

CHARLESTON COUNTY PLANNING COMMISSION MEETING
Committee Room (B-225), 2nd Floor, Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive, North Charleston, SC

AGENDA
APRIL 8, 2019
2:00 P.M.

- I. CALL TO ORDER & INTRODUCTIONS**
- II. COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT**
- III. APPROVAL OF THE MINUTES FOR THE MARCH 11, 2019 MEETING & BOLT FARM TREEHOUSE PD WORKSHOP**
- IV. CORRESPONDENCE**
- V. DISCUSSION OF PROPOSED ZLDR AMENDMENTS**
 - a. Article 3.1.5, Application Submittal: Clarify application submittal requirements.
 - b. Article 5.12, Ashley River Road Corridor Overlay Zoning District: Limit intensity of "Vehicle Storage, including Bus Barns, Boat or RV Storage uses" in the Commercial Core Area (Wappoo Road to William Kennerty Drive) and the Village Commercial Area (William Kennerty Drive to Church Creek).
 - c. Article 3.10, Zoning Variances, and Article 6.8, Short-Term Rental Regulations: Prohibit variances from Short-Term Rental Regulations.
 - d. Chapter 6, Use Regulations, and Chapter 12, Definitions: Clarify Aviation/Private Air Strip requirements and definitions.
 - e. Chapter 12, Definitions: Revise definitions of Campground and Special Events.
- VI. COMMITTEE REPORTS**
 - a. Resilience Committee
- VII. DIRECTOR'S REPORT**
- VIII. CHAIR'S REMARKS**
- IX. EXECUTIVE SESSION (if necessary)**
- X. NEXT MEETING DATE: MAY 13, 2019**
- XI. ADJOURNMENT**

**CHARLESTON COUNTY
PLANNING COMMISSION MINUTES
MARCH 11, 2019**

ATTENDEES

Planning Commission: Kip Bowman, Laura Dukes Beck, Cindy M. Floyd, Adam MacConnell, Warwick Jones, David Kent, Eric Meyer and Pete M. Paulatos. Commissioner Sussan Chavis was absent.

County staff: Joel Evans, Director of Planning/Zoning; Austin Bruner, Assistant County Attorney; Andrea Pietras, Deputy Director of Planning/Zoning; Dan Frazier, Planner II; Ryan Petersen, Planner III; Janine Saab, Planner I; Niki Grimbball, Planner II; Emily Pigott, Planning Tech. I; Robin Lewis, Admin. Assistant II; and Sally Hebert, Administrative Support Coordinator I.

Members of the public: Ronald Gold, Peggy Ricker, Helen Rogers, Bruce Binney, Pam Skinner, Gregory Cushing, Diane Cushing, Willie Hazel, Betsy LaForce, Bradford Hincer, Michael Regan, Gwen Moultrie, Charles Winner, Caroline Von Asten, Elizabeth Wenner, Abraham Wright, James V. Svendsen, Danna Cox, Robert Cox, Madge Hallett, W. Dale Blessing, Virgil G. Svendsen, Lauri J. Maglen, Gary Collins, Fred Gunter, Tomas Hainich, Tatiana and Artua Pacult, Maryellen Gibson, Elizabeth Ransford, Tori Bolt, Sheryl Truedell, Yvonne Miller, Jane Settle, Elizabeth McKown, Bryan F. McKown, Jolita M. Murphy, Bertha Middleton

CALL TO ORDER

Chair Meyer called to order the meeting of the Charleston County Planning Commission at 2 p.m. in Room B-225 at the Lonnie Hamilton, III, Public Services Building, 4045 Bridge View Drive, North Charleston, SC, 29405. He invited all to stand for the Pledge of Allegiance.

COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT & INTRODUCTIONS

Chair Meyer announced that the meeting was noticed in compliance with the South Carolina Freedom of Information Act. He stated the purpose of the Planning Commission and introduced its members. He then invited Joel Evans to introduce staff.

APPROVAL OF MINUTES

On the motion of Commissioner Paulatos, seconded by Commissioner Adam MacConnell, the Planning Commission voted eight in favor, with none opposed, to approve the February 11, 2019, meeting minutes.

CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR) TEXT AMENDMENT REQUEST: ZLDR-01-19-00114; and ZLDR ZONING MAP AMENDMENT REQUEST: ZREZ-01-19-00094

Chair Meyer called on Janine Saab to describe the request. She discussed the zoning history of the 2.76-acre property, which is located at 4091 N. Highway 17 in Awendaw and is currently zoned PD. She said the applicant is requesting changes to the PD to allow an additional 30,000-gallon propane tank on site and three accessory structures.

Ms. Saab said the applicant's rezoning request meets the ZLDR criteria for the applications and is in compliance with the Comprehensive Plan and the ZLDR; therefore, staff recommends approval of the zoning text amendment and approval with conditions of the PD amendment. The recommended conditions of approval of the PD amendment relate to formatting and wording, and referencing the regulations which will apply to subsequent development application submittals. She then answered questions of clarification as posed by Commissioners.

Chair Meyer invited audience members in favor of the rezoning request to come forward and speak.

Speaking in favor of approval were:

- Ronald S. Gold (applicant/owner), 4091 N. Highway 17 in Awendaw;
- Dale Blessing, PE, 3404 Legareville Road on Johns Island, representing the applicant; and
- Mickey Seabrook, Civil Engineer, 1017 Chuck Dawley Blvd, Mt. Pleasant, representing the applicant.

Speaking in opposition and/or asking questions of clarification were:

- Abraham Wright, 4089 Highway 17N in Awendaw, who stated concerns about the odor and view related to an additional tank; and
- Willie Hazel, 907 Tasia Lane, who asked for clarification on the location of the tank.

On the motion of Commissioner Kent, seconded by Commissioner Bowman, the Planning Commission voted eight in favor, with none opposed, as follows :

- Approval of the ZLDR text amendment request, rezoning in the underlying zoning district, a 0.13 acre portion of TMS 632-00-00-013 and a 0.08 acre portion of 632-00-00-032 to PD-105A, and amend Map 5.10.5.A, Highway 17 North Corridor Overlay Zoning District, 10 Mile Community, to expand the boundaries of PD-105 to match the proposed boundaries of PD-105A.
- Approval of the ZLDR zoning map amendment request with the conditions listed below, to rezone TMS 632-00-00-023 from PD-105, Gold Propane to PD-105A, Gold Propane, and to amend property boundaries to include a 0.13-acre portion of TMS 632-00-00-013 and a 0.08-acre portion of TMS 632-00-00-032, and to allow a second propane tank and accessory structures on site.
 - Land Uses, second paragraph: Add the following wording to the end of the sentence: "...at the time of subsequent development application submittal..."
 - Setbacks and Buffers, Point 1, second sentence: Amend the sentence to read as follows: "Existing vegetation onsite can be used to fulfill the Type D land use buffer requirements in Section 9.5.4 of the ZLDR, at the time of subsequent development application submittal. Where existing vegetation does not meet those requirements, additional plantings are required."
 - Setbacks and Buffers, Point 2, second sentence: Amend the sentence to read as follows: "Existing vegetation onsite can be used to fulfill the Type B land use buffer requirements in Section 9.5.4 of the ZLDR, at the time of subsequent development application submittal. Where existing vegetation does not meet those requirements, additional plantings are required."

ZREZ-01-19-00093: Request to rezone 1618 Harbor View Road, TMS 424-05-00-072, from the Single Family Residential 4 (R-4) Zoning District to the Residential Office (OR) Zoning District

Chair Meyer called on Niki Grimball to describe the request. She gave a zoning history of the parcel, discussed typical allowed uses, and displayed maps and pictures. Because the zoning map amendment request meets one or more of the approval criteria, she said staff recommends approval. Staff has received one letter in support of the rezoning request from a property neighbor.

Chair Meyer invited audience members to come forward and speak.

- Virgil Svendsen (property owner/applicant), 1136 Pittsford Circle in Charleston, said his mother lived on the property for about 50 years before passing away, and now the family wants to sell the property. He said there is a dentist on one side and a psychologist on the other.

No one spoke in opposition.

On the motion of Commissioner Floyd, seconded by Commissioner Bowman, the Planning Commission voted eight in favor, with none opposed, to approve a ZLDR zoning map amendment request, to rezone 1618 Harbor View Road, TMS 424-05-00-072, from the Single Family Residential 4 (R-4) Zoning District to the Residential Office (OR) Zoning District.

ZREZ-02-19-00095: Request to rezone 1384 Orleans Road, TMS 351-06-00-038, from the Single Family Residential 4 (R-4) Zoning District to PD-168, Cleveland Holdings Planned Development for 1384 Orleans Road, for a Commercial Guest House Short-Term Rental.

And

ZREZ-02-19-00096: Request to rezone 1360 Florence Lane, TMS 351-06-00-231, from the Single Family Residential 4 (R-4) Zoning District to PD-169, Cleveland Holdings Planned Development for 1360 Florence Lane, for a Commercial Guest House Short-Term Rental.

Chair Meyer called on Ms. Saab to describe the two requests. Ms. Saab stated that rezoning applications for both parcels were previously considered by the Planning Commission; however, County Council denied the requests on First Reading in December, 2018, waiving the one-year period for reapplication to rezone to the Planned Development Zoning District, which are under consideration today.

Ms. Saab said the proposed PDs are not consistent with Charleston County's Short-Term Rental Ordinance within the ZLDR in that Short-Term Rentals are allowed by Special Exception approval in the R-4 Zoning District, but are limited to a maximum of 144 rental days. The proposed Commercial Guest House Short-Term Rental use, with a maximum number of 350 rental days annually each, are not considered appropriate for the R-4 Zoning District. Ms. Saab reviewed the conditions of approval, should the Planning Commission choose to recommend approval of the requests.

Chair Meyer invited audience members to come forward and speak:

- Bradford Hinch (applicant), 900 N. Main St. in Summerville, spoke in support.

No one spoke in opposition.

On the motion of Commissioner Jones, seconded by Commissioner MacConnell, the Planning Commission voted eight in favor, with none opposed, to disapprove both ZLDR zoning map amendment requests.

DISCUSSION OF PROPOSED ZLDR AMENDMENTS

Chair Meyer called on Andrea Pietras to discuss the proposed ZLDR amendments. Ms. Pietras offered proposed changes to ZLDR amendments to streamline various application processes and to clarify some language and definitions for the purpose of enforcement. She received feedback from Commissioners for incorporation into the proposed changes and for further discussion at a later date.

DISCUSSION OF PROPOSED RULES AND PROCEDURES AMENDMENTS

Ms. Grimball presented edits to the proposed Rules and Procedures.

On the motion of Commissioner MacConnell, seconded by Commissioner Paulatos, the Commission voted eight in favor, with none opposed to approve the Rules and Procedures Amendments as presented.

COMMITTEE REPORTS

- **Resilience Committee:** Commissioner Paulatos – who serves as Chair of the Resilience Committee – reported that the Committee met on February 12. Representatives from the City of Charleston and the City of North Charleston, who deal with resilience and flooding, were in attendance. He said the next meeting will be held March 12 with Liz Fly of the Nature Conservancy speaking on the topic of Natural Solutions to Flooding Mitigation.
- **Affordable Housing:** Ms. Pietras reported that in 2018, County Council directed Planning staff to work with staff from the Charleston Regional Development Alliance and the Charleston Metro Chamber of Commerce to create a task force of affordable housing experts, examining how Charleston County can positively impact affordable housing. She stated the Task Force has held four meetings so far and is preparing to make initial recommendations to County Council on April 23 as part of an interim report. She ended by saying that the Task Force anticipates presenting a final report at the July 23 County Council meeting.

DIRECTOR'S REPORT

Mr. Evans reported that Planning staff has received, in the past three months, the same amount of BZA applications as received during 2013-2014 time period. The uptick in applications are related in part to short-term rental applications and business practices by developers, who are making BZA appeals part of the normal process before seeking a text amendment or rezoning request. There have been no slow-downs in residential or commercial building permits, he said.

ADJOURNMENT

Chairman Meyer adjourned the meeting at approximately 3:07 p.m. He said the Commission would hold its next meeting on April 8 at 2 p.m.

Sally K. Hebert
Recording for the Planning Department

Ratified by the Charleston County Historic Preservation
Commission this 8th day of April, 2019.

Eric Meyer
Chair

Attest:

Joel Evans, PLA, AICP, Director
Zoning & Planning Department

PLANNING COMMISSION DISCLAIMER:

UNRATIFIED MINUTES OF MARCH 11, 2019 MEETING

This document is a draft of the minutes of the most recent meeting of the Charleston County Planning Commission. The members of the Planning Commission have neither reviewed nor approved this document; therefore, these minutes shall only become official meeting minutes after adoption by the Planning Commission at a public meeting of the Commission.

**CHARLESTON COUNTY
PLANNING COMMISSION
WORKSHOP MINUTES
MARCH 11, 2019**

ATTENDEES

Planning Commission: Kip Bowman, Laura Dukes Beck, Cindy M. Floyd, Adam MacConnell, Warwick Jones, David Kent, Eric Meyer and Pete M. Paulatos. Commissioner Sussan Chavis was absent.

County staff: Joel Evans, Director of Planning/Zoning; Austin Bruner, Assistant County Attorney; Andrea Pietras, Deputy Director of Planning/Zoning; Dan Frazier, Planner II; Janine Saab, Planner I; Niki Grimball, Planner II; Lisa McCray, Planner II; Emily Pigott, Planning Tech. I; Robin Lewis, Admin. Assistant II; and Sally Hebert, Administrative Support Coordinator I.

CALL TO ORDER

Chair Meyer called to order the workshop of the Charleston County Planning Commission, immediately following the close of the Planning Commission meeting in Room B-225 at the Lonnie Hamilton, III, Public Services Building, 4045 Bridge View Drive, North Charleston, SC, 29405.

Chair Meyer invited Mrs. Tori Bolt, 6569 Maybank Highway, Wadmalaw Island, to give a presentation on the Bolt Farm Treehouse, described by the applicant as follows: "The properties are located at TMS# 1510000095 with the following addresses 6569, 6555, 6543, 6539 Maybank Highway. The property is approximately 34.7 acres and has 4 treehouse properties intended to be rented as short-term rental with no rental day limitations. The plan is to host events no greater than 99 people in attendance in conjunction with rentals so as not to trigger a special event designation. A storage container is requested to remain in parcel adjacent to Maybank to continue acting as storage for property. There is also a plan to build a small office on the property."

PRESENTATION: CONCEPTUAL PLANNED DEVELOPMENT FOR "BOLT FARM TREEHOUSE"

Mrs. Bolt, the property owner, stated she and her husband, Seth, live on the property. She explained that they built four one-bedroom structures and seek the freedom and permission to rent them out beyond what the current regulations allow for short-term rentals in the agricultural zoning districts (72 nights per year). She said their proposed use could be considered a bed-and-breakfast land use, which was included in the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) prior to the adoption of the Short-Term Rental Ordinance, and was previously allowed on Wadmalaw Island, but has since been eliminated as a use category.

Instead of building a four-bedroom mini-mansion, she said they built four one-bedroom structures, sprinkled across their property. She described the property as a retreat, allowing out-of-state family to come together for holidays and allowing members of her husband's band to gather with their families for writing sessions.

Mrs. Bolt stated that it was not their desire to request a rezoning to the Planned Development Zoning District (PD), and they understand that the residents of Wadmalaw Island do not like PDs. She explained that rezoning to the PD Zoning District is the only way forward to achieve their proposed use, and stated the PD will be very clear about the land uses and regulations that apply to the property so that it cannot be abused or misinterpreted.

She said they held a community workshop on their property, and she presented a petition of support, signed by sixty-one people. She said she wants to work very closely with the community, the neighbors and the Wadmalaw Land Use Planning Commission (WILUPC).

Gary Collins, a landscape architect with Seamon Whiteside who is representing the Bolts, gave a 10-slide presentation regarding the regulations being developed for inclusion in the draft PD Zoning District application. He said the Bolts want to conform to the County's definition of special events because there may be special events held on the property associated with people renting the cottages. He said they

would like to have the two existing shipping containers remain on site for storage, and stated the Bolts want to build a small office on the property.

At the conclusion of Mr. Collins' presentation, Chair Meyer asked Commissioners if there were any questions. One Commissioner asked how the treehouses were built when they didn't comply with the zoning at the time of construction. Mrs. Bolt said the structures were permitted under the ZLDR as a dwelling group, and the issue now is the conversion of the units to short-term rentals.

Chair Meyer asked Lisa McCray, Planner II, for a report on the zoning and building code violations. Ms. McCray stated that Code Enforcement Officers from both the Zoning/Planning and Building Services Departments, investigated the property based on a complaint and found violations, including use of the property for short-term rentals out of compliance with zoning permits, addition of two container units without permits, one of which was placed in the OCRM Critical Line buffer, and various Building Code violations, such as renting two of the units as short-term rentals prior to issuance of Certificates of Occupancy.

Chair Meyer then invited members of the audience to address the Commission.

Speaking in support was:

- Jane Settle, 3456 Thorpe Constantine Ave, said she is not a resident of Wadmalaw Island but knows the Bolts through Rockville Presbyterian Church. She spoke in support of the Bolt Farm Treehouse.

Speaking in opposition were:

- Michael Regan, 5435 John Lane, said the Bolts have previously represented the property as a family property and a place for the band to go to write music. At no time did they mention their commercial hoteling operation in Walhalla, SC, and plans to bring a luxury treehouse hotel to Wadmalaw, he said. He stated they also never informed the community of their plans to have special events and that they are advertising to hire a full-time hospitality and facilities manager onsite at a salary of \$40,000 per year plus free lodging.
- Tomas Hainich, 6542 Southmount Road, president of the homeowners association for Rockville Woods, said four rental units at \$390 per night for 365 days equals a \$500,000 income rather than a family retreat, as the Bolt's originally stated.
- Tatiana Pacult, 6543 Southmount Road, objected to the property's use as a hotel or for short-term rentals.
- Elizabeth Wenner, 2027 Leadenwah Drive, said she and her husband built on Wadmalaw Island in 1988 and both have served on the WILUPC. She said she is opposed to changing the property's zoning from AG-15 to PD because if the Bolts decide to sell the property, the PD designation remains. She said she wants to preserve Wadmalaw Island.
- Brian McKeon, resident of Wadmalaw Island, said it appears from the online marketing that the desire all along was to rent the units as a money-making proposition rather than as a family complex.
- Pam Skinner, 1437 Fairview Plantation Road, brought a copy of the WILUPC guidelines, and stated that many of the people in the room started working 30 years ago to get them adopted. She noted that Wadmalaw Island has some of the strictest zoning in the state, and residents want to keep it that way. She said this isn't a zoning issue, but rather an attempt to change zoning to do more than the Short-Term Rental Ordinance allows.
- Betsy LaForce of the South Carolina Coastal Conservation League (SCCCL), 49 Calhoun Street, said her organization started following this application back in 2018 when it appeared on the Board of Zoning Appeals agenda. She stated that when SCCCL did some research, they found the Bolts own the state's number one AirBnB in Walhalla, South Carolina, so they reached out to the Bolts who said the property would be strictly for family and friends, and there would

be no commercial use at all. She said SCCCL supports the integrity of the AG-15 land use designation and zoning district and opposes granting a PD, because it would set a dangerous precedent for future land use.

- Fred Gunter, 2595 Southmount Road, said the Island is a special place for residents and for the Boy Scouts. He said a PD would lead to changes to creek access and deterioration of nature. He stated concerns about the impact on dolphins and porpoises in the creek.
- John Murphy, 6556 Southmount Road, said he and his wife are recent residents of Wadmalaw Island, who purchased there for the natural beauty and conservatory history surrounding the Island. He said the Bolts' plans do not sound like a family residence, but rather a commercial hotel or bed-and-breakfast operation. He said Wadmalaw Island is not the right location for this, and he has concerns about the impact of a PD on the natural wildlife and traffic.
- Donna Cox, 1310 Harts Bluff, said she is a 30-year resident of Wadmalaw Island. She said Wadmalaw Island exists for agrarian and residential purposes, not for rental purposes or band practice. She said Wadmalaw Island fills the soul of the people who live there.
- Caroline von Asten, 2355 Leadenwah Drive, said she lives on 40 acres with her horses and owns four short-term rentals in the City of Charleston. She stated she does not want to be surrounded by short-term rentals on Wadmalaw Island. She also stated that, as an owner of short-term rentals, she followed the City and County adoption processes for their respective short-term rental regulations and said that the applicant should have done the same.
- Bertha Middleton, 1715 Etheridge Road, said she is a long-time resident of Wadmalaw Island whose ancestors sat on the WILUPC and helped put the laws in place. She said she is an advocate for the seniors living on the Island, and they have concerns with excessive traffic.

ADJOURNMENT

Chairman Meyer adjourned the meeting at approximately 3:40 p.m.

Sally K. Hebert
Recording for the Planning Department

Ratified by the Charleston County Historic Preservation
Commission this 8th day of April, 2019.

Eric Meyer
Chair

Attest:

Joel Evans, PLA, AICP, Director
Zoning & Planning Department

PLANNING COMMISSION DISCLAIMER:

UNRATIFIED MINUTES OF MARCH 11, 2019 WORKSHOP

This document is a draft of the minutes of the most recent workshop of the Charleston County Planning Commission. The members of the Planning Commission have neither reviewed nor approved this document; therefore, these minutes shall only become official meeting minutes after adoption by the Planning Commission at a public meeting of the Commission.

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

**Planning Commission Meeting #1: March 11, 2019
Planning Commission Meeting #2: April 8, 2019**

Summary of Proposed Amendments:

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

- a. Article 3.1.5, Application Submittal: Clarify application submittal requirements.
- b. Article 3.7, Site Plan Review: Clarify Site Plan Review process and requirements.*
- c. Article 5.12, Ashley River Road Corridor Overlay Zoning District: Limit intensity of "Vehicle Storage, including Bus Barns, Boat or RV Storage uses" in the Commercial Core Area (Wappoo Road to William Kennerty Drive) and the Village Commercial Area (William Kennerty Drive to Church Creek).
- d. Article 3.10, Zoning Variances, and Article 6.8, Short-Term Rental Regulations: Prohibit variances from Short-Term Rental Regulations.
- e. Chapter 6, Use Regulations, and Chapter 12, Definitions: Clarify Aviation/Private Air Strip requirements and definitions.
- f. Chapter 12, Definitions: Revise definitions of Campground and Special Events.

This packet includes the full text of each individual proposed amendment.

*Note: The proposed amendments for Art. 3.7, Site Plan Review, are still in process, and will either be provided at the March 11 Planning Commission meeting or in advance of a future Planning Commission meeting.

Staff Recommendation:

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

Planning Commission Review and Recommendation – April 8, 2019:

The Planning Commission reviewed the proposed amendments and made the following suggested revisions:

- Specify the buffers required for airstrip uses; and
- Delete the word "vacation" from the definition of the term "Campground".

In addition, they requested staff provide drawings illustrating the proposed development limitations for Vehicle Storage uses in the Ashley River Road Corridor Overlay Zoning District.

March 11, 2019 Planning Commission Meeting Notifications:

The Planning Commission meeting was noticed in the *Post & Courier* on February 22 and the same day, notifications were sent to 688 people on the ZLDR/Comprehensive Plan Interested Parties' List.

Planning Commission Review and Recommendation – April 8, 2019:

April 8, 2019 Planning Commission Meeting Notifications:

The Planning Commission meeting was noticed in the *Post & Courier* on March 22 and the same day, notifications were sent to 688 people on the ZLDR/Comprehensive Plan Interested Parties' List.

CHAPTER/ARTICLE/SECTION: Chapter 3, Development Review Procedures, Article 3.1.5,
Application Submittal
REASON FOR AMENDMENT: Clarify application submittal requirements.

PROPOSED AMENDMENTS:

ARTICLE 3.1 GENERAL

§3.1.5 Application Submittal

- A. Whenever the procedures of this Ordinance expressly state that applications are to be submitted after a "pre-application conference," applicants shall be responsible for scheduling and attending such meetings. When pre-application conferences are required, an application shall not be accepted until the pre-application conference has been conducted, and any errors or omissions noted in review of the application for completeness have been addressed by the applicant.
- B. Until an application is deemed complete pursuant to this Article, all related materials shall be treated as proprietary information.
- C. ***Once an application is deemed complete and submitted for consideration by the Planning Commission or Board of Zoning Appeals pursuant to this Article, it shall not be altered by the applicant. If the applicant alters, modifies, or changes the application after it has been deemed complete, the application shall be considered withdrawn and the applicant must submit a new application in compliance with this Article and all applicable fees must be paid.***

CHAPTER/ARTICLE/SECTION: Article 3.10, Zoning Variances, and Article 6.8, Short-Term Rentals.
REASON FOR AMENDMENT: Prohibit variances from Short-Term Rental Regulations.

PROPOSED AMENDMENTS:

Article 3.10, Zoning Variances

§3.10.1 Applicability; Limitations

The Board of Zoning Appeals shall be authorized to approve Zoning Variances to any zoning-related dimensional, design or performance standard set forth in this Ordinance, provided that the Approval Criteria of Section 3.10.6 are met and provided that such Zoning Variance does not have the effect of:

- A. Permitting a use, activity, business or operation that is not otherwise allowed by the Use Regulations of the underlying zoning district;
- B. Allowing the physical extension of a Nonconforming Use, except as expressly allowed in Chapter 10;
- C. Increasing the density of a residential use above that permitted by the underlying district;
- D. Varying the sign regulations of this Ordinance;
- E. Varying or waiving the Subdivision Regulations contained in Chapter 8; ~~or~~
- F. Varying any requirements for Short-Term Rental Properties contained in Article 6.8 and/or waiving any processes or standards for Short-Term Rentals contained in Article 6.8; or***
- G. Varying or waiving any other standard of this Ordinance that is expressly stated as being ineligible for a Zoning Variance.

Article 6.8, Short-Term Rentals

§6.8.1 Purpose and Applicability

- A. **Purpose.** The County is committed to working to protect the traditional quality of life and character of its residential neighborhoods. The County has concerns about permitted short-term rentals resulting in increased traffic, noise, trash, parking needs, safety and possible adverse impacts and other undesirable changes to the nature of the County's neighborhoods. Therefore, after providing many opportunities for public input and following careful study and consideration, County Council finds it appropriate and in the best interests of its residents, property owners, and visitors to regulate Short-Term Rental Properties (STRPs) within unincorporated County of Charleston.

This Article sets out standards for establishing and operating Short-Term Rental Properties. These regulations are intended to provide for an efficient use of residential dwellings as STRPs by:

- 1. Providing for an annual permitting process to regulate STRP's;
- 2. Balancing the interests of owner-occupied dwellings with properties that are frequently used in whole or in part by Short-Term Rental Tenants;
- 3. Allowing homeowners to continue to utilize their residences in the manner permitted by this Ordinance for the Zoning District in which a particular home is located;
- 4. Providing alternative accommodation options for lodging in residential dwellings; and
- 5. Complementing the accommodation options in environments that are desirable and suitable as a means for growing tourism.

B. Applicability.

1. Short-Term Rental Types. The following Short-Term Rentals shall be authorized pursuant to this Article:
 - a. Limited Home Rental (LHR) - a property with an owner-occupied residential dwelling, located in the RM, AG-15, AG-10, AG-8, AGR, RR-3, S-3, R-4, M-8, M-12, or MHS Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, not to exceed 72 days in the aggregate during any calendar year, with individual rental terms not exceeding 29 consecutive days.
 - b. Extended Home Rental (EHR) - a property with an owner- or non-owner occupied residential dwelling, located in the S-3, R-4, M-8, M-12, or MHS Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, for more than 72 days but not to exceed 144-days in the aggregate during any calendar year, with individual rental terms not exceeding 29 consecutive days. To establish a EHR, a property owner must obtain a Special Exception from the Board of Zoning Appeals (BZA) pursuant to the requirements of [ARTICLE 3.6](#) of this Ordinance.
 - c. Commercial Guest House (CGH) - a property located in the OR, OG, CN, CR, CT, or CC Zoning Districts, where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation, for intervals of 29 days or less during a calendar year.
2. Applicable Zoning Districts. STRPs shall be allowed within the Zoning Districts of this Ordinance in accordance with Table 6.1.1, Use Table, applicable overlay zoning district regulations, and as approved in Planned Development Zoning Districts.
3. Application. Applications for STRPs shall be made in compliance with this Article.
4. ***Variances from or waiving any processes, requirements, and/or standards contained in this Article are prohibited.***

CHAPTER/ARTICLE/SECTION: Article 5.12, Ashley River Road Corridor, ARRC-O, Overlay Zoning District.

REASON FOR AMENDMENT: Limit intensity of “Vehicle Storage, including Bus Barns, Boat or RV Storage uses” in the Commercial Core Area (Wappoo Road to William Kennerty Drive) and the Village Commercial Area (William Kennerty Drive to Church Creek) of the Overlay Zoning District.

PROPOSED AMENDMENTS:

§5.12.8 Commercial Core Area (Wappoo Road to William Kennerty Drive)

The Commercial Core Area is a major commercial node in this part of West Ashley and extends from Wappoo Road to William Kennerty Drive as shown on the ARRC-O map entitled “Commercial Core Area”. This area consists of higher intensity commercial uses such as chain type restaurants, vehicle service and repair, drug stores, shopping centers, and gas stations with minimal buffering along Ashley River Road. Future development in this area is intended for higher intensity commercial uses than those found in the other areas of the corridor. The requirements of this Section apply to parcels within the Commercial Core Area. All development applications shall, at the time application is made, provide documentation that the following requirements will be met:

A. Permitted uses

Permitted uses shall include those uses as allowed in the Neighborhood Commercial (CN) and Community Commercial (CC) Zoning Districts as indicated on the ARRC-O map and as described in Table 6.1.1, Use Table.

B. Prohibited uses

Shooting Ranges and Self-Storage Facilities are prohibited.

C. Uses Requiring Special Exception

Liquor, Beer, or Wine Sales (as defined in this Ordinance); ***Vehicle Storage, including Bus Barns, Boat or RV Storage***; and Bar or Lounge require Special Exception approval pursuant to the requirements of this Ordinance.

D. Building Height

Building height is limited to a maximum of 35 feet and two and a half (2.5) stories. The Building Height definition contained in [CHAPTER 12](#) of this Ordinance shall apply. Building heights of up to fifty-five (55) feet and four (4) stories may be approved by the Planning Director when the building meets all applicable setback and buffer requirements and the ~~following~~ conditions ***listed below; however, Vehicle Storage, including Bus Barns, Boat and RV Storage, uses shall not exceed 35 feet in height.***

1. The portion of the building exceeding thirty-five (35) feet in height is stepped back at least thirty (30) feet from the portion(s) of the building that meets the thirty-five (35) foot height requirement; and
2. The stepped portion is measured from the outside edge of the building that is parallel to a right-of-way and, if applicable, from the outside edge of the building that is parallel to an adjacent parcel which contains or is zoned for single family detached residential use.

E. Right of Way Buffer

A minimum of a twenty-five (25) foot deep vegetated right-of-way buffer shall be required along Ashley River Road which may be reduced to eight (8) feet when there is no parking or vehicular use area between the buildings and rights-of-way.

Effective on: 11/20/2001, as amended

§5.12.9 Village Commercial Area (William Kennerty Drive to Church Creek)

The Village Commercial Area extends from William Kennerty Drive to Church Creek as illustrated on the ARRC-O map entitled "Village Commercial Area". This area currently consists of mixed scale high to medium intensity commercial development such as shopping centers and consumer services, small scale offices, restaurants, and some multi-family uses. This area is intended to be developed with less intense commercial development than the Commercial Core area. Future development in this area should place high priority on pedestrian connectivity between businesses and neighborhoods with attractive planted streetscapes and building architecture. The requirements of this Section apply to parcels within the Village Commercial Area as indicated on the map. All development applications shall, at the time application is made, provide documentation that the following requirements will be met:

A. Permitted uses

Permitted uses include those uses as allowed in the Residential Office (OR), Neighborhood Commercial (CN), and Community Commercial (CC) Zoning Districts as indicated on the Overlay map and as described in Table 6.1.1, Use Table.

B. Prohibited uses

Multi-family development not part of a mixed use development; Tow Facilities; Auto Dealers (New and Used); Exterior Display of Goods; Shooting Ranges; Fire Works Stands (permanent and temporary); Self-Storage Facilities; and Tattoo parlors shall be prohibited uses.

C. Uses Requiring Special Exception

~~Vehicle Storage; Boat/RV Storage;~~ ***Vehicle Storage, including Bus Barns, Boat or RV Storage;*** Used Car Sales; Bars or Lounges; Consumer Vehicle Repair; Fast Food Restaurants; Gasoline Service Stations (with or without convenience stores); Indoor Recreation and Entertainment; Consumer Vehicle Repair; and Liquor, Beer, or Wine Sales (as defined in this Ordinance) require Special Exception approval pursuant to the requirements of this Ordinance.

D. Building Height

Building height in these areas is limited to a maximum of 35 feet and two and a half (2.5) stories. The Building Height definition contained in **CHAPTER 12** of this Ordinance shall apply.

E. Building Size

1. No single building footprint shall exceed 10,000 square feet unless approved under the Special Exception procedures of this Ordinance. ~~The Building Cover requirements of this Article apply in addition to the requirements of this Section.~~ ***The requirements of this Section are in addition to the Building Cover requirements of this Article.***
2. ***The total size of the buildable area (area located inside all required buffers and setbacks) for Vehicle Storage, including Bus Barns, Boat or RV Storage, operations shall not exceed 5,000 gross square feet unless approved pursuant to the Special Exception procedures of this Ordinance.***

F. Lighting

Lighting shall be required and comply with §9.6.4 C of this Ordinance. In addition, architectural style lighting shall be required along all sidewalks every fifty (50) feet on center with a maximum height of twenty (20) feet.

G. Pedestrian Access

Bike and pedestrian ways shall be included in site design and shall link access to adjacent parcels, as well as within the development area. Pedestrian walkways shall be separated from the travel ways and may be located within right of ways or within buffers and shall provide direct connections from the street to the main entrance and to abutting properties. Pedestrian walkways shall also be designed and located in a manner that does not require pedestrians to walk through parking lots or within driveways.

H. Right of Way Buffer

A minimum of a thirty-five (35) foot deep vegetated right-of-way buffer shall be required along Highway 61, which may be reduced to twenty (20) feet when there is no parking or vehicular use area between the buildings and rights-of-way.

CHAPTER/ARTICLE/SECTION: Chapter 6, Use Regulations, and Chapter 12, Definitions
REASON FOR AMENDMENT: Clarify Aviation/Private Air Strip requirements and definitions.

Proposed Amendments:

1. Change the Use Table for “Aviation, including Private Air Strips” uses from “S” to “C” for the RM, AG-15, AG-10, and AG-8 zoning districts.
2. Revise the condition of use, Section 6.4.56, Airports, ***Private Air Strips***, Heliports, and Other Aircraft Landing/Takeoff Facilities:
 - ***A. Private Air Strips as defined in this Ordinance must comply with the Special Exception procedures of this Ordinance. In addition, landing strips must have a minimum setback of 100 feet from all property boundaries and a Type E (60-foot) vegetated buffer must be provided from all property boundaries. If in conflict with any state or federal regulations, the more restrictive regulation(s) shall apply.***
 - B. Facilities providing landing and/or takeoff areas, service, hanger, or storage for aircraft, helicopters, lighter than air aircraft, hot-air balloons, or other similar craft ***with the exception of Private Air Strips (as defined in this Ordinance)*** must comply with the Planned Development Procedures contained in this Ordinance.
3. Add a definition for Private Air Strip to Chapter 12, Definitions: ***“A single private (not open to the public) runway without normal air base or airport facilities. Normal air base or airport facilities include, but are not limited to: airports; landing fields; aircraft parking and service facilities and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security; facilities for loading, unloading, and interchange of passengers, baggage, and incidental freight; and/or package express between modes of transportation.”***
4. Change the definition of “Aviation” to: “Airports, landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. Aviation also includes facilities for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of transportation. ***This definition excludes Private Air Strips.***”

CHAPTER/ARTICLE/SECTION: Chapter 12, Definitions, Article 12.1, Terms and Uses Defined
REASON FOR AMENDMENT: Revise definitions of Campground and Special Events.

PROPOSED AMENDMENTS:

ARTICLE 12.1 TERMS AND USES DEFINED

Campground. An outdoor venue where mobile, ***permanent***, or non-permanent lodging is used or provided for recreation, ~~or educational, or vacation~~ purposes. Short-Term Rental Properties and RV Parks are not included in this definition.

Special Event. ~~An activity (occurring one or more times) involving the assembly or the intention of attracting 100 or more people for cultural, ceremonial, educational, or celebratory purposes, which generates revenue, regardless of status. Such assembly includes, but is not limited to: weddings, receptions, recitals, art exhibits, religious ceremonies, limited youth activities, book readings, wine/food tasting events, executive retreats, circuses, fairs, carnivals, festivals, auctions, concerts, and any event which is advertised or marketed in any form including, but not limited to: posters, business cards, internet, and media outlets; serves an entrepreneurial purpose; includes fees/charges for goods/services (e.g. food & drink); and whenever there is an admission fee or leasing fee. This definition does not include private parties or private functions that do not meet the above stated criteria.~~

Any activity that involves public assembly for which one or more of the following apply: (1) there is an admission fee or leasing fee; (2) there is controlled or ticketed entry; and/or (3) at which, goods and/or services (e.g., food and drink) are available for purchase. Special events include, but are not limited to, events held on private properties and properties owned by membership based organizations and businesses. This definition does not include private parties or private functions, including neighborhood gatherings, that do not meet the above stated criteria; however, community-wide events organized by non-profit or for-profit businesses or organizations, individuals, or groups that do not have a geographic base are considered Special Events.

Proposed Amendments to the Zoning & Land Development Regulations Ordinance (ZLDR)

Charleston County Council Planning Commission Meeting
April 8, 2019

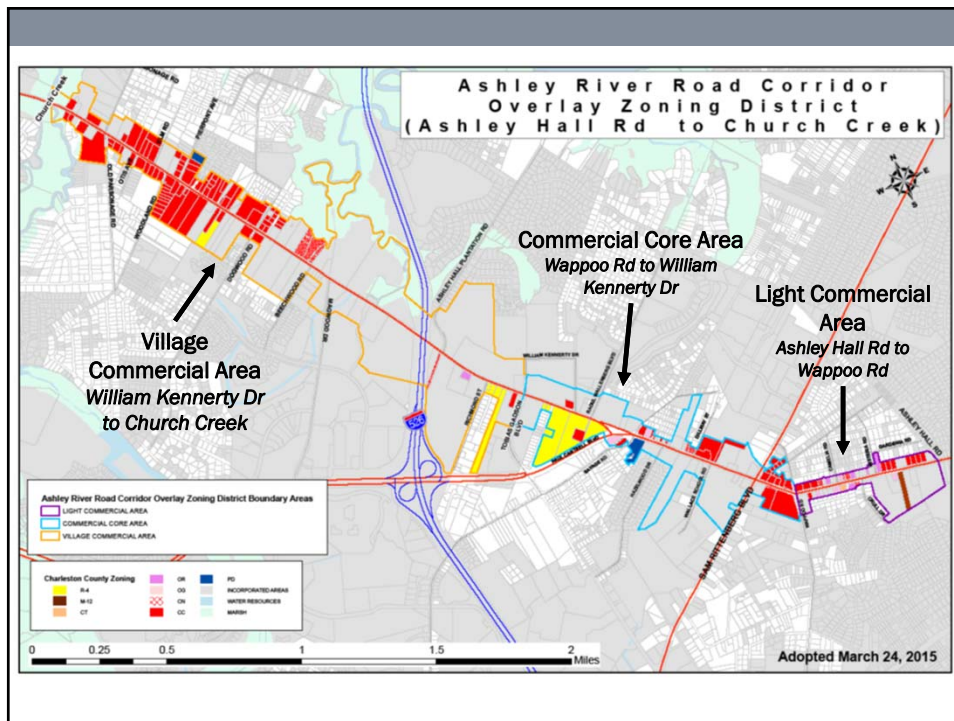


Art. 3.1.5, Application Submittal

- The ZLDR does not currently contain a prohibition on alteration of applications submitted for Planning Commission and Board of Zoning Appeals consideration after such applications are submitted a deemed complete
- Proposed Amendments:
 - *Once an application is deemed complete, it shall not be altered by the applicant.*
 - *If the applicant alters, modifies, or changes the application after it has been deemed complete, the application shall be considered withdrawn and the applicant must submit a new application and pay required fees.*

Art. 5.12, Ashley River Road Corridor Overlay Zoning District (ARRC-O)

- The ARRC-O includes three sub-areas:
 - Light Commercial Area (Ashley Hall Rd to Wappoo Rd): Intended to provide appropriate services to neighborhoods.
 - Commercial Core Area (Wappoo Rd to William Kennerty Dr): Higher intensity commercial uses such as vehicle service and repair, gas stations, shopping centers.
 - Village Commercial Area (William Kennerty Dr to Church Creek): Mixed scale high to medium intensity commercial uses such as consumer services, shopping centers, and small scale offices (less intense than the Commercial Core Area).



Art. 5.12, ARRC-O, Proposed Amendments: Commercial Core Area

- Vehicle Storage uses, which include Boat/RV Storage and Bus Barns, are prohibited in the Light Commercial Area
No amendments proposed
- Vehicle Storage uses are allowed by-right on properties zoned CC in the Commercial Core Area:
 - Maximum building height: 35'/2.5 stories (can go to 55'/4 stories when buildings are stepped back from the road)
 - Maximum building coverage: 35% (can go to 50% when the increase is offset by an equal area of hardscape areas that utilize pervious materials)

Proposed amendments: Require Special Exception approval AND limit building height to 35' for Vehicle Storage uses

Art. 5.12, ARRC-O, Proposed Amendments: Village Commercial Area

- Vehicle Storage uses are allowed by Special Exception approval on properties zoned CC in the Village Commercial Area:
 - Maximum building height: 35' (no allowance to go higher)
 - Maximum building coverage: 35%

Proposed amendments:

 - *Correct title of Vehicle Storage uses in Sec. 5.12.9.C to match the Use Table*
 - *Limit the size of the buildable area (area located inside all required buffers and setbacks) for Vehicle Storage uses to a maximum of 5,000 gross square feet unless approved through the Special Exception process (must still comply with the max. building coverage of 35%)*

Art. 3.10, Variances, and Art. 6.8, Short-Term Rentals

- The ZLDR currently allows the submittal of variance applications to vary from the Short-Term Rental requirements of ZLDR Art. 6.8, Short-Term Rentals
- *Proposed amendments: Amend both Art. 3.10 and Art. 6.8 to prohibit variances/waivers from the Short-Term Rental processes, requirements, and/or standards*

Chapter 6, Use Regulations, and Chapter 12, Definitions: Aviation & Private Airstrips

- The ZLDR defines Aviation uses, which include private air strips, as:

“Airports, landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. Aviation also includes facilities for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of transportation”
- Aviation uses are allowed by Special Exception approval in the RM, AG-15, AG-10, and AG-8 Zoning Districts, and subject to conditions in the I Zoning District. The following condition of use must be met:

*“Facilities providing landing and/or takeoff areas, service, hanger, or storage for aircraft, helicopters, lighter than air aircraft, hot-air balloons, or other similar craft, **must comply with the Planned Development Procedures** contained within this Ordinance.”*

Chapter 6, Use Regulations, and Chapter 12, Definitions: Aviation & Private Airstrips

- Issues:
 - The condition of use requiring the rezoning of property to the PD zoning district is not consistent with the Use Table requirement for Special Exception approval for Aviation uses in the RM, AG-15, AG-10, and AG-8 Zoning Districts.
 - Some private air strips are for personal, single plane use only and, therefore, should be defined separately from Aviation uses and should only be required to complete the Special Exception procedure.

Chapter 6, Use Regulations, and Chapter 12, Definitions: Aviation & Private Airstrips

- Proposed Amendments:
 - Revise the Use Table and ZLDR Sec. 6.4.56 (condition of use) to allow Private Air Strip uses in the RM, AG-15, AG-10, and AG-8 Zoning Districts subject to Special Exception approval (still require rezoning to a PD for all other Aviation uses in these Zoning Districts)
 - Require the landing strip to be set back a minimum of 100' from all property boundaries; require a Type E (60' vegetated buffer) from all property boundaries; and require that in the case of conflict with state or federal regulations, the more restrictive regulation(s) shall apply.
 - Remove "private air strip" from the definition of "Aviation" in ZLDR Chapter 12, Definitions
 - Add a definition for "private air strip": *"A single private (not open to the public) runway without normal air base or airport facilities. Normal air base or airport facilities include, but are not limited to: airports; landing fields; aircraft parking and service facilities and related facilities for operation, service, fuelling, repair, storage, charter, sales, and rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security; facilities for loading, unloading, and interchange of passengers, baggage, and incidental freight; and/or package express between modes of transportation."*

Chapter 12, Definitions: Campground Proposed Amendments

- **Campground.** An outdoor venue where mobile, *permanent*, or non-permanent lodging is used or provided for recreation *or* educational, ~~or vacation~~ purposes. Short-Term Rental Properties and RV Parks are not included in this definition.
- *Allowed by Special Exception in RM, AG-15, AG-10, AG-8, AGR*
- *Condition of use: Any structure established in connection with such uses shall have a setback of not less than 100 feet from any property in an agricultural, residential or office zoning district, except where such property line abuts a street, in which case the front setback established for the district shall apply.*

Chapter 12, Definitions: Special Event Proposed Amendments

Current definition: An activity (occurring one or more times) involving the assembly or the intention of attracting 100 or more people for cultural, ceremonial, educational, or celebratory purposes, which generates revenue, regardless of status. Such assembly includes, but is not limited to: weddings, receptions, recitals, art exhibits, religious ceremonies, limited youth activities, book readings, wine/food tasting events, executive retreats, circuses, fairs, carnivals, festivals, auctions, concerts, and any event which is advertised or marketed in any form including, but not limited to: posters, business cards, internet, and media outlets; serves an entrepreneurial purpose; includes fees/charges for goods/services (e.g. food & drink); and whenever there is an admission fee or leasing fee. This definition does not include private parties or private functions that do not meet the above stated criteria.

Proposed definition: *Any activity that involves public assembly for which one or more of the following apply: (1) there is an admission fee or leasing fee; (2) there is controlled or ticketed entry; and/or (3) at which, goods and/or services (e.g., food and drink) are available for purchase. Special events include, but are not limited to, events held on private properties and properties owned by membership based organizations and businesses. This definition does not include private parties or private functions, including neighborhood gatherings, that do not meet the above stated criteria; however, community-wide events organized by non-profit or for-profit businesses or organizations, individuals, or groups that do not have a geographic base are considered Special Events.*