

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 South Carolina law and the ZLDR and has recommended that the Charleston County Council (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 one public hearing, and after close of the public hearing, County Council approved 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 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 ordained it by Charleston County Council, 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 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 County Council.

ADOPTED and APPROVED in meeting duly assembled this 24th day of March, 2015.

CHARLESTON COUNTY COUNCIL

ATTEST:

By:
Beverly T. Craven
Clerk to Charleston County Council

First Reading: February 26, 2015
Second Reading: March 10, 2015
Third Reading: March 24, 2015

By:
J Elliott Summey
Chairman of Charleston County Council

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 5.12 ASHLEY RIVER ROAD CORRIDOR, ARRC-O, OVERLAY ZONING DISTRICT

§5.12.1 STATEMENT OF FINDINGS

The Ashley River Road Corridor Overlay Zoning District (ARRC-O) includes unincorporated parcels of Charleston County that front on Highway 61 from its intersection with Ashley Hall Road to Church Creek as shown on the map titled "Ashley River Road Overlay Zoning District". Highway 61 is a major thoroughfare in West Ashley and carries a large number of vehicles each day through rural areas, commercial areas and established neighborhoods. Moreover, some of the properties along Highway 61 are located within the jurisdictional limits of the City of Charleston and others are

located in unincorporated Charleston County. The ARRC-O was adopted to implement traffic safety measures, improve the visual character and to preserve the scenic quality of the corridor. The overlay zoning district also creates consistency and coordination between the City of Charleston and unincorporated Charleston County concerning land use, design standards and code enforcement.

§5.12.2 PURPOSE AND INTENT

The purpose of the ARRC-O is to create a corridor that is well-planned and attractive through the implementation of land use and design standards and utilize traffic safety measures and access management for vehicles and pedestrians to ensure safe and efficient traffic movement.

§5.12.3 EFFECT OF OVERLAY DISTRICT

The ARRC-O 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 overlay zoning 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 unless otherwise stated.

§5.12.4 APPLICABILITY

The standards of this Article shall apply to all development within the ARRC-O, as shown on the map titled "Ashley River Road Corridor Overlay Zoning District" except single family residential development and existing multi-family and Planned Developments.

§5.12.5 COORDINATION WITH ADJACENT JURISDICTIONS

Charleston County will notify the City of Charleston of all land development applications submitted for unincorporated properties located within the ARRC-O, with the exception of applications for single family detached residential development. The purpose of the notification is to ensure that the City of Charleston is aware of proposed development.

§5.12.6 GENERAL DEVELOPMENT STANDARDS AND REQUIREMENTS

The following development standards and requirements apply to all parcels within the ARRC-O as described below. 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 General

1. All parcels in this overlay zoning district with a zoning district 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. Access drives on corner lots shall be located only on the side street and not on Highway 61 and there shall also be a minimum distance of 75 feet from the 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 or owner 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. Shared Access

1. Each parcel involved in a shared access agreement shall be allowed an increase in building cover up to a maximum of forty percent (40%) of the lot.
2. The applicant must request a shared access with the adjacent property if frontage along Highway 61 is less than 250 feet and the adjacent property does not contain a single family detached residential zoning district or use. If the owner of the adjacent parcel does not agree to share access, the applicant shall provide one (1) of the following to the Planning Department:
 - a. A letter from the adjacent property owner denying access; or
 - b. If the adjacent property owner refuses to provide a letter, an affidavit that documents attempts that the applicant made to request shared access and that the neighboring property owner refused to provide a letter.
3. If subsection b applies, a curb cut is permitted on the subject parcel only with a recorded agreement that the property owner will allow adjacent properties to share access when developed redeveloped or when rezoned.
4. Shared access should be located along a common property boundary.

C. 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.

A. 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.

B. Signs

All new signage must comply with the requirements of this section in addition to the applicable requirements in Article 9.11.

1. Legal nonconforming signs and amortization

a. Any existing legal nonconforming sign in this overlay district permitted before March 10, 2015 that does not meet the standards set forth in this Article must be removed prior to establishing a new business or no later than January 1, 2020, whichever may occur first.

b. Any existing legal nonconforming sign that is abandoned, as defined in Chapter 12 of this Ordinance, or requires repair, must meet the requirements of this Article.

2. Free Standing Signs

The standards below apply to all free standing signs including all real estate signs.

- a. All signs shall be monument style.
- b. Signs shall have a maximum height of 8 feet and a maximum size of forty (40) square feet.
- c. Shared shopping center signs shall be allowed with a maximum height of ten (10) feet and maximum size of sixty (60) square feet.
- d. Electronic message board signs and billboards are prohibited.

3. Illumination

a. Illuminated signs located adjacent to any parcel containing a residential use shall be controlled so as not to create excessive glare onto the property, and footcandles shall be reduced by one-half the maximum allowable footcandle after hours of operation.

b. Illumination that simulates traffic control devices or emergency vehicles is prohibited.

c. All illumination must be from a steady, stationary light source.

d. Internal Illumination.

i. Internally illuminated signs must be constructed of routed aluminum or similar opaque material or channel lit so that only letters, numbers, and/or logos are illuminated.

ii. All finishes shall be a matte finish.

e. External Illumination.

i. Illumination shall be from a steady stationary light source, shielded and directed solely at the sign.

ii. Light sources to illuminate signs shall be shielded so as to not cause glare hazardous to pedestrians or vehicle drivers and to not create a nuisance to adjacent properties.

iii. The intensity of light shall not exceed twenty (20) footcandles at any point on the sign face.

iv. The color of light sources to illuminate signs shall be white.

f. Signs shall not have light reflecting backgrounds or letters.

C. Land Use Buffers

1. A minimum of a twenty-five (25) foot vegetated buffer shall be required when adjacent to any parcel containing a residential use; and

2. 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.

D. Building Coverage

The building coverage shall not exceed thirty-five percent (35%) of the parcel, except as otherwise allowed in this Article. However, the building coverage may be increased 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 treatments that do not cause surface water to runoff and that allow water to absorb into the ground, as approved by the Planning Director.

E. Parking

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. All parking shall be located on the subject property or on adjacent commercially zoned property in accordance with Table 6.1-1, Use Table, and Article 9.3.4 of the Ordinance.

F. 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 of this Ordinance.

G. Multiple Uses

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

§5.12.7 LIGHT COMMERCIAL AREA (Ashley Hall Road to Wappoo Road)

The Light Commercial Area extends from Ashley Hall Road to Savage Road as illustrated on the ARRC-O map entitled "Light Commercial Area". This area consists primarily of mixed lighter commercial and multifamily development surrounded by established residential uses. This portion of the overlay zoning district is intended to provide appropriate services to the established neighborhoods and a transition from the more intense commercial development in the Commercial Core Area. The requirements of this Section apply to parcels in the Light Commercial Area of the ARRC-O as indicated on the map. All development applications shall, at the time application is made, provide documentation that the following requirements will be met:

A. Permitted uses

Permitted uses include uses as allowed in the Office Residential (OR), Neighborhood Commercial (CN), Commercial Transition (CT), Office General (OG), and Community Commercial (CC) Zoning Districts as indicated on the ARRC-O map and as described in Table 6.1.1, Use Table.

B. Prohibited uses

Auto Dealers (New), Vehicle Storage, Boat/RV Storage, Shooting Ranges, Hotels or Motels, Outdoor Display of Goods, Consumer Vehicle Repair, Tattoo Parlors, Title Loan and Short Term lenders, Pawn Shops and Self- Storage Facilities.

C. Uses Requiring Special Exception

Restaurants (all types), Vehicle Repair, Gasoline Service Stations (with or without convenience stores), Liquor, Beer, or Wine Sales (as defined in this Ordinance), Bar or Lounge, and Used car Sales.

D. Building Size

No single building footprint shall exceed 7,500 square feet unless approved under the Special Exception procedures of this Ordinance. The Building Cover requirements of this Article apply in addition to the requirements of this Section.

E. Building Height

Building height in these areas is limited to a maximum of 35 feet and two and a half (2.5) stories. The Building Height definition contained in Chapter 12 of this Ordinance shall apply. However, the height may be a maximum of fifty five (55) feet and four (4) stories may be approved by the Planning Director when the building meets all applicable setback and buffer requirements and the following conditions:

- a. 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
- b. The stepped portion is measured from the outside edge of the building that is parallel to a right-of-way and, if applicable, 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.

F. Right of Way Buffer

A minimum of a twenty-five (25) foot deep vegetated right-of-way buffer shall be required along Highway 61, which may be reduced to eight (8) feet when there is no parking or vehicular use area between the buildings and rights-of-way.

§5.12.8 COMMERCIAL CORE AREA (Wappoo Road to William Kennerty Drive)
The Commercial Core Area is a major commercial node in this part of West Ashley and extends from Wappoo Road to William Kennerty Drive as shown on the ARRC-O map entitled "Commercial Core Area". This area consists of higher intensity commercial uses

such as chain type restaurants, vehicle service and repair, drug stores, shopping centers, and gas stations with minimal buffering along Ashley River Road. Future development in this area is intended for higher intensity commercial uses than those found in the other areas of the corridor. The requirements of this Section apply to parcels within the Commercial Core Area. All development applications shall, at the time application is made, provide documentation that the following requirements will be met:

A. Permitted uses

Permitted uses shall include those uses as allowed in the Neighborhood Commercial (CN) and Community Commercial (CC) Zoning Districts as indicated on the ARRC-O map and as described in Table 6.1.1, Use Table.

B. Prohibited uses

Shooting Ranges and Self-Storage Facilities are prohibited.

C. Uses Requiring Special Exception

Liquor, Beer, or Wine Sales (as defined in this Ordinance) and Bar or Lounge require Special Exception approval pursuant to the requirements of this Ordinance.

D. Building Height

Building height is limited to a maximum of 35 feet and two and a half (2.5) stories. The Building Height definition contained in Chapter 12 of this Ordinance shall apply. Building heights of up to fifty-five (55) feet and four (4) stories may be approved by the Planning Director when the building meets all applicable setback and buffer requirements and the following conditions:

a. 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

b. The stepped portion is measured from the outside edge of the building that is parallel to a right-of-way and, if applicable, 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. Right of Way Buffer

A minimum of a twenty-five (25) foot deep vegetated right-of-way buffer shall be required along Ashley River Road which may be reduced to eight (8) feet when there is no parking or vehicular use area between the buildings and rights-of-way.

§5.12.9 VILLAGE COMMERCIAL AREA (William Kennerty Drive to Church Creek)

The Village Commercial Area extends from William Kennerty Drive to Church Creek as illustrated on the ARRC-O map entitled "Village Commercial Area". This area currently consists of mixed scale high to medium intensity commercial development such as shopping centers and consumer services, small scale offices, restaurants, and some

multi-family uses. This area is intended to be developed with less intense commercial development than the Commercial Core area. Future development in this area should place high priority on pedestrian connectivity between businesses and neighborhoods with attractive planted streetscapes and building architecture. The requirements of this Section apply to parcels within the Village Commercial Area as indicated on the map. All development applications shall, at the time application is made, provide documentation that the following requirements will be met:

A. Permitted uses

Permitted uses include those uses as allowed in the Residential Office (OR), Neighborhood Commercial (CN), and Community Commercial (CC) Zoning Districts as indicated on the Overlay map and as described in Table 6.1.1, Use Table.

B. Prohibited uses

Multi-family development not part of a mixed use development; Tow Facilities; Auto Dealers (New and Used); Exterior Display of Goods; Shooting Ranges; Fire Works Stands (permanent and temporary); Self- Storage Facilities; and Tattoo parlors shall be prohibited uses.

C. Uses Requiring Special Exception

Vehicle Storage; Boat/RV Storage; Used Car Sales; Bars or Lounges; Consumer Vehicle Repair; Fast Food Restaurants Gasoline Service Stations (with or without convenience stores); Indoor Recreation and Entertainment; Consumer Vehicle Repair; and Liquor, Beer, or Wine Sales (as defined in this Ordinance) require Special Exception approval pursuant to the requirements of this Ordinance.

D. Building Height

Building height in these areas is limited to a maximum of 35 feet and two and a half (2.5) stories. The Building Height definition contained in Chapter 12 of this Ordinance shall apply.

E. Building Size

No single building footprint shall exceed 10,000 square feet unless approved under the Special Exception procedures of this Ordinance. The Building Cover requirements of this Article apply in addition to the requirements of this Section.

F. Lighting

Lighting shall be required and comply with §9.6.4 C of this Ordinance. In addition, architectural style lighting shall be required along all sidewalks every fifty (50) feet on center with a maximum height of twenty (20) feet.

G. 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. Pedestrian walkways shall be separated from the travel ways and may be located within right of ways or within buffers and shall provide direct connections from the street to the main entrance and to

abutting properties. Pedestrian walkways shall also be designed and located in a manner that does not require pedestrians to walk through parking lots or within driveways.

H. Right of Way Buffer

A minimum of a thirty-five (35) foot deep vegetated right-of-way buffer shall be required along Highway 61, which may be reduced to twenty (20) feet when there is no parking or vehicular use area between the buildings and rights-of-way.