

**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 20<sup>th</sup> day of May, 2014.

CHARLESTON COUNTY COUNCIL

By:

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Teddie E. Pryor, Sr.  
Chairman of Charleston County Council

ATTEST:

By: \_\_\_\_\_

Beverly T. Craven  
Clerk to Charleston County Council

First Reading: April 8, 2014  
Second Reading: April 22, 2014  
Third Reading: May 20, 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.**

**CHAPTER/ARTICLE/SECTION #:** Article 5.6, FRC-O, Folly Road Corridor Overlay Zoning District

**REASON FOR AMENDMENT:** Amend the Folly Road Corridor Overlay Zoning District

**DATE:** 5/27/2013

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**PROPOSED AMENDMENTS:**

**ARTICLE 5.6 FRC-O, FOLLY ROAD CORRIDOR OVERLAY ZONING DISTRICT**

**§5.6.1 STATEMENT OF FINDINGS**

The Folly Road Corridor Overlay Zoning District (FRC-O) fronts on the east and west sides of Folly Road from its intersection with Tatum Road south to 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 Town of James Island, the City of Folly Beach, the City of Charleston, and 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 Town of James Island, the City of Folly Beach, the City of Charleston, and unincorporated Charleston County concerning land use and design standards.

**§5.6.2 PURPOSE AND INTENT**

The purpose of the FRC-O, Folly Road Corridor 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.

**§5.6.3 EFFECT OF OVERLAY ZONING DISTRICT**

The FRC-O, Folly Road Corridor 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 Town of James Island, the City of Folly Beach, and 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.

**§5.6.4 APPLICABILITY**

The standards of this Article shall apply to all development within the FRC-O district, as shown on the maps titled "Folly Road Corridor Overlay Zoning District," "North Village Area," "Commercial Core Area," "South Village Area," "Neighborhood Preservation Area," and "Conservation Area," except single family residential development.

**§5.6.5 COORDINATION WITH ADJACENT JURISDICTIONS**

A letter of notification to the Town of James Island, City of Charleston, and/or City of Folly Beach shall be required as part of all land development applications, dependent upon overlay zoning district area. The purpose of the notification is to ensure that each jurisdiction is aware of

proposed development.

**§5.6.6 DEVELOPMENT STANDARDS AND REQUIREMENTS (ALL AREAS)**

The following development standards and requirements apply to all parcels within the Folly Road Corridor Overlay Zoning District in addition to the requirements described below for each of the five Areas. All non-single family detached development applications shall, at the time application is made, provide proof 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 OR (Office Residential) are allowed one curb cut per 150 feet of road frontage; all other commercial uses are allowed one curb cut every 250 feet.
2. Proposed new access drives shall be a minimum distance of 75 feet from a street intersection measured from the edge of the intersecting roadway to the beginning of the driveway radius. These minimum spacing requirements will be increased if a right-turn deceleration lane is required and shall equal the length of the turn lane and taper plus an additional distance of 50 feet.
3. All applications for development of non-residential uses shall include a suitable access management plan demonstrating that the driveway separation requirements can 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 parcel;
  - 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 generates 100 or more peak hour vehicle trips. 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 provide a continual link access to adjacent parcels, as well as within the development area. Grade-separated pedestrian walkways must provide a direct connection from the street to the main entrance, and to abutting properties. Pedestrian walkways must be designed and located in a manner that does not require pedestrians to walk through parking lots or cross driveways and sidewalks may be allowed in right-of-way-buffers.

**D. Building Height**

Building height is limited to a maximum of 35 feet as defined in this Ordinance, excluding previously approved Planned Development Zoning Districts.

**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 in the North Village, South Village, Neighborhood Preservation, and Conservation Areas shall not exceed 6 feet in height and 40 square feet in size.
3. Signs in the Commercial Core Area shall not exceed 8 feet in height and 50 square feet in size.
4. Shared shopping center signs shall be allowed with a maximum height of 10 feet and a maximum size of 100 square feet.
5. Internal illumination shall be allowed for signs in all Areas except the Neighborhood Preservation and Conservation Area, where signs may only be externally illuminated.
6. Electronic message board signs shall be prohibited.

**F. Uses**

Permitted uses, Prohibited uses, and uses requiring Special Exception are described in each of the five areas below. Gun shops shall be permitted only on parcels in this overlay zoning district with a zoning designation of Community Commercial (CC).

**§5.6.7 NORTH VILLAGE AREA  
(City of Charleston and Charleston County)**

The North Village Area extends from Crosscreek/Tatum Street to Oakpoint Road (Ellis Creek area) as illustrated on the FRC-O map entitled “North Village Area.” Parcels in this area are within the jurisdiction of the City of Charleston and unincorporated Charleston County. This area currently consists of mixed medium and low intensity commercial uses such as shopping centers, professional offices, and vehicle services. Higher intensity residential uses, such as apartment complexes, also exist in this Area. This Area is intended to have commercial uses that are less intense than those found in the Commercial Core Area, particularly along the north side of Central Park Road and west side of Folly Road. This Area is not intended for large scale commercial development such as big box stores or mega-shopping centers. Future development in this area is to be a mix of medium to lower intensity commercial, office, and residential uses with increased buffers along Folly Road for more intensive commercial uses. The following regulations apply in addition to the requirements of Section 5.6.6 of this Article to unincorporated parcels along Folly Road as indicated on the map titled “North Village Area”:

**A. Permitted uses**

Permitted uses shall include those uses allowed in the zoning district that corresponds with the “OR,” “OG,” and “CN” future land use designation as shown on the overlay zoning district map and as described in Table 6.1.1, Use Table.

**B. Prohibited uses**

Auto Dealers (New and Used) Billboards, Indoor/Outdoor Shooting Ranges, Liquor, Hotels or Motels and Tattoo parlors shall be prohibited in this Area.

**C. Uses Requiring Special Exception**

Vehicle Storage, Boat/RV Storage, Bar or Lounge, Consumer Vehicle Repair, Fast Food Restaurant, Gasoline Service Stations (with or without convenience stores), Indoor Recreation and Entertainment, Consumer Vehicle Repair uses shall require Special Exception approval in compliance with the procedures contained in this Ordinance.

**D. Buffers**

1. A minimum 25-foot vegetated right-of-way buffer shall be required for parcels along Folly Road with a future land use designation of CN and OG;
2. A minimum 15-foot vegetated right of way buffer shall be required for parcels along Folly Road with a future land use designation of OR;
3. Properties with a future land use designation of CN and OG shall be required to have a minimum 20-foot rear vegetated buffer adjacent to residential uses;
4. Properties with a future land use designation of OR shall be required to have a minimum 15-foot vegetated rear buffer adjacent to residential uses; and
5. Where appropriate, fencing may be required to screen adjacent or surrounding residential uses. When a minimum 6-foot high opaque fence or wall is utilized, the Planning Director may reduce the land use buffer by up to one-half (½) its required depth when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.

**§5.6.8 COMMERCIAL CORE AREA  
(Town of James Island and City of Charleston)**

This Area is the gateway and commercial center to the Town of James Island and extends from Oak Point Road (Ellis Creek Area) to Prescott Street as shown on the FRC-O map entitled “Commercial Core Area.” Parcels in this area are primarily within the Town of James Island with a few parcels within the City of Charleston. This area consists of higher intensity commercial uses such as chain type restaurants, vehicle service and repair, drug stores, and shopping centers with minimal buffering along Folly Road. Future development in this Area is intended for higher intensity commercial uses than those found in the other areas of the corridor. Future development in this Area should place high priority on pedestrian connectivity between



businesses and neighborhoods with attractive planted streetscapes and building architecture. The following regulations apply in addition to the requirements of Section 5.6.6 of this Article to unincorporated parcels along Folly Road as indicated on the map titled “Commercial Core Area”:

**A. Permitted uses**

Permitted uses shall include those uses allowed in the zoning district that corresponds with the “CC” future land use designation as shown on the overlay zoning district map and as described in Table 6.1.1, Use Table.

**B. Prohibited uses**

Auto Dealers (New and Used) Vehicle Storage, Boat/RV Storage, Billboards, Shooting Ranges, Hotels or Motels and Tattoo parlors shall be prohibited in this Area.

**C. Uses Requiring Special Exception**

Liquor, Beer, or Wine Sales (as defined in this Ordinance), Bar or Lounge, Consumer Vehicle Repair, Fast Food Restaurant, Gasoline Service Stations (with or without convenience stores), Indoor Recreation and Entertainment, Vehicle Service uses shall require Special Exception approval in compliance with the procedures contained in this Ordinance.

**D. Buffers**

1. A minimum of a 15-foot vegetated right-of-way buffer shall be required along Folly Road.
2. A minimum of a 25-foot rear vegetated buffer shall be required adjacent to residential uses; and
3. Fencing may be required to screen adjacent or surrounding residential uses. When a minimum 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 10 feet in depth.

**§5.6.9 SOUTH VILLAGE AREA  
(City of Charleston, Town of James Island, and Charleston County)**

The South Village area extends from Prescott Street to Rafael Lane as illustrated on the FRC-O map entitled “South Village Area.” Parcels in this Area are within the jurisdiction of the Town of James Island and the City of Charleston, with a few parcels in unincorporated Charleston County. This Area currently consists of mixed medium to high intensity commercial development, such as shopping centers big box stores and consumer services, along the west side of Folly Road and small scale office and residential uses along the east side of Folly Road. This Area is intended for development similar to the North Village Area with less intense commercial development than the Commercial Core Area and a mix of medium to high intensity uses along the west side of Folly Road and lower intensity development on the east side of Folly Road. Future development in this Area is to be a mix of commercial and residential uses with increased right-of-way buffers along the west side of Folly Road and increased land use buffers on both sides of Folly Road when commercial development occurs adjacent to single family

detached residential uses. The following regulations apply in addition to the requirements of Section 5.6.6 of this Article to unincorporated parcels along Folly Road as indicated on the map titled "South Village Area":

**A. Permitted uses**

Permitted uses shall include those uses allowed in the zoning district(s) that corresponds with the "R", "OR", "CN," and "CC" future land use designation as shown on the overlay zoning district map and as described in Table 6.1.1, Use Table. Civic and institutional uses as described in Table 6.1.1 shall be permitted for properties shown in the Civic/Institutional future land use designation.

**B. Prohibited uses**

Auto Dealers (New and Used) Billboards, Indoor/Outdoor Shooting Ranges, Liquor, Hotels or Motels and Tattoo parlors shall be prohibited in this Area.

**C. Uses Requiring Special Exception**

Vehicle Storage, Boat/RV Storage, Bar or Lounge, Consumer Vehicle Repair, Fast Food Restaurant, Gasoline Service Stations (with or without convenience stores), Indoor Recreation and Entertainment, Consumer Vehicle Repair uses shall require Special Exception approval in compliance with the procedures contained in this Ordinance.

**D. Buffers**

1. A minimum 15-foot vegetated right-of-way buffer shall be required along the east side of Folly Road and a minimum 35-foot vegetated right-of-way buffer shall be required along the west side of Folly Road;
2. A minimum 20-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 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 10 feet in depth.

**§5.6.10 NEIGHBORHOOD PRESERVATION AREA  
(Charleston County and City of Charleston)**

The Neighborhood Preservation Area extends from Rafael Lane to Battery Island Drive as illustrated on the FRC-O map entitled "Neighborhood Preservation Area." This area consists primarily of low-intensity residential uses with some commercial development primarily along the northwest area of Folly Road. This portion of the overlay zoning district is intended to provide an appropriate transition from the more intense commercial development in the North Village, Commercial Core, and South Village Areas before entering the Conservation Area and the City of Folly Beach. The following regulations apply in addition to the requirements of Section 5.6.6 of this Article to unincorporated parcels along Folly Road as indicated on the map titled "Neighborhood Preservation Area":

**A. Permitted uses**

Permitted uses shall include those uses allowed in the zoning district that corresponds with the “CN” future land use designation as shown on the overlay zoning district map and as described in Table 6.1.1, Use Table, provided, however that hotel and motel uses shall be allowed with a maximum of ten (10) guest rooms.

**B. Prohibited uses**

Auto Dealers (New and Used), Vehicle Storage, Boat/RV Storage, Billboards, Shooting Ranges, Fast Food Restaurant, Gasoline Service Stations (with or without convenience stores), Indoor Recreation and Entertainment, Consumer Vehicle Repair, and Tattoo parlors shall be prohibited in this Area.

**C. Uses Requiring Special Exception in the Commercial Area**

Liquor, Beer, or Wine Sales (as defined in this Ordinance), and Bar or Lounge uses shall require Special Exception approval in compliance with the procedures contained in this Ordinance.

**D. Building Size**

No single building structure shall exceed 5,000 square feet in size.

**E. Buffers**

1. A minimum of a 25-foot vegetated right-of-way buffer shall be required along Folly Road in the commercial area. This buffer may be reduced to 15 feet when there is no parking or vehicular use area between buildings and right-of-way.
2. A minimum of a 20-foot vegetated rear buffer shall be required adjacent to residential uses.
3. Fencing may be required to screen adjacent or surrounding residential uses. When a minimum 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 10 feet in depth.

**§5.6.11 CONSERVATION AREA  
(Charleston County and City of Folly Beach)**

The Conservation Area extends from Battery Island Drive to the Folly River as illustrated on the FRC-O map entitled “Conservation Area.” This Area is intended to be the least intensely developed area of the overlay zoning district and is to provide a natural scenic open space before entering the City of Folly Beach by preserving the marsh views and vistas of this area. This portion of the overlay zoning district is intended to provide an appropriate transition from the more intense commercial development in the North Village, Commercial Core, and South Village Areas before entering the Conservation Area and the City of Folly Beach by preserving the existing low density residential character. The following regulations apply in addition to the requirements of Section 5.6.6 of this Article to unincorporated parcels along Folly Road as indicated on the map titled “Conservation Area”:

**A. Permitted uses**

1. Residential, Neighborhood Commercial, and Conservation Future Land Use Designation: Permitted uses include those uses allowed in the zoning district that corresponds with the “R” and “CN” future land use designation as shown on the overlay zoning district map and as described in Table 6.1.1, Use Table.

2. **Water Dependent Commercial Future Land Use Designation:** Permitted uses include: seafood related Retail Sales; Restaurant, General; Special Events (Commercial and Industrial); Charter Boat or other Recreational Watercraft Rental Services; Boat Ramps; Commercial Docks; and other accessory uses, such as accessory produce/roadside stands, as determined appropriate by the Planning Director. All uses shall comply with the requirements of this Ordinance including but not limited to the Site Plan Review requirements contained in Chapter 3.

**B. Prohibited uses**

Auto Dealers (New and Used), Vehicle Storage, Boat/RV Storage, Billboards, Shooting Ranges, Hotels or Motels, and Tattoo parlors shall be prohibited in this Area.

**C. Uses Requiring Special Exception in the Commercial Area**

Liquor, Beer, or Wine Sales (as defined in this Ordinance), Bar or Lounge, Consumer Vehicle Repair, Fast Food Restaurant, Gasoline Service Stations (with or without convenience stores), Indoor Recreation and Entertainment, and Vehicle Service uses shall require Special Exception approval in compliance with the procedures contained in this Ordinance.

**D. Buffers**

1. A minimum of a 25-foot vegetated right-of-way buffer shall be required along Folly Road in the commercial area which may be reduced to 15 feet when there is no parking or vehicular use area between buildings and right-of-way;
2. A minimum of a 20-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 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 10 feet in depth.