

**AN ORDINANCE
AMENDING THE FOLLOWING ARTICLES OF THE CHARLESTON COUNTY ZONING
AND LAND DEVELOPMENT REGULATIONS ORDINANCE, ORDINANCE 1202, AS
AMENDED: ARTICLES 6.7 AND 12.1 (SPECIAL EVENTS)**

WHEREAS, Sections 6-29-310 et seq. and Sections 6-29-710 et seq. South Carolina Code of Laws, as amended, authorize the County to enact or amend Zoning and Land Development Regulations to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed text amendments in accordance with the procedures established in state law and the County Zoning and Land Development Regulations Ordinance (ZLDR), and has recommended that the County Council adopt the proposed text amendments to the Zoning and Land Development Regulations Ordinance as set forth herein; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least 1 public hearing and after close of the public hearing, County Council approves the proposed text amendments based on the Approval Criteria of Section 3.3.6 of Article 3.3 of the ZLDR;

WHEREAS, County Council has determined the proposed text amendments meet the following criteria:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;
- B. The proposed amendment is consistent with the adopted Charleston County *Comprehensive Plan* and goals as stated in Article 1.5; and
- C. The proposed amendment is to further the public welfare in any other regard specified by County Council.

NOW, THEREFORE, BE IT ORDAINED, by County Council of Charleston County, South Carolina, in meeting duly assembled, finds as follows:

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. AMENDMENT OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

The Charleston County Zoning and Land Development Regulations Ordinance is hereby amended to include the text amendments as attached hereto as Exhibit "A" and made part of this Ordinance by reference.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval of County Council following third reading.

ADOPTED and APPROVED in meeting duly assembled this ____ day of April 2011

CHARLESTON COUNTY, SOUTH CAROLINA

By: _____
Teddie E. Pryor, Sr.
Chairman of County Council

ATTEST:

By: _____
Beverly T. Craven
Clerk to County Council

First Reading: _____, 2011

Second Reading _____, 2011
Third Reading: _____, 2011

EXHIBIT "A"

AN ORDINANCE

**AMENDING THE FOLLOWING ARTICLES OF THE CHARLESTON COUNTY ZONING
AND LAND DEVELOPMENT REGULATIONS ORDINANCE, ORDINANCE 1202, AS
AMENDED: ARTICLES 6.7 AND 12.1 (SPECIAL EVENTS)**

CHAPTER/ARTICLE/SECTION #: Article 6.7 (Special Events Uses)

REASON FOR AMENDMENT: To introduce regulations allowing for the hosting of special events as a principal use on residential and agricultural properties and to clarify the permitting process for special events.

DATE: November 8, 2010

| TABLE 6.1-1 | ZONING DISTRICTS | | | | | | | | | | | | | | | | | | | | Condition | | | | |
|--|------------------|-------|-------|------|------|------|----|----|----|----|----|----|----|------|------|------|----|----|----|----|-----------|----|----|---|-------------------|
| | RM | AG 15 | AG 10 | AG 8 | AG R | RR 3 | S1 | S2 | S3 | R2 | R3 | R4 | M8 | M 12 | MH S | MH P | OR | OG | CN | CR | | CT | CC | I | |
| CIVIC / INSTITUTIONAL | | | | | | | | | | | | | | | | | | | | | | | | | |
| RECREATION AND ENTERTAINMENT | | | | | | | | | | | | | | | | | | | | | | | | | |
| Community Recreation, including Recreation Centers | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | |
| Fishing or Hunting Guide Service (Commercial) | A | A | A | A | A | | | | | | | | | | | | A | A | A | A | A | A | A | A | |
| Fishing or Hunting Lodge (Commercial) | A | A | A | A | | | | | | | | | | | | | | | | | A | | | | |
| Golf Courses or Country Clubs | | | C | C | C | C | C | C | C | C | C | C | | | C | | | | | | | | | | § 6.4.50 |
| Parks and Recreation | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | | C | C | C | C | | C | | | §6.4.11 |
| Recreation and Entertainment, Indoor, including Billiard Parlors, Bowling Centers, Ice or Roller Skating Rinks, Indoor Shooting Ranges, Theaters, or Video Arcades | | | | | | | | | | | | | | | | | | | | | A | C | A | | § 6.4.30 |
| Recreation and Entertainment, Outdoor, including Amusement Parks, Fairgrounds, Miniature Golf Courses, Race or Go-Cart Tracks, or Sports Arenas | | | C | C | | | | | | | | | | | | | | | | | C | | C | C | § 6.4.11 |
| Drive-In Theaters | | | | | | | | | | | | | | | | | | | | | C | | C | A | §6.4.6 §6.4.11 |
| Golf Driving Ranges | | | S | S | S | S | S | S | S | | | | | | | | | | | | | | | | §6.4.11 |
| Outdoor Shooting Ranges | C | C | C | C | | | | | | | | | | | | | | | | | | | | | §6.4.11 |
| Recreation or Vacation Camps | C | C | C | C | C | | | | | | | | | | | | | | | | | | | | §6.4.11 |
| Special Events (Commercial & Industrial Zoning Districts) | | | | | | | | | | | | | | | | | | | | | C | C | C | C | § 6.7.3 |
| Special Events (Residential & Agricultural Zoning Districts) | | § | § | § | § | § | § | § | § | § | § | § | | | | | | | | | | | | | § 6.7.4 |

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

SPECIAL EVENTS IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS AND PUBLIC FACILITIES

- 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 §6.6.4 of this Ordinance and a Zoning Permit shall be required.
- C. A Zoning Permit shall not be required when hosting an indoor special event in legally established commercial 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.

§6.7.4

SPECIAL EVENTS IN RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS

A Special Events use may be established as a principal use on any parcel in the AG-15, AG-10, AG-8, AGR, RR-3, S-1, S-2, S-3, R-2, R-3, and R-4 Zoning Districts subject to Special Exception approval and the following standards:

A. APPLICATION

- 1. 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.
- 2. 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.

B. REQUIREMENTS

Special event sites shall comply with the following standards:

- 1. The subject property or properties shall contain a minimum of two (2) combined acres of highland area.

2. 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.
3. 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.
4. One on-premise sign, which identifies the subject property, shall be allowed in accordance with Table 9.11.2-C of this Ordinance. Off-premises signs are not allowed.
5. The maximum occupancy of an individual permanent structure shall comply with the occupancy standards of the Charleston County Building Code.
6. All events shall adhere to the Charleston County Noise Regulations and any other applicable Charleston County ordinances.
7. In residential zoning districts, any existing or proposed structure shall retain a residential character.
8. Special events on properties with less than five (5) acres of highland and located in the AGR, RR-3, S-1, S-2, S-3, R-2, R-3, or R-4 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.

C. 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:

1. Will not adversely affect the general welfare or character of the immediate community;
2. Does not hinder or endanger vehicular traffic and pedestrian movement on adjacent roads;
3. 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;

4. Where applicable, will be developed in a way that will preserve and incorporate any important natural features;
5. The setup and disassembly of special events will not be detrimental to the surrounding community and;
6. 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

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. Additionally, a valid, Charleston County Business License is required following zoning permit approval.

§6.7.6

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 #: Chapter 12, Article 12.1

REASON FOR AMENDMENT: Addition of definitions for "Special Event" and "Letter of Coordination"

DATE: November 8, 2010

Proposed 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.

Proposed Definition: Letter of Coordination

Formal correspondence from an agency, organization, or individual which expresses acknowledgement and/or consent of an application, project, or proposal.