

**AN ORDINANCE**

**AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 5, OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS.**

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 8<sup>th</sup> day of April, 2014.

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:      March 11, 2014  
Second Reading:    March 25, 2014  
Third Reading:      April 8, 2014

**EXHIBIT "A"**

**AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 5, OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS.**

## **ARTICLE 5.11 ST. ANDREWS AREA OVERLAY ZONING DISTRICT**

### **§5.11.1 STATEMENT OF FINDINGS**

The St. Andrews Area Overlay Zoning District includes unincorporated properties that front on the east and west sides of Highways 61 and 17 from its intersection with Wesley Drive to Ashley Hall Road and Wantoot Boulevard respectively, as shown on the map titled “St. Andrews Area Overlay Zoning District”. This area contains major thoroughfares in West Ashley that carry a large number of vehicles each day to Charleston through rural areas, commercial areas, and established neighborhoods. Moreover, some of the properties along Highways 61 and 17 in this area are located within the jurisdictional limits of the City of Charleston and others are located in unincorporated Charleston County.

### **§5.11.2 PURPOSE AND INTENT**

The purpose of the St. Andrews Area Overlay Zoning District is to create a corridor that is well-planned and attractive through the implementation of consistent land use and design standards with adjacent jurisdictions and the utilization of traffic safety measures and access management for vehicles and pedestrians to ensure safe and efficient traffic movement. Additionally, this overlay zoning district is intended to provide appropriate services to well-established neighborhoods and provide a transition from the more intense commercial development along the corridor.

### **§5.11.3 EFFECT OF OVERLAY ZONING DISTRICT**

The St. Andrews Area Overlay Zoning District regulations of this Article apply in addition to the underlying (base) zoning district and all other applicable regulations of this Ordinance to impose different development rules for properties within the overlay zoning district. In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control. These district regulations are intended to be consistent with similar regulations adopted by the City of Charleston. Legally established existing development that does not meet the requirements as described in this Article shall be considered legal nonconforming and shall be subject to the legal nonconforming requirements of this Ordinance.

### **§5.11.4 APPLICABILITY**

The standards of this Article shall apply to all development within the St. Andrews Area Overlay Zoning District, as shown on the map titled “St. Andrews Area Overlay Zoning District,” except for single family detached residential development.

### **§5.11.5 COORDINATION WITH ADJACENT JURISDICTIONS**

A letter of notification to the City of Charleston shall be required as part of all land development applications with the exception of applications for single family detached residential uses. The purpose of the notification is to ensure that the City of Charleston is aware of proposed development and that there is consistency in land use, density/intensity and dimensional standards, and design and development standards adopted by the County and City of Charleston.

### **§5.11.6 DEVELOPMENT STANDARDS AND REQUIREMENTS**

The following development standards and requirements apply to all parcels within the St. Andrews Area Overlay Zoning District. All development applications shall, at the time of application, include documentation that the following requirements will be met prior to the issuance of any approvals or zoning permits:

A. Vehicle Access

1. All parcels in this overlay zoning district with a Future Land Use designation of Office Residential (OR) are allowed one curb cut per 75 feet of road frontage; all other commercial or multifamily uses are allowed one curb cut every 150 feet.
2. Proposed new access drives shall be located a minimum distance of 75 feet from any existing street intersection as measured from the edge of the intersecting roadway to the beginning of the driveway radius.
3. All applications for development of nonresidential uses shall include suitable access management plans demonstrating that the driveway separation requirements will be met. The following techniques may be employed to achieve this result, but the burden of accomplishing the desired effect remains with the developer of the property:
  - a. Aggregation of parcels;
  - b. Parallel frontage or “backage” roads;
  - c. Shared curb cuts between adjoining properties; and
  - d. Shared access easements between parcels.

B. Traffic Study

A traffic impact analysis shall be required in all instances in which the proposed development area exceeds five (5) acres or if the proposed development includes one or more of the following:

1. Fifty (50) or more dwelling units;
2. One (1) or more drive through service windows;
3. Six (6) or more fuel dispensing units;
4. More than 10,000 square feet of floor area;
5. Requires a variance from the driveway (curb-cut) spacing requirements;
6. A restaurant with more than 4,000 square feet of gross floor area; or
7. Where the number of peak hour vehicle trips is projected to exceed 100 per the latest edition of the Institute of Transportation Engineers Trip Generation Manual.

Such traffic impact analysis shall comply with the requirements of Sections 9.9.2 and 9.9.3, Traffic Impact Studies, of this Ordinance, and shall be prepared by a qualified professional. Traffic impact studies shall be provided to the County for review simultaneous with submission of the preliminary site plan for consideration.

C. 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. Grade-separated pedestrian walkways shall provide direct connections from the street to the main entrance and to abutting properties. Pedestrian walkways shall be designed and located in a manner that does not require pedestrians to walk through parking lots or within driveways.

D. Building Height

Building height is limited to a maximum of 35 feet and two and a half (2 ½) stories as defined by this Ordinance. However, the height may be a maximum of fifty five (55) feet and four (4) stories when the building meets all applicable setback and buffer requirements and the following conditions:

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 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. Signs

In addition to the requirements in Article 9.11, all free standing signs shall meet the following requirements:

1. All signs shall be monument style.
2. Signs shall have a maximum height of 8 feet and a maximum size of 40 square feet.
3. Shared shopping center signs shall be allowed with a maximum height of 10 feet and maximum size of 60 square feet.
4. Internal illumination shall be allowed for signs.
5. Electronic message board signs and billboards shall be prohibited.

F. Building Coverage

The building coverage shall not exceed thirty-five percent (35%) of the parcel. However, the building coverage may be increased by up to fifty percent (50%) of the parcel when the increase is offset by an equal area of driveways, parking or other hardscape areas that utilize pervious materials. Pervious materials may include, but are not limited to pervious pavers, pervious concrete or other appropriate pervious surface treatment that do not cause surface water to runoff and allow water to absorb into the ground, as approved by the Planning Director.

G. Residential Area

Parcels intended for non-residential uses are indicated on the St. Andrews Area Overlay Zoning District Map and may be developed in accordance the regulations of this ordinance. Unless shown otherwise, parcels in the following specific areas of the overlay zoning district are to remain residential:



1. The area between the Legare Bridge and Colony Drive/Riverdale Drive on St. Andrews Boulevard; and
  2. The area between Wesley Drive and Nicholson Street on Savannah Highway.
- H. Permitted uses  
Permitted uses shall include those uses allowed in the zoning district that corresponds with the future land use designation as shown on the overlay zoning district map and as described in Table 6.1-1, Use Table, with the exception of the prohibited uses and uses that require special exception approval, as described in this Article.
- I. Prohibited uses  
Auto Dealers (New and Used); Vehicle Storage; Boat/RV Storage; Shooting Ranges; Hotels or Motels; Tattoo Parlors; and Self-Storage Facilities shall be prohibited in this Area.
- J. Uses Requiring Special Exception  
Restaurants (all types); Indoor Recreation and Entertainment; Gasoline Service Stations (with or without convenience stores); Convenience Stores; Liquor, Beer, or Wine Sales; Bar or Lounge uses; Vehicle Services, Limited; Vehicle Services, Consumer; Vehicle Repair; Commercial Office/Warehouse Complex; Transitional Housing; Pawn Shops; and Warehouse/Clubs shall require Special Exception approval in compliance with the procedures contained in this Ordinance. Additionally, applications for liquor, beer or wine sales must include a letter of coordination from both the City of Charleston Police Department and the Charleston County Sheriff's Department.
- K. Parking
1. Applications for restaurant, bar or lounge uses shall include parking plans that indicate the locations of both the required on-site parking and possible overflow parking associated with the business to be located on the subject property or on adjacent commercially zoned property in accordance with Article 9.3.4 of the Ordinance.
  2. All restaurant uses and all bar and lounge uses shall provide one parking space per 75 sq. ft. of gross floor area of the business. All other uses shall provide parking spaces in compliance with this section and Chapter 9 of this Ordinance.
- L. Building Size  
Building size will be determined by the building height, lot coverage, setback, and buffer requirements as defined by this Ordinance.
- M. Buffers
1. A minimum of a twenty-five (25) foot deep vegetated right-of-way buffer shall be required along St. Andrews Boulevard and Savannah Highway

which may be reduced to eight (8) feet when there is no parking or vehicular use area between the buildings and rights-of-way;

2. A minimum of a twenty-five (25) foot vegetated rear buffer shall be required adjacent to residential uses; and
3. Fencing may be required to screen adjacent or surrounding residential uses. When a minimum six (6) foot high opaque fence or wall is utilized, the Planning Director may reduce the land use buffer by up to one-half (1/2) its required depth when deemed appropriate; however, no required vegetated buffer shall be less than ten (10) feet in depth.

N. Noise

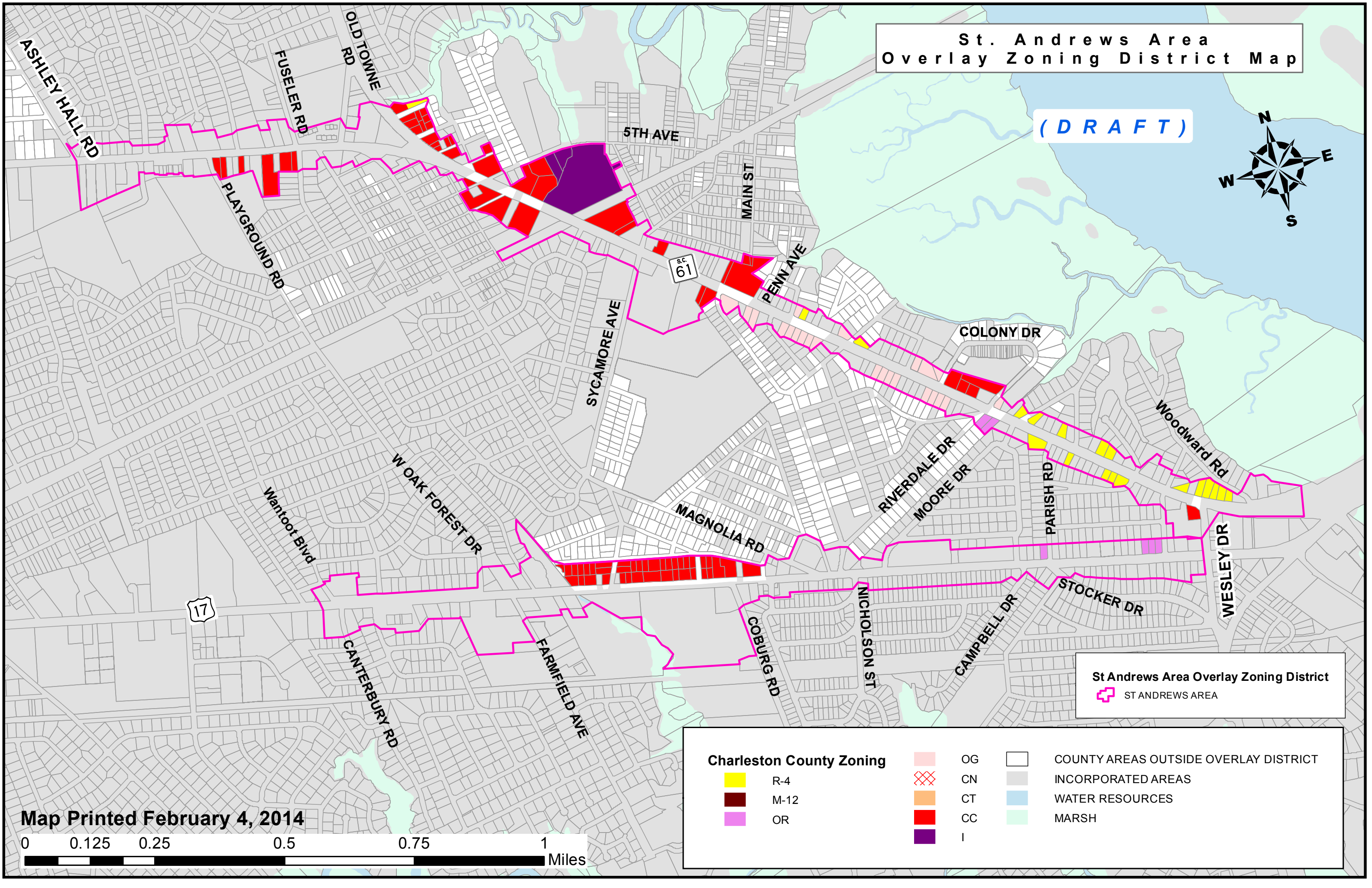
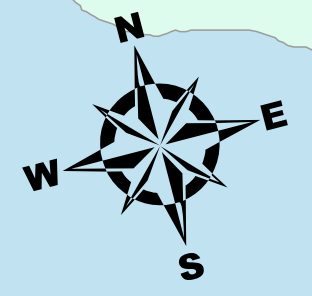
All activity must comply with the Charleston County Livability Ordinance. There shall be no pick-up or delivery of trash or merchandise scheduled for businesses in this area between the hours of 11:00 pm and 7:00 am. Any proposed outdoor use that provides live or amplified music shall comply with the Special Exception provisions contained in this Ordinance

O. Multiple Uses

Parcels may include both residential and nonresidential uses when developed in accordance with all Multiple Use Overlay Zoning District regulations of this ordinance.

# St. Andrews Area Overlay Zoning District Map

( D R A F T )



**St Andrews Area Overlay Zoning District**  
 ST ANDREWS AREA

Charleston County Zoning		OG		COUNTY AREAS OUTSIDE OVERLAY DISTRICT	
	R-4		OG		COUNTY AREAS OUTSIDE OVERLAY DISTRICT
	M-12		CN		INCORPORATED AREAS
	OR		CT		WATER RESOURCES
			CC		MARSH
			I		

Map Printed February 4, 2014

