

**ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR) REVIEW PROJECT:  
PROPOSED AMENDMENTS**

- Planning Commission Workshop: December 14, 2020**
- Planning Commission Workshop: January 11, 2021**
- Planning Commission Workshop: February 8, 2021**
- Planning Commission Meeting & Workshop: March 8, 2021**
- Planning Commission Workshop: April 19, 2021**
- Planning Commission Meeting & Workshop: May 10, 2021**
- Planning Commission Workshop: June 14, 2021**
- Planning Commission Workshop & Meeting: June 28, 2021**
- Planning Commission Workshop & Meeting: July 19, 2021**
- Public Hearing: September 14, 2021**
- Planning and Public Works Committee Meeting: September 23, 2021**
- First Reading: September 30, 2021**
- Second Reading: October 12, 2021**
- Third Reading: October 26, 2021**

**Summary of Proposed Amendments:**

This project began in March 2017 with the execution of the contract with Kendig Keast Collaborative (KKC), the consultant chosen for this project (White and Smith, LLC is the sub-consultant). The consultant made several presentations to the Planning Commission in 2017 outlining the plan for the amendments, which included:

- Development of a new Historic Preservation Ordinance (adopted by Council in August 2018);
- Development of a Short-Term Rental Ordinance (adopted by Council in July 2018); and
- The update, overhaul, and reorganization of the ZLDR.

The County also purchased web-based publication software for the ZLDR (enCode) to make the ZLDR more user friendly. Staff has been working with the consultant since 2017 to finalize the proposed amendments and review them with the County Attorney's Office.

This packet includes a list of the proposed amendments along with a version of the ZLDR that shows the proposed amendments in redline format. It should be noted that the reorganization of the ZLDR will occur after County Council has made a determination on all amendments proposed as part of this project.

**Staff Recommendation:**

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

**December 14, 2020 Planning Commission Workshop**

**Workshop Summary:** Staff presented an overview of the proposed amendments.

**Notifications:**

On November 25, 2020, notifications of the workshop were sent to 614 people on the ZLDR/Comprehensive Plan Interested Parties' List. In addition, the workshop was noticed in the *Post & Courier* on November 27, 2020.

**January 11, 2021 Planning Commission Workshop**

**Workshop Summary:** Staff presented an overview of the proposed amendments for ZLDR Chapters 1 through 4 and the overall amendments. The Commission directed staff to investigate the following ZLDR requirements and proposed amendments further for discussion at the February Commission meeting:

- Section 3.8.1, Zoning Permit Applicability: Require zoning permits for new impervious surfaces

- greater than 15 square feet (Commission direction: Investigate alternative thresholds);
- Section 4.2.1, Density:
    - Clarify that density is the number of dwelling units (lots) per acre (Commission direction: Clarify the difference between “dwelling units” and “lots” as used in this section and throughout the ZLDR potentially using the term “Principal Dwelling Units per acre”);
    - Remove freshwater wetlands from the density and lot area calculations (Commission direction: investigate if any legal ramifications exist and how situations where a permit to fill a wetland has already been obtained);
  - Section 4.2.3, Setbacks: Include a provision that variances may not be required when a structure encroaches 12 inches or less into any required setback as determined by the Zoning and Planning Director (Commission direction: Consider reducing the threshold to less than 12 inches);
  - Section 4.2.4, Building Height: The Commission directed staff to investigate expressing building height limitations as stories or floors in multi-family and nonresidential zoning districts similar to the way the City of Charleston regulates building height;
  - Section 4.2.5, Building Coverage: The Commission directed staff to clarify that building coverage is expressed as a percentage; and
  - R-4 and RR-3 Zoning Districts: The Commission directed staff to investigate:
    - No increases in the RR-3 Zoning District density;
    - No increases in the R-4 Zoning District density for properties located in Rural Area (outside the Urban Growth Boundary);
    - Allow increases for the R-4 Zoning District for properties located in the Urban/Suburban Area (within the Urban Growth Boundary) except those located adjacent to the Urban Growth Boundary and on the Sea Islands, which should maintain the current density of four dwelling units per acre.

**Speakers:**

Seven people spoke in opposition to the proposed RR-3 density changes and the proposed R-4 density changes for properties outside the Urban Growth Boundary, adjacent to the Urban Growth Boundary, and on the Sea Islands.

**Public Input Received:**

- 1 letter in favor of the proposed RR-3 density changes.
- 1 letter in favor of the proposed RR-3 and R-4 density increases (CTAR).
- 390 letters in opposition to the proposed RR-3 and R-4 density changes for Johns Island:
  - Several letters express concern regarding potential infrastructure, drainage, and environmental impacts.
  - One letter suggests removing freshwater wetlands from density calculations and excluding freshwater wetlands from the conserved area calculations for Conservation Subdivisions.

**Notifications:** On December 23, 2020, notifications were sent to people on the ZLDR/Comprehensive Plan Interested Parties’ List. In addition, the workshop and meeting were noticed in the *Post & Courier* on December 25, 2020.

**February 8, 2021 Planning Commission Workshop**

**Workshop Summary:** Staff presented proposed resolutions to address the Commission’s directives from the January 11, 2021 meeting regarding the amendments proposed for Chapters 1 - 4. The Commission reached consensus on each of the proposed amendments as follows:

- Section 3.8.1, Zoning Permit Applicability: Require zoning permits for new impervious surfaces greater than 120 square feet in cumulative total for properties located in the Urban/Suburban Area except those in the S-3 Zoning District.
- Section 4.2.1, Density:
  - Change the terms “dwelling units per acre” and “dwellings per acre” to “Principal Dwelling Units per acre”; and
  - Add the following definition to Chapter 12, Definitions: “Principal Dwelling Unit: The primary or predominant Dwelling Unit on a Lot.”
- Section 4.2.1, Density (Freshwater Wetlands):

- Amend Section 4.2.1 read as follows: Density refers to the number of Principal Dwelling Units per unit of land area. Density is calculated by dividing the number of Principal Dwelling Units on a site by the gross area (in acres) of highland of the site on which the Principal Dwelling Units are located. Freshwater wetlands and OCRM Critical Line Area shall not be used to calculate density. The number of Principal Dwelling Units allowed on a site is based on the presumption that all other applicable standards of this Ordinance shall be met. The maximum density established for a district is not a guarantee that such densities may be obtained, nor shall the inability of a development to achieve the stated maximum density be considered sufficient justification for varying or otherwise adjusting other density, intensity or dimensional standards of this Ordinance;
- Amend Sections 8.4.2.A.4.j and 8.5.2.B.9 to require United States Army Corps of Engineers Approved Jurisdictional Determinations as part of Preliminary and Final Plat applications; and
- Amend the definition of “Lot Area” to read as follows: The total area included within the boundaries of a Lot, measured in a horizontal plane, excluding Freshwater Wetlands and OCRM Critical Line Area.
- Section 4.2.3, Setbacks: Include a provision allowing administrative variances when structures encroach less than 12 inches into any required setback as determined by the Zoning and Planning Director.
- Section 4.2.4, Building Height: Amend the building height requirements as follows:
  - Agricultural and Residential Districts: Maintain the height limit of 35 feet.
  - UR District: Maintain the height limit of 50 feet/4 stories, but include the phrase “whichever is less.”
  - RO District: Maintain the height limit of 35 feet.
  - CI District: Change the height limit from 35 feet to 35 feet/2½ stories, whichever is less.
  - GO District: Change the height limit from 35 feet to 35 feet/2½ stories, whichever is less.
  - NC District: Change the height limit from 35 feet to 35 feet/2½ stories, whichever is less.
  - CR District: Maintain the height limit of 35 feet.
  - CC District: Change the height limit for properties in the Urban/Suburban Area from 55 feet to 55 feet/3½ stories, whichever is less; maintain the height limit of 35 feet for properties in the Rural Area.
  - I District: Change the height limit for properties in the Urban/Suburban Area from 55 feet to 55 feet/3½ stories, whichever is less; maintain the height limit of 35 feet for properties in the Rural Area.
  - RI District: Maintain the height limit of 35 feet.
  - Add the following definition for “Half Story”: The space under a gabled or hipped roof, where the wall plates, or knee walls, on at least two opposite exterior walls are not more than two feet above the finished floor of such story. The aggregate width of dormers on a half-story shall not exceed 50 percent of the width of the exterior wall below the dormer(s).
- Section 4.2.5, Building Coverage: Amend Section 4.2.5, Building Coverage, and the definition of “Building Coverage” to read as follows: Building Coverage is the proportion, expressed as a percentage, of the area of a Lot covered by Buildings (Principal and Accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections, other than fire escapes, canopies and the first two feet of a roof overhang. Swimming pools (excluding the pool decking) shall be included in Building Coverage.
- RR-3 Zoning District: Maintain the density of one dwelling unit per three acres in the RR-3 Zoning District with the ability to achieve one dwelling unit per two acres or one dwelling unit per acre through the Conservation Subdivision process as currently allowed.
- R-4 Zoning District:
  - Maintain the current R-4 zoning district density of four dwelling units per acre;
  - Reduce the minimum lot size in the R-4 zoning district to 5,000 square feet to allow the realization of four dwelling units per acre;
  - Allow different housing types (duplexes, triplexes, fourplexes) by-right in the R-4 zoning district;
  - Delete the requirement to have 1.5 times the minimum lot size to have an accessory dwelling unit in the Urban/Suburban Area;

- Delete the 800 square foot maximum accessory dwelling unit size requirement for properties in the Urban/Suburban Area; and
- Address higher densities for affordable and workforce housing in Chapter 6.

**Speakers:**

No one spoke at the meeting.

**Public Input Received:**

- 527 letters received:
  - 1 letter in favor of proposed RR-3 changes
  - 1 letter in favor of proposed RR-3 and R-4 changes (CTAR)
  - 35 letters calling for more public outreach about the changes
  - 5 letters calling for no density increased outside the UGB
  - 5 letters calling for no more homes on Johns Island
  - 34 letters against zoning/density changes in general
  - 1 letter against tree removal for development
  - 1 letter against the proposed mini-golf and larger housing development projects
  - 11 letters against any changes on Seabrook and Kiawah Islands
  - 26 letters against any zoning changes until infrastructure issues are addressed
  - 1 letter against the proposed RR-3 changes
  - 19 letters against the proposed R-4 changes
  - 41 letters against zoning changes for property behind Freshfields/along Kiawah Island Parkway
  - 376 letters against the RR-3 and R-4 changes on Johns Island / the Sea Islands

**Notifications:**

On January 22, 2021, notifications were sent to people on the ZLDR/Comprehensive Plan Interested Parties' List. In addition, the workshop and meeting were noticed in the *Post & Courier* on January 22, 2021.

**March 8, 2021 Planning Commission Meeting and Workshop**

**Meeting Summary:** The Planning Commission recommended approval of the revised proposed amendments for the overall amendments and Chapters one through four (not changing the existing RR-3 and R-4 zoning district densities). The vote was 8 to 0 (Chavis was absent). No one spoke at the meeting.

**Workshop Summary:** The proposed amendments to incentivize affordable and workforce housing pursuant to the directive from the County Council Special Housing Committee (ZLDR Sec. 6.4.19). Eight people spoke in support of the proposed amendments; no one spoke in opposition.

**Public Input:** No additional public input was received (beyond what was received for the February 8, 2021 workshop).

**Notifications:** On February 19, 2021, notifications were sent to people on the ZLDR/Comprehensive Plan Interested Parties' List. In addition, the workshop and meeting were noticed in the *Post & Courier* on January 22, 2021.

**April 19, 2021 Planning Commission Workshop**

**Workshop Summary:** Staff presented the proposed amendments for Art. 6.1 through 6.4. The Commission reached consensus regarding the proposed amendments with the exception of directing staff to do further research on the following for discussion at the May 10 workshop:

- Resource Extraction use conditions: Address hours of operation; include a 500' radius notification requirement; consider larger distances between mines; and add the word "radius" to the description of how the distance requirement is measured.
- Recycling Drop-Off Center use conditions: Add a condition stating such uses are not allowed

where curbside pickup exists.

- Solar Farm use conditions: Investigate different criteria for such uses on cleared vs. forested lots; identify the reasons for the 2-mile distance, 5 acre minimum lot size, and 16' height requirements; consider deeper buffer requirements; and consider requiring conservation easements.

**Speakers:**

Two people spoke at the meeting. They were supportive of the amendments and had additional suggestions they wanted the Commission to consider.

**Public Input:** One letter from the Wadmalaw Island Land Planning Committee was received concerning proposed solar farm use conditions.

**Notifications:** On March 26, 2021, notifications were sent to people on the ZLDR/Comprehensive Plan Interested Parties' List and the workshop was noticed in the *Post & Courier*.

**May 10, 2021 Planning Commission Meeting and Workshop**

**Meeting Summary:** The Planning Commission recommended approval of the revised proposed amendments for ZLDR Chapter 5 (vote 8 to 0, Miller absent). No one spoke at the meeting.

**Workshop Summary:** The Commission continued discussing the proposed amendments for ZLDR Art. 6.1 through 6.4 and staff introduced the proposed amendments to ZLDR Art. 6.5 through 6.8. The Commission directed staff to investigate additional amendments regarding Solar Farms and Resource Extraction uses and bring those back for discussion at the June 14 meeting. Three people spoke at the workshop. They were supportive of the amendments and had additional suggestions they wanted the Commission to consider.

**Public Input:** Two letters regarding the proposed amendments for resource extraction were received on May 7, 2021. One letter supporting the amendments to allow boat and RV storage in the CR Zoning District was received on May 10, 2021.

**Notifications:** On April 23, 2021, notifications were sent to people on the ZLDR/Comprehensive Plan Interested Parties' List and the workshop and meeting were noticed in the *Post & Courier*.

**June 14, 2021 Planning Commission Workshop**

**Workshop Summary:** The Commission continued discussing the proposed amendments for ZLDR Art 6.1 through 6.4 and Art. 6.5 through 6.8 and staff introduced the amendments proposed for Chapter 8.

**Public Input:** Three letters were received prior to the meeting addressing additional changes for resource extraction and solar farm uses, as well as for conservation subdivisions.

**Notifications:** On May 28, 2021, notifications were sent to people on the ZLDR/Comprehensive Plan Interested Parties' List and the workshop was noticed in the *Post & Courier*.

**June 28, 2021 Planning Commission Workshop and Meeting**

**Workshop Summary:** The Commission continued discussing the proposed amendments for Art. 6.1 through 6.4, Art. 6.5 through 6.8, and ZLDR Ch. 8, as well as the additional proposed amendments for Ch. 3 and 5. Staff also reviewed the proposed amendments for Ch. 10 and 12. One member of the public spoke at the workshop, stating his support for the proposed amendments.

**Meeting Summary:** The Planning Commission recommended approval of the amendments proposed for Ch. 3, 5, 6, 8, 10, and 12 (vote 8 to 0, Gandy absent). No one spoke at the meeting.

**Public Input:** No additional public input was received.

**Notifications:** On June 11, 2021, notifications were sent to people on the ZLDR/Comprehensive Plan Interested Parties' List and the workshop and meeting were noticed in the *Post & Courier*.

**July 19, 2021 Planning Commission Workshop and Meeting**

**Workshop Summary:** The Commission discussed the amendments proposed for Chapter 9 and Appendix A.

**Meeting Summary:** The Planning Commission recommended approval of the amendments proposed for Chapter 9 and Appendix A (vote 8 to 0, Floyd absent). One member of the public spoke at the meeting.

**Public Input:** No additional public input was received.

**Notifications:** On July 2, 2021, notifications were sent to people on the ZLDR/Comprehensive Plan Interested Parties' List and the workshop was noticed in the *Post & Courier*.

**September 14, 2021 Public Hearing**

**Notifications:** On August 13, 2021, notifications were sent to people on the ZLDR/Comprehensive Plan Interested Parties' List and the hearing was noticed in the *Post & Courier*.