

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 3 (DEVELOPMENT REVIEW PROCEDURES), CHAPTER 4 (BASE ZONING DISTRICTS), CHAPTER 5 (OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS), CHAPTER 6 (USE REGULATIONS), CHAPTER 11 (VIOLATIONS, PENALTIES AND ENFORCEMENT), AND CHAPTER 12 (DEFINITIONS).

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Section 6-29-310 et seq., of the South Carolina Code of Laws, 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 amendments of the text of various chapters 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 amendments of the text 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, the 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; and
- 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 ordained it by the Charleston County Council of Charleston, in meeting duly assembled, 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. AMENDMENTS OF THE TEXT 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 following third reading by the County Council.

ADOPTED and APPROVED in meeting duly assembled this ____ day of _____, 2013.

CHARLESTON COUNTY COUNCIL

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

ATTEST:

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

First Reading: February 26, 2013
Second Reading: March 12, 2013
Third Reading: March 26, 2013

EXHIBIT "A"

CHAPTERS OF THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, ORDINANCE 1202, AS AMENDED: CHAPTER 2 (REVIEW AND DECISION-MAKING BODIES), CHAPTER 3 (DEVELOPMENT REVIEW PROCEDURES), CHAPTER 4 (BASE ZONING DISTRICTS), CHAPTER 5 (OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS), CHAPTER 6 (USE REGULATIONS), CHAPTER 8 (SUBDIVISION REGULATIONS), CHAPTER 9 (DEVELOPMENT STANDARDS), CHAPTER 10 (NONCONFORMITIES), CHAPTER 11 (VIOLATIONS, PENALTIES AND ENFORCEMENT), AND CHAPTER 12 (DEFINITIONS)

CHAPTER/ARTICLE/SECTION #: 3.1.5 Application Submittal

REASON FOR AMENDMENT: Clarify the point at which application materials become public information.

DATE: 1/14/2013

PROPOSED AMENDMENTS:

§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.

CHAPTER/ARTICLE/SECTION #: 3.2.1.C.2-3 *Comprehensive Plan* Amendments

REASON FOR AMENDMENT: Reduce the number of application copies from 35 to 20.

DATE: 1/14/2013

PROPOSED AMENDMENTS:

- 2. Twenty (20) copies of the applicant's letter of intent explaining the objective of the proposed amendment(s) and how the criteria listed in Section 3.2.6 are met;
- 3. Twenty (20) copies of the proposed changes to the Comprehensive Plan based on the current Comprehensive Plan in effect and showing proposed text deletions as strike-through text and proposed text additions in bold, italic text. Proposed changes to any Comprehensive Plan map shall be illustrated in a map format similar to the existing Comprehensive Plan maps and shall be labeled as "proposed amendment"; and

CHAPTER/ARTICLE/SECTION #: 3.3.1.B.2 *Zoning & Land Development Regulations Text Amendments*

REASON FOR AMENDMENT: Reduce the number of application copies from 35 to 20.

DATE: 1/14/2013

PROPOSED AMENDMENTS:

2. Twenty (20) copies of the applicant's letter of intent explaining the proposed amendment(s) and how it meets the criteria listed in Section 3.3.6;
3. Twenty (20) copies of the proposed text amendment based on the current Ordinance in effect and showing proposed deletions as strike-through text and proposed additions in bold, italic text;

CHAPTER/ARTICLE/SECTION #: 3.7.6 Review and Action Site Plan Review Committee

REASON FOR AMENDMENT: Clarify the roles of the Zoning and Planning Director and the Site Plan Review Committee in approving applications.

DATE: 1/14/2013

PROPOSED AMENDMENTS:

§3.7.6 REVIEW AND ACTION SITE PLAN REVIEW COMMITTEE

The Site Plan Review Committee shall review each Site Plan application in light of the applicable Approval Criteria of Section 3.7.7. The Site Plan Review Committee consists of representatives from the Planning Department, Department of Public Works, South Carolina Department of Health and Environmental Control (DHEC), Department of Transportation, Corps of Engineers, and Office of Coastal Resource Management and other departmental representatives as deemed necessary by the Planning Director, each of whom addresses the issues relevant to their respective department's responsibilities. The Site Plan Review Committee provides a recommendation to the Zoning and Planning Director to approve or deny the Site Plan application.

CHAPTER/ARTICLE/SECTION #: §4.2.3

REASON FOR AMENDMENT: Clarify what can/cannot be placed within building setbacks.

DATE: 1/14/2013

§4.2.3 SETBACKS

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this Section.

A. Exceptions to Setbacks

Every part of a required setback must be open and unobstructed from the ground to the sky except as set out in this subsection.

1. Trees, shrubbery or other landscape features may be located within any required setback; however, they shall be selected for site specific conditions. Plant material to be located adjacent to public drainage easements and right-of-ways shall be selected and placed not to impede future access. Additionally, vegetation planted within utility easements shall be selected and sited to minimize pruning for future maintenance and clearance of such utilities. The Planning Director may require modifications (substitutions and relocation) of plant material on proposed landscape plans when necessary to assure access and ease of maintenance to any easements and right-of-ways and to preserve the public health, safety and welfare.
2. In all zoning districts, fences, hedges and walls may be located within any required setback, provided that no fence, wall or hedge shall obstruct the view of vehicular access to any roadway between three (3) and ten (10) feet in height above grade. For the safety of pedestrian and vehicular traffic, in residential zoning districts, an unobstructed vision clearance triangle shall be maintained along intersections of residential driveways with adjacent roadways. The vision clearance triangle shall be formed by the connection of a perpendicular line measuring fifteen (15) feet from the point of intersection at the edge of the travelway into the driveway and a fifteen (15) foot parallel line away from the point of intersection along the roadway (see Figure 4.1). Residential driveways along roadways with a classification of collector or higher may be subject to a greater distance of measurement.
3. In all zoning districts, elements that are not designed or intended to have a permanent location on the ground as determined by the Planning Director including, but not limited to, vehicles, boats, RV's, lawn and garden furniture and equipment and similar items.

CHAPTER/ARTICLE/SECTION #: 5.6.1 Statement of Findings

REASON FOR AMENDMENT: Update section to include the City of Folly Beach and the newly incorporated Town of James Island.

DATE: 1/14/2013

PROPOSED AMENDMENTS:

§5.6.1 STATEMENT OF FINDINGS

The FRC-O, Folly Road Corridor Overlay zoning district, straddles Folly Road from its intersection with Tatum Road south to the Folly River, as shown on the map titled "Folly Road Corridor Overlay Zoning District". Folly Road is the main thoroughfare on James Island and the only route leading to Folly Beach. As such, it carries a large number of vehicles each day. Moreover, some of the properties along Folly Road are located within the jurisdictional limits of the City of Charleston, the Town of James Island, and the City of Folly Beach, while some are located within unincorporated Charleston County. The FRC-O district was adopted to implement traffic safety measures, to improve the visual character of the corridor, and to create consistency between the County of Charleston, the Town of James Island, the City of Folly Beach and the City of Charleston concerning land development regulations.

CHAPTER/ARTICLE/SECTION #: §6.6.4 TEMPORARY ASSEMBLY USES AND SPECIAL EVENTS

REASON FOR AMENDMENT: Move §6.6.4 to §6.7.3

DATE: 1/14/2013

PROPOSED AMENDMENTS:

Move Section 6.6.4 to Section 6.7.3

CHAPTER/ARTICLE/SECTION #: Article 6.7, Special Events Use

REASON FOR AMENDMENT:

Limit hours of operation for special events near residential zoning districts and require Special Exception approval when open late at night. Clarify temporary, outdoor and indoor special events. Reformat existing requirements.

DATE: 2/20/2013

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 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 such permits may be issued per lot, per calendar year. Temporary permits shall be issued only if adequate parking and sanitary facilities are provided to serve the proposed use or activity. Any temporary 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.

§6.7.4 OUTDOOR SPECIAL EVENTS

- 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,

CHAPTER/ARTICLE/SECTION #: §11.9.1

REASON FOR AMENDMENT: Clarify the process for resolving zoning violations related to rezoning requests.

DATE: 1/14/2013

PROPOSED AMENDMENT:

ARTICLE 11.9 OTHER ENFORCEMENT ACTIONS

§11.9.1 ZONING MAP AMENDMENT REQUESTS

An application (along with related documents and fees) for a zoning map amendment shall not be accepted or processed when the property owner(s) has been notified, pursuant to §11.3.2, that a violation of this Ordinance exists on or in the use of land that is the subject of the requested zoning change. The Zoning and Planning Director, after consideration of the specific case, may waive this requirement and direct staff to process the application if it is found that a zoning map amendment serves to remedy the violation. However, this waiver does not release the property owner, applicant, and/or designated agent from compliance with Chapter 11 of this Ordinance nor does it guarantee approval of the requested zoning map amendment. If the zoning map amendment is disapproved by County Council, the property owner, applicant, and/or designated agent has a maximum of 30 calendar days from the date of disapproval to bring the subject property into compliance.

§11.9.2 BOARD OF ZONING APPEALS REQUESTS

An application (along with related documents and fees) to go before the Board of Zoning Appeals (BZA) shall not be accepted or processed when the property owner(s) has been notified that a violation of this Ordinance exists on or in the use of land that is the subject of the request. The Planning Director may, after consideration of the specific case, waive this requirement and direct staff to process the application, if the BZA request serves as a remedy for the violation. However, this waiver does not release the property owner, applicant, and/or designated agent from compliance with Chapter 11 of this Ordinance.

CHAPTER/ARTICLE/SECTION #: 12.1 Terms and Uses Defined

REASON FOR AMENDMENT: Clarify the definition of accessory dwelling units.

DATE: 1/14/2013

PROPOSED AMENDMENTS:

Accessory Dwelling Unit	A dwelling unit providing complete, independent living facilities for one or more persons that is separate from and subordinate to the principal dwelling unit. This definition includes garage apartments.
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