor Special Events principal use in the CN, CT, CR, CC, and I Zoning Districts shall comply with the Site Plan Review requirements, Article 3.7, of this Ordinance.~~
- ~~B. With the exception of special events at federal, state, and county parks and legally established fairgrounds, any accessory, outdoor special event consistent with the definition of “special event,” as defined in this Ordinance, must comply with §6.7.3 and a Zoning Permit shall be required.~~
- ~~C. Any outdoor special event activity as defined by this Ordinance, whether an accessory to an existing business, or on vacant undeveloped property, which is located within 500 feet of the property line of a residentially developed parcel, shall cease all music and all loud noise that is above seventy (70) db(A) no later than 11:00 p.m.; otherwise, this use shall require Special Exception approval consistent with Section 6.7.4.C. Distances shall be measured from the site of the special event activity on the subject property to the nearest property line of a lot containing a residential use. Noise levels shall be measured anywhere within the boundary line of the nearest residentially occupied property.~~
- ~~D. All outdoor special event activities will be subject to the County’s livability and/or noise ordinance.~~

~~B. Indoor Special Events~~

(This section can be found on page 5 of these amendments)

- ~~A. A Zoning Permit shall not be required when hosting an indoor special event in legally established businesses in commercial and industrial zoning districts and public facilities or civic facilities such as: hotels/motels, convention centers; social lodge; assembly halls; religious facilities; fairgrounds; federal, state, and county parks, and similar facilities legally established and authorized to hold special events.~~

~~§6.7.6 SPECIAL EVENTS IN RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS~~

~~B. Special Events in Residential and Agricultural Zoning Districts~~

~~A Special Events use may be established as a principal use on any parcel in the RM, AG 15, AG 10, AG 8, AGR, and RR 3 Zoning Districts subject to Special Exception approval and the following standards.~~

~~1. Application~~

- ~~a. Compliance with the Site Plan Review requirements, Article 3.7, of this Ordinance. All applications must be signed by the property owner or designated agent.~~
- ~~b. Letters of coordination from the following agencies shall be submitted during Site Plan Review: S.C. Department of Health and Environmental Control (SCDHEC), Charleston County Sheriff's Department, the Charleston County Building Inspections Department, Charleston County Emergency Medical Services (EMS), the appropriate Fire Service provider for the subject property, and a designated solid waste collection/disposal company or a letter indicating a private method of waste collection/disposal.~~

~~2. Requirements~~

~~Special event sites shall comply with the following standards:~~

- ~~m. The subject property or properties shall contain a minimum of three (3) combined acres of highland area.~~
- ~~n. All structures shall comply with the requirements of this Ordinance including but not limited to the density, intensity and dimensional standards and accessory structure requirements.~~
- ~~o. All parking shall be contained on the subject property or on an adjacent parcel. A recorded, parking agreement shall be required, if temporary off-street parking is provided on a parcel other than the subject property. At no time shall associated event parking be allowed in a public or private right-of-way.~~
- ~~p. One on-premises sign, which identifies the subject property, shall be allowed in accordance with Table 9.11.5 of this Ordinance. Off premises signs are not allowed.~~
- ~~q. The maximum occupancy of an individual permanent structure shall comply with the occupancy standards of the Charleston County Building Code.~~
- ~~r. All events shall adhere to the Charleston County Noise Regulations and any other applicable Charleston County ordinances.~~
- ~~s. In residential zoning districts, any existing or proposed structure shall retain a residential character.~~
- ~~h. Special events on properties with less than five (5) acres of highland and located in the RM, AGR, and RR-3 zoning districts shall be limited to the following types of special events: weddings, receptions, recitals, art exhibits, book readings, wine/food tasting events, and executive retreats. The Zoning/Planning Director shall be authorized to determine whether a~~

~~proposed event not listed above is substantially similar to the
aforementioned approved types of special events.~~

~~3. Special Exception Approval Criteria~~

~~§3.6.5A, Special Exception Approval Criteria, shall not be used for Special
Events use requests. Special Events use requests may be approved only if the
Board of Zoning Appeals finds that the proposed use:~~

- ~~i. Will not adversely affect the general welfare or character of the immediate
community;~~
- ~~j. Does not hinder or endanger vehicular traffic and pedestrian movement on
adjacent roads;~~
- ~~k. Includes adequate provisions for items such as: setbacks and buffering
(including fences and/or landscaping) to protect adjacent properties from the
possible adverse influence of the proposed use, such as noise, vibration, dust
glare, odor, traffic congestion and similar factors;~~
- ~~l. Where applicable, will be developed in a way that will preserve and
incorporate any important natural features;~~
- ~~m. The setup and disassembly of special events will not be detrimental to the
surrounding community; and~~
- ~~n. Includes sufficient safeguards for the use of temporary structures, if
applicable.~~

~~If the Board of Zoning Appeals (BZA) approves a Special Events use, the BZA
may attach to it such conditions regarding the location, character, or other features
of the proposed building or structure as the Board may consider advisable to
protect established property values in the surrounding area or to promote the
public health, safety, or general welfare. Additionally, the Board of Zoning
Appeals may require additional conditions of approval including, but not limited
to: event days and hours, the number of events per calendar year, limitations on
outdoor activities, parking, buffers, and use and location of temporary structures.~~

~~If the proposed use is approved by the BZA, the Zoning/Planning Department
shall provide written notification to the agencies listed in §6.7.4A2.~~

**§6.7.5 OUTDOOR SPECIAL EVENTS (*PRINCIPAL USES AND TEMPORARY
SPECIAL EVENTS*)**

- A. With the exception of Special Events at federal, state, and county parks and legally established fairgrounds, any accessory, outdoor special event consistent with the definition of “special event,” as defined in this Ordinance, must comply with §6.7.3 and a Zoning Permit shall be required.
- B. Any outdoor special event activity as defined by this Ordinance, whether an accessory to an existing business, or on vacant undeveloped property, which is located within

500 feet of the property line of a residentially developed parcel, shall cease all music and all loud noise that is above seventy (70) db(A) no later than 11:00 p.m.; otherwise, this use shall require Special Exception approval consistent with ~~this Article Section 6.7.4.C.~~ Distances shall be measured from the site of the special event activity on the subject property to the nearest property line of a lot containing a residential use. Noise levels shall be measured anywhere within the boundary line of the nearest residentially occupied property.

- C. All outdoor special event activities will be subject to the County's livability and/or noise ordinance.

§6.7.6 INDOOR SPECIAL EVENTS

A Zoning Permit shall not be required when hosting an indoor special event in legally established businesses in commercial and industrial zoning districts and public facilities or civic facilities such as: hotels/motels, convention centers; social lodge; assembly halls; religious facilities; fairgrounds; federal, state, and county parks, and similar facilities legally established and authorized to hold Special Events.

§6.7.7 ZONING PERMIT

A Zoning Permit shall be required prior to commencing Special Events and shall be maintained for the duration of the Special Events use, following Site Plan Review and Special Exception approval, ***as applicable***. Additionally, a valid, Charleston County Business License is required following zoning permit approval.

§6.7.8 LAPSE OF APPROVAL

A valid Charleston County Business License must be maintained for a principal Special Events use. If this Business License is not renewed annually or is discontinued, for any reason, for a period of at least six (6) consecutive months, then the use shall be considered abandoned. Once abandoned, the Special Exception approval and the Zoning Permit for the Special Events use shall be deemed null and void. Renewal of the Special Events use shall require the approval of the Board of Zoning Appeals (BZA) and compliance with the regulations of this Ordinance.

CHAPTER/ARTICLE/SECTION: Sections 8.1.3.A.1 and 8.1.3.A.3, General, and Section 8.5.5, Final Plats
REASON FOR AMENDMENT: Clarify requirements for the simultaneous recording of deeds and plats
DATE: March 13, 2017 Planning Commission Meeting

PROPOSED AMENDMENTS:

§8.1.3 EXEMPTIONS

A. Procedures

The following shall be exempt from the Subdivision Plat Procedures, if the Planning Director determines that all engineering and survey standards of this Ordinance have been met:

1. The combination or re-combination of portions of previously platted lots where the total number of lots is not increased. When the plat is finalized, it shall be submitted to the Planning Director for recording. ~~New deeds and plats shall be recorded simultaneously~~ ***must be recorded simultaneously with plats when (1) the ownership of the previously platted lots is changing and/or (2) the simultaneous recording of deeds and plats is otherwise required by this Ordinance.***
2. The public acquisition of land for right-of-way or drainage easements or any lot or parcel created therefrom.
3. Contiguous properties that are to be divided for the purpose of exchanging or trading parcels of land. When the plat is finalized, it shall be submitted to the Planning Director for recording. ~~New deeds and plats shall be recorded simultaneously~~ ***must be recorded simultaneously with plats when (1) the ownership of the previously platted lots is changing and/or (2) the simultaneous recording of deeds and plats is otherwise required by this Ordinance.***

§8.5.5 RECORDING

Approved Final Plats shall be recorded by the Planning Director with the Register of Mesne Conveyance within 30 days of final approval. ***New deeds must be recorded simultaneously with plats when (1) the ownership of the previously platted lots is changing and/or (2) the simultaneous recording of deeds and plats is otherwise required by this Ordinance.*** Notice to the applicant shall be sent within a reasonable time following the date of the recording with the Register of Mesne Conveyance.

CHAPTER/ARTICLE/SECTION: Section 8.3.1.H, Minor Subdivision, Section 8.13, Water Supply and Sewage Disposal, and Chapter 12, Definitions
REASON FOR AMENDMENT: Clarify water and sewer availability requirements
DATE: March 13, 2017 Planning Commission Meeting

PROPOSED AMENDMENTS:

§8.3.1 MINOR SUBDIVISION

H. Lots of Record, Approved located within any 208 Water Quality Management Designation within the Urban/Suburban Area of the County:

1. ~~One (1)~~ ***A maximum of four (4)*** lots may be subdivided from a Lot of Record, Approved (“Approved Lot”) without installing additional ***sewer*** lateral ***connection(s)*** ~~lines~~, provided that the development complies with all other requirements of this Ordinance, when public water and/or sewer lateral lines are provided to the Approved Lot, and the Approved Lot is located within a 208 Water Quality Management Designation area within the Urban/Suburban Area of the County.
2. The property owner(s) shall sign a Certification Statement that there are no physical lateral connections provided to the new lot being created. The Certification shall be placed on the subdivision plat and signed by each property owner.
3. The following Certification Statement shall be placed on the plat and signed by the property owner(s):

“The property owner(s) of record hereby acknowledge(s) that the surveyed parcel has not been served by a lateral connection of public water/sewer lines. Recordation of this plat shall not be an implied or expressed consent of Charleston County and/or the public provider of the water and/or sewer or other omitted public improvement that the lot or other land divisions shown here on are capable of being serviced by on-site waste water disposal or public water/sewer systems.”

Property Owner(s) Signature: _____

Date: _____

Lot Description: _____

4. At the time of seeking a zoning or building permit the property owner(s) shall supply a document of certification from the Public provider that public water and sewer lateral connections are provided to the lot.
5. All lots created will comply with the density/intensity and dimensional standards for lots without public sewer/water, as there is no guarantee that these public improvements will be available.

ARTICLE 8.13 WATER SUPPLY AND SEWAGE DISPOSAL

In accordance with South Carolina Department of Health and Environmental Control (DHEC) regulations, all subdivisions ***of proposed new lots*** shall be served by approved water and sewer systems. For the

purpose of Article 8.13, a wastewater and/or water treatment facility connection is ~~accessible~~ ***required when the wastewater and/or water treatment service provider indicates through their sewer/water availability letter(s) that these services are available*** ~~when it adjoins the property in question, and the water/sewer provider has~~ ***and the proposed lot(s) are*** granted permission to connect to the ***existing sewer/water system by means of a sewer/water Utility Service Lateral connection to each lot(s). If the wastewater and/or water treatment service provider indicates through their sewer/water availability letter(s) that these services are only available by having Sewer/water Mains extended, then these services are considered not available. If not available, the applicant must either make these services available by extending the water/sewer main(s) apply to the South Carolina Department of Health and Environmental Control (SC DHEC) for individual on-site wastewater and/or well system(s) for each lot(s).*** Where annexations or easements to cross adjacent property are necessary for connection to a treatment facility, the wastewater/water service shall ~~not be~~ considered ~~accessible~~ ***not available. Where a party would have to obtain an easement to cross adjacent property for connection to a treatment facility, the wastewater/water service shall be considered not available.***

A. If ~~accessible~~ ***water/sewer service is available, as defined above, at or prior to final plat approval***, the applicant must provide documentation from the water and/or sewer service provider that ensures the requirements of the provider have been met ***for each proposed lot(s). If sewer/water utility service is required and the proposed subdivision contains four (4) or fewer lots, the applicant may obtain final plat approval by complying with Section 8.3.1.H of this Ordinance.***

B. If ***water/sewer service is*** ~~not accessible~~ ***available, as defined above, prior to final plat approval***, the applicant must provide documentation from ~~South Carolina~~ ***SC*** DHEC that ensures all new lots have met minimum soil requirements for the installation of an individual on-site wastewater and/or well system. ***If SC DHEC indicates that a sewer/water connection is required for the proposed lot(s), the applicant must make the service available by complying with all requirements of the applicable sewer/water provider and submitting documentation from the water and/or sewer service provider that ensures the requirements of the provider have been met prior to final plat approval.***

This provision shall not be interpreted to require that subdivisions be annexed in order to obtain public water or sewer service. All new lots created are to have a means of wastewater disposal, either by individual wastewater systems (***septic system approved by SC DHEC***) or physical sewer ***utility service*** lateral connection(s) ~~is~~ ***installed***. New lots may be created without a means of wastewater disposal, provided that they comply with the provisions of Section 8.3.1.G, Non-Buildable Lots, or Section 8.3.1.H Lots of Record, Approved located within any 208 Water Quality Management Designation within the Urban/Suburban Area of the County of this Ordinance.

Add the following definitions to Chapter 12:

- ***Utility Service Lateral/Service Connection: The portion of pipe which runs from the customer's property line to the main sewer line, and which receives sewage from the "customer's service line".***
- ***Service Connection/Utility Service Lateral: The portion of pipe which runs from the customer's property line to the main sewer line, and which receives sewage from the "customer's service line".***
- ***Sewer or Sewer Main: A primary pipe or conduit for carrying sewage, which excludes building sewers, building drains, utility service laterals, and customer service links; may be a gravity or pressurized force main, owned, operated, and maintained by the provider.***

CHAPTER/ARTICLE/SECTION: Sections 8.4.2.A.4, Preliminary Plat Requirements and 8.5.2.B, Final Plat Requirements

REASON FOR AMENDMENT: Require inclusion of flood zone information on Preliminary and Final Plats

**PLANNING COMMISSION
RECOMMENDATION DATE:** September 12, 2016

PROPOSED AMENDMENTS:

Add the following item to the list of required information to be shown on Preliminary Plats (as indicated in Section 8.4.2.A.4):

q. A statement indicating the flood zone(s), valid as of the date of approval of the preliminary plat.

Add the following item to the list of required information to be shown on Final Plats (as indicated in Section 8.5.2.B):

15. A statement indicating the flood zone(s), valid as of the date of approval of the final plat.

CHAPTER/ARTICLE/SECTION: 8.4.2.A.4.j and 8.5.2.B.9
REASON FOR AMENDMENT: Clarify minimum requirement for jurisdictional wetlands on preliminary and final plats
DATE: March 13, 2017 Planning Commission Meeting

PROPOSED AMENDMENTS:

Article 8.4, Preliminary Plats, Section 8.4.2.A, Application Requirements

8.4.2.A.4.j. ~~At a minimum, a United States Army Corps of Engineers Approximate Preliminary Jurisdictional Determination Letter is required for lots of five acres or less in size and within all publicly dedicated rights of ways and easements.~~

A United States Army Corps of Engineers (USACE) jurisdictional determination is not required for approval of a subdivision plat application except that an Accurate-Approved jurisdictional determination is required for areas located within proposed publicly dedicated rights-of-way and/or easements prior to Preliminary Plat approval. When a USACE jurisdictional determination for the entire property is not provided as part of the subdivision application, the following notes shall be placed on the plat:

- i. The United States Army Corps of Engineers has not made a determination of the presence or absence of wetlands and/or water of the United States on this property/these properties as of the date of approval/recording of this plat.*
- ii. Charleston County may require a jurisdictional determination by the United States Army Corps of Engineers on this property/these properties prior to the issuance of zoning permits for land development activities.*

Article 8.5, Final Plats, Section 8.5.2.B, Application Requirements

8.5.2.B.9 ~~At a minimum, a United States Army Corps of Engineers Approximate Preliminary Jurisdictional Determination Letter is required for lots of five acres or less in size and within all publicly dedicated rights of ways and easements.~~

A United States Army Corps of Engineers (USACE) jurisdictional determination is not required for approval of a subdivision plat application except that an Accurate-Approved jurisdictional determination is required for areas located within proposed publicly dedicated rights-of-way and/or easements prior to Final Plat approval. When a USACE jurisdictional determination for the entire property is not provided as part of the subdivision application, the following notes shall be placed on the plat:

- i. The United States Army Corps of Engineers has not made a determination of the presence or absence of wetlands and/or water of the United States on this property/these properties as of the date of approval/recording of this plat.*
- ii. Charleston County may require a jurisdictional determination by the United States Army Corps of Engineers on this property/these properties prior to the issuance of zoning permits for land development activities.*

CHAPTER/ARTICLE/SECTION: Chapter 9/Article 9.6/§9.6.3 ARCHITECTURAL DESIGN GUIDELINES
REASON FOR AMENDMENT: Add design guidelines for fencing in the Right-of-Way buffer of addressing the street on non-single family residential properties.
DATE: March 13, 2017 Planning Commission Meeting

PROPOSED AMENDMENTS:

§ 9.6.3 ARCHITECTURAL DESIGN GUIDELINES

H. Fencing

- 1. Any proposed fencing that will be constructed within a Right-of-Way Buffer shall not exceed four (4) feet in height. Chain-link, wire, and barbed wire fencing are prohibited within Right-of-Way Buffers. An architectural detail and fence location plan shall be submitted to the Planning Director for review and approval for all such fencing.***
- 2. When ten (10) or more parking spaces are located between the right-of-way and front façade of a building, an architectural wall of at least thirty (30) inches shall be required within the Right-of-Way Buffer to further screen the parking.***

CHAPTER/ARTICLE/SECTION: A.1.12.B
REASON FOR AMENDMENT: Review the 10 lot maximum accessing a non-standard county roads requirement
DATE: March 13, 2017 Planning Commission Meeting

PROPOSED AMENDMENTS:

§A.1.12 APPLYING ROAD CLASSIFICATIONS

B. PUBLIC ROAD

Non-standard County roads shall require County Council authorization.

If a land development plan exceeds the non-standard County road 10 lots maximum, construction shall be required to improve the non-standard road to the required County standards from its point of connection to an existing County standard or State public road. ***A landowner/developer may submit a request to County Council through the Director of the Public Works Department to increase the total number of lots accessing a specific Non-standard County Road from the 10-lot maximum to no more than 15 lots. The Public Works Department will inspect the current road conditions and make a recommendation to County Council based on: the status of the recording of the plat for the specific Non-standard County Road right-of-way; whether or not the current road conditions can support the additional traffic; and improvements that must be constructed by the County or applicant to support the additional traffic. No increase above 15 total lots shall be allowed without construction of the road to an appropriate County standard.***

If the request is approved by County Council and Council determines that the applicant is responsible for construction of any or all necessary improvements, the applicant shall submit applicable construction plans to the Public Works Department for review and approval. Once the Public Works Department approves the construction plans and issues documentation of such approval, the applicant must obtain Zoning Permits for applicable road construction activities from the Zoning and Planning Department. Once the road construction is complete, the applicant shall coordinate with the Public Works Department to have the road construction inspected. Upon issuance of documentation of approval of the road construction and inspection by the Public Works Department, the applicant may submit Zoning Permit application(s) for subsequent land development activities.

General information:

- Charleston County has 279 road classified as “Non-Standard County Roads. By Public Works review 107 of these roads currently provide access to more than 10 parcels. Total program includes approximately 39 miles of roads.
- 10 lot requirements utilized since it would currently match minor subdivision requirement.
- Since these are “non-standard” roads, they have a significant variation in quality with some being capable of supporting more traffic and some not.
- Roads classified as “Secondary Rural County Roads” should not be increased above the 10 lot limit since they are generally a specific design, which is why they are limited at 10 lots.

Public Input



October 18, 2016

Joel Evans
Director, Charleston County Planning Department
4045 Bridge View Drive
North Charleston, SC 29405

re: Proposed amendments to Special Events on Edisto Island

Director Evans:

We understand that Charleston Planning Department is proposing some amendments to the Special Events section of the Charleston County Zoning Ordinance - which would affect Wadmalaw and Edisto Islands. We understand that these amendments were requested by Wadmalaw, and we were asked if we felt that these amendments would be suitable for Edisto as well. The board of the Edisto Island Preservation Alliance voted unanimously to request that the Planning Commission **not** change Edisto's Special Events provisions at this time, as the need has not as yet presented itself.

Thank you for the excellent lines of communication between the Planning Department and Edisto Island!

Best Regards,

A handwritten signature in black ink, appearing to read "Lloyd Bray".

Lloyd Bray
Chair, Board of Directors

WADMALAW ISLAND LAND PLANNING COMMITTEE
WADMALAW ISLAND, SC

October 24, 2016

Mr. Joel Evans
Director
Charleston County Zoning and Planning Dept.
Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405

RE: Proposed changes regarding Special Events

Dear Mr. Evans:

The Wadmalaw Island Land Planning Committee, WILPC, fully supports the proposed changes to the existing criteria pertaining to Temporary Special Events, which include limiting the number of events to 5 times a year and a duration of no more than 3 consecutive days per event, limiting the number of attendees to a maximum of 500 persons and eliminating Special Exceptions for events that are beyond those limits. We believe these changes, along with the removal of Special Events as a principal use in AG-15 and AGR zoning, will have the effect of discouraging large commercial events that are disruptive and contribute to unsafe conditions, while still allowing traditional events to take place on Wadmalaw Island.

While we appreciate the proposed changes, we have concerns about the potential of a loophole when property owners have multiple adjacent lots.

We thank you and your staff for your work on this. Please feel free to contact our Zoning Sub-Committee members for questions or further discussion.

Sincerely,

WADMALAW ISLAND LAND PLANNING
COMMITTEE



Leroy Robinson, Chairman

WILPC Zoning Sub-Committee:

Kevin Richbourg
krichtbourg@comcast.net
(843) 513-2234

Melinda Lucka Kelley
MLucka@FinkelLaw.com

Wadmalaw Island Land Planning Committee

www.WILPC.org

March 10, 2017

Charleston County Planning Commission
Charleston County Council
Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405

RE: Proposed amendments to §6.7 ZLDR "Special Events"


Dear Planning Commission Members and Members of County Council:

The Wadmalaw Island Land Planning Committee, WILPC, has reviewed the newly proposed amendments to the Special Events section of the ZLDR. We want to thank the Planning Staff members who have so diligently worked on these proposed amendments. While we are supportive of the language for use requirements and the approval process that Staff has proposed for Temporary and Principle Special Events permitting, we do not support the removal of the Wadmalaw Island exceptions that were originally part of the proposed amendments.

The "Wadmalaw Island Planned Development Guidelines/Land Use Plan" adopted by County Council in 1988, confirmed the need to "preserve the existing rural character and pristine nature of the Island." Although the ZLDR was adopted some years after the 1988 Wadmalaw Plan was adopted, County Council reaffirmed the need to preserve the rural character of Wadmalaw Island, through the Zoning requirements of the ZLDR and through the Comprehensive Plan, *e.g.*, the most current version of the Comprehensive Plan adopts a "Wadmalaw Agricultural Preservation" designation, is mapped in the Future Land Use Map 3.1.4 of the Plan, and shown in the list of land use categories as the *only* geographic area of the County depicted on the map. (Please see attached Map and accompanying text for the Wadmalaw Island category of uses)

Because of this continued and historical recognition of the need to preserve the rural character of Wadmalaw Island, we would request that Special Events be removed from not only AG-15 Districts, but also from the Wadmalaw Island AGR Districts. Allowing Special Events with up to 500 people per event, and up to 50 days *per lot, per year*, Island-wide (for Temporary Event Permits and for Principle Use Event permits), could create a commercial-type atmosphere on Wadmalaw, contrary to the rural history and character of Wadmalaw Island.

Sincerely yours,
WADMALAW ISLAND LAND PLANNING
COMMITTEE



By: Leroy Robinson, Chairman

Zoning Committee:

Melinda Lucka Kelley
MLucka@FinkelLaw.com
(843) 214-8266

Kevin Richbourg, Vice Chair, WILPC
KRichbourg@comcast.net
(843) 513-2234

3.1.7: FUTURE LAND USE RECOMMENDATIONS

The following are the descriptions and density recommendations for the future land use categories identified on the Future Land Use Map (Map 3.1.4).

Map 3.1.5 provides a detail of the Urban/Suburban Area, followed by a series of maps showing the existing overlay zoning districts with their respective land use recommendations.

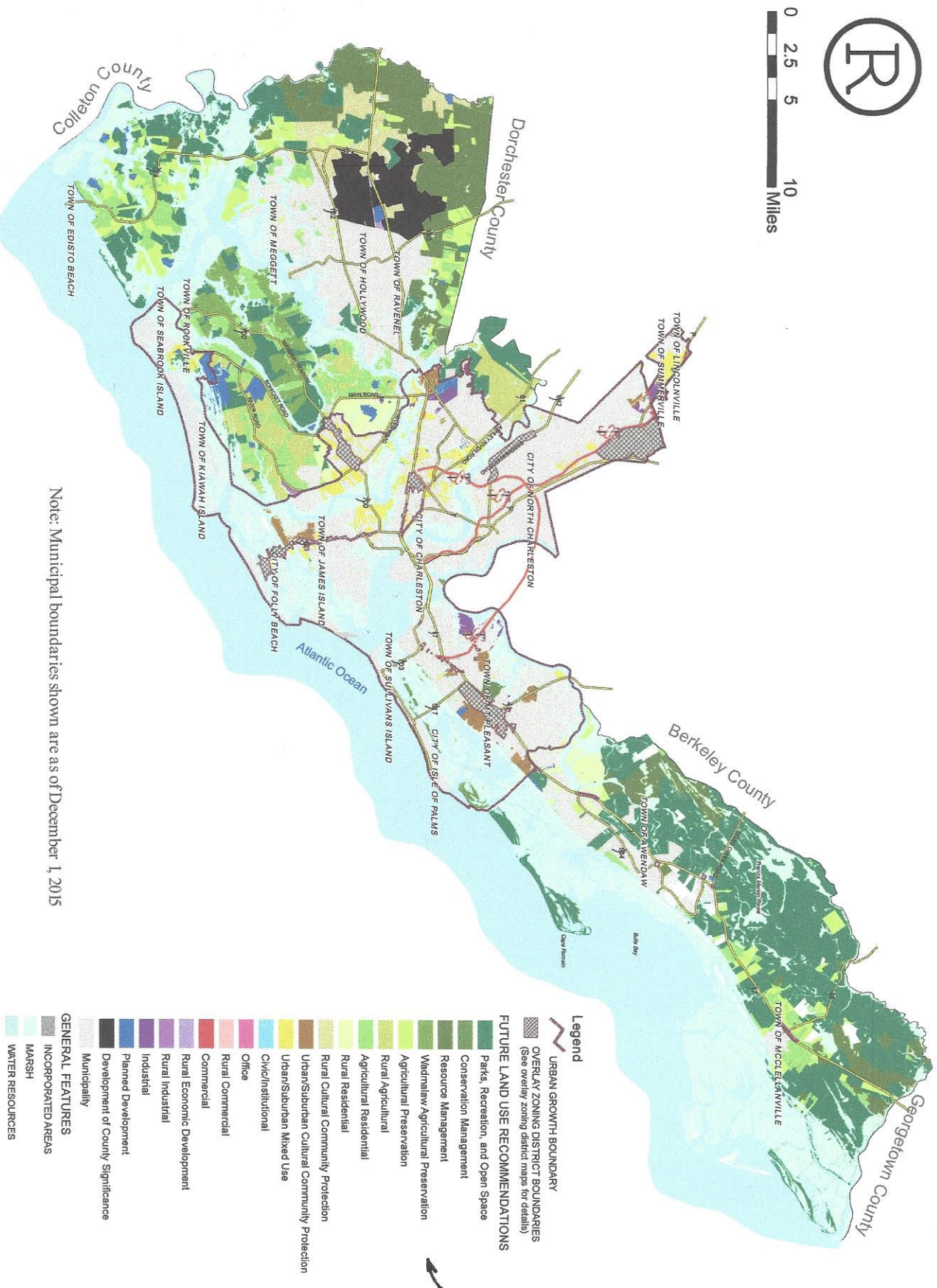
A. Rural Area Future Land Use Categories

The following future land use categories apply in the Rural Area of the County.

Wadmalaw Agricultural Preservation

The uses recommended for this future land use category are similar to those recommended for the Agricultural Preservation use category; however, the recommended density is lower and this designation applies specifically to Wadmalaw Island. The incorporation of this designation is also consistent with the Wadmalaw Island Planned Development Guidelines adopted by the County in 1988.

Map 3.1.4: Future Land Use



Note: Municipal boundaries shown are as of December 1, 2015