

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT
REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, TO INCLUDE
CHAPTER 7, FORM-BASED ZONING DISTRICT**

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Sections 6-29-310, et seq., 6-29-510 et seq., 6-29-710 et seq. and 6-29-110 et seq., of the Code of Laws of South Carolina, 1976, as amended, authorizes the County of Charleston to enact or amend its 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 and map amendments of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) in accordance with the procedures established in State law and the ZLDR, and has recommended that the Charleston County Council adopt the proposed text amendments of the ZLDR 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; and,

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

- A. The proposed amendments correct an error or inconsistency or meet the challenge of a changing condition; and
- B. The proposed amendments are consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5; and
- C. The proposed amendments are 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. TEXT AMENDMENTS 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 incorporating Chapter 7, Form-Based Zoning District, which are attached hereto as Exhibit "A" and made a 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 following third reading by the County Council.

ADOPTED and APPROVED in meeting duly assembled this 8th day of May, 2012.

CHARLESTON COUNTY, SOUTH CAROLINA

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

ATTEST:

By: _____
Beverly T. Craven
Clerk to Charleston County Council

First Reading: March 27, 2012
Second Reading April 10, 2012
Third Reading: May 8, 2012

EXHIBIT "A"

TEXT AMENDMENTS OF THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, TO INCLUDE CHAPTER 7, FORM-BASED ZONING DISTRICT

FBZD, FORM-BASED ZONING DISTRICT

§7.1 AUTHORITY

The South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended (Planning Act) authorizes local governments to utilize zoning and planning techniques (not limited to those found in the Planning Act) for implementation of the goals specified in S.C. Code Ann. Section 6-29-720 (2007). Charleston County Council hereby establishes a zoning and planning technique called a Form-Based Zoning District (FBZD). A FBZD is a zone which accommodates development of communities containing mixed residential, civic, institutional, commercial, and/or industrial uses in development phases, and authorizes the adoption of form- and/or transect-based zoning and land development regulations in the form of Master Plan Regulations (MPR).

§7.2 APPLICABILITY

Lands may not be zoned or rezoned to a FBZD until such time as the County adopts Form-Based Code Development Standards to regulate development in the FBZD.