

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 6, USE REGULATIONS IN REGARDS TO SPECIAL EVENTS.

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; 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 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 18th day of July, 2017.

CHARLESTON COUNTY COUNCIL

By: _____
A. Victor Rawl
Chairman of Charleston County Council

ATTEST:

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

First Reading: June 6, 2017
Second Reading: June 20, 2017
Third Reading: July 18, 2017

EXHIBIT "A"

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 6, USE REGULATIONS.

Table 6.1-1, Use Table

TABLE 6.1-1	ZONING DISTRICTS																Condition				
	RM	AG15	AG10	AG8	AGR	RR3	S3	R4	M8	M12	MHS	MHP	OR	OG	CN	CR		CT	CC	I	
Special Events																C	C	C	C	C	Art. 6.7

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, 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, outdoor concerts and parking for Special Events, shall require a Temporary Special Events 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 (5) such permits may be issued per lot, per calendar year, except as otherwise limited by this Article. The requirements of Section 6.7.5 shall apply in addition to the requirements of this Section. Any Temporary Special 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.

Temporary Special Events Permits may be issued only if adequate parking and sanitary facilities are provided to serve the proposed use or activity and the site can safely support the proposed activity. The following information is required to be submitted with applications for Temporary Special Events Permits (in addition to the required fee):

- A. A detailed Letter of Intent describing the purpose of the event indicating date(s) and time(s), anticipated number of participants, and whether alcohol will be served and if amplified sound (music or other amplified noise) will be utilized;
- B. A legible site plan drawn to scale indicating vehicular traffic areas (parking, driveways, circulation etc.), gathering areas, restroom and vendor locations, and locations of existing and planned structures to be used as part of the event;
- C. Letters of coordination from Fire, Police, and Emergency Medical Services and Building Inspection Services if applicable;
- D. Documentation of Charleston County Business license issuance for the host and participating vendors and copy of valid Department of Revenue license if alcohol will be sold;

- E. Documentation from pertinent service providers for restroom facilities and garbage collection; and
- F. Other pertinent information as deemed necessary by the Planning Director.

The following requirements shall, in addition to all other applicable requirements of this Ordinance, apply to property located in the Agricultural and Residential Zoning Districts:

- A. A maximum of five (5) Temporary Special Events Permits may be issued per lot, per calendar year, and each permit shall be valid for a maximum of three (3) consecutive days;
- B. Each Temporary Special Events Permit shall only be valid for a single special event. Multiple Special Events within the same three (3) day time period shall require separate Temporary Special Events Permits;
- C. Daily event attendance in the AG-15, AGR, RR-3, S-3, R-4, M-8, M-12, MHS, and MHP Zoning Districts shall be limited to 500;
- D. Daily event attendance in the RM, AG-10, and AG-8 Zoning Districts shall be limited to 2,000; and
- E. The maximum number of Temporary Special Events Permits allowed per calendar year and/or maximum daily attendance may only be increased if the requirements listed below, as well as all other applicable requirements of this Ordinance, are met and the request is approved in accordance with the Special Exception Procedures contained in this Ordinance. If approved by the Board of Zoning Appeals, the approval is only valid for one (1) calendar year from the date of Zoning Permit issuance.

1. Application.

- a. Compliance with Article 3.7, Site Plan Review, and Article 3.6, Special Exceptions, of this Ordinance is required, provided, however, that the approval criteria contained in this Article shall apply instead of the approval criteria contained in Section 3.6.5.
- b. All applications must be signed by the property owner or designated agent.
- c. Letters of coordination from the following agencies shall be submitted during Site Plan Review: S.C. Department of Health and Environmental Control (SCDHEC), Charleston County Sheriff's Department, the Charleston County Building Inspections Department, Charleston County Emergency Medical Services (EMS), the appropriate Fire Service provider for the subject property, and a designated solid waste collection/disposal company or a letter indicating a private method of waste collection/disposal.

2. Requirements.

- a. The subject property or properties shall contain a minimum of ten (10) combined acres of highland area and must border a public Arterial Street, as defined in this Ordinance;
- b. There shall be direct access to a public Arterial Street, as defined in this Ordinance;

- c. No more than twenty-five (25) events shall be allowed per calendar year;
 - d. Daily attendance shall not exceed 5,000;
 - e. All structures shall comply with the requirements of this Ordinance, including but not limited to, the density, intensity, and dimensional standards and accessory structure requirements;
 - f. All parking shall be contained on the subject property or on a contiguous property. A recorded, parking agreement shall be required if temporary off-street parking is provided on a parcel other than the subject property. At no time shall associated event parking be allowed in a public or private right-of-way or access easement;
 - g. The maximum occupancy of an individual permanent structure shall comply with the occupancy standards of the Charleston County Building Code;
 - h. All events shall adhere to the Charleston County Noise Regulations and all other applicable Charleston County ordinances;
 - i. All existing or proposed structures shall retain a residential or agricultural character;
 - j. A one hundred foot (100') Type F Buffer shall be required around the perimeter of the property;
 - k. Special Events shall not begin before 10 am and shall end by 10 pm; and
 - l. The applicant must hold at least one (1) community workshop prior to the submittal of the Special Exception application and written documentation of the community workshop(s) must be submitted. Written documentation may include, but is not limited to, sign-in sheets, meeting summaries, memos and/or letters from the applicant describing the meeting(s), etc. The purpose of the workshop(s) is to ensure early citizen participation in an informal forum, in conjunction with the development applications and to provide an applicant the opportunity to understand and try to mitigate any impacts an application may have on an affected community. A community workshop is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors.
3. Special Exception Approval Criteria
- The approval criteria contained in this Article shall apply instead of the approval criteria contained in Section 3.6.5 of this Ordinance. Applications may be approved only if the Board of Zoning Appeals finds that the proposed use:
- a. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
 - b. Does not hinder or endanger vehicular traffic and pedestrian movement on adjacent roads;

- c. Includes adequate provisions for items such as: setbacks and buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust glare, odor, traffic congestion and similar factors;
- d. Where applicable, will be developed in a way that will preserve and incorporate any important natural features;
- e. The setup and disassembly of Special Events will not be detrimental to the surrounding community;
- f. Includes sufficient safeguards for the use of temporary structures, if applicable;
- g. Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and
- h. Is consistent with the recommendations contained in the Charleston County Comprehensive Plan and the character of the underlying zoning district "Purpose and Intent".

If approved by the Board of Zoning Appeals, the approval is only valid for one (1) calendar year from the date of Zoning Permit issuance. In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. Additionally, the Board of Zoning Appeals may require additional conditions of approval including, but not limited to: event days and hours, the number of events per calendar year, limitations on outdoor activities, parking, buffers, and use and location of temporary structures.

If the proposed use is approved by the BZA, the Zoning/Planning Department shall provide written notification to the following agencies, as applicable: S.C. Department of Health and Environmental Control (SCDHEC), Charleston County Sheriff's Department, the Charleston County Building Inspections Department, Charleston County Emergency Medical Services (EMS), and the appropriate Fire Service provider for the subject property.

§6.7.4 SPECIAL EVENTS ESTABLISHED AS PRINCIPAL USES IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

- A. Special Events in Commercial and Industrial Zoning Districts shall comply with the requirements of Section 6.7.5 and the following:
 - 1. The establishment of a new Special Events principal use in the CN, CT, CR, CC, and I Zoning Districts shall comply with the requirements of Article 3.7, Site Plan Review, of this Ordinance.

§6.7.5 OUTDOOR SPECIAL EVENTS (PRINCIPAL USES AND TEMPORARY SPECIAL EVENTS)

- A. 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.

- B. 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, shall cease all music and all loud noise that is above seventy (70) db(A) no later than 11:00 p.m.; otherwise, this use shall require Special Exception approval consistent with this Article. Distances shall be measured from the site of the special event activity on the subject property to the nearest property line of a lot containing a residential use. Noise levels shall be measured anywhere within the boundary line of the nearest residentially occupied property.
- C. All outdoor special event activities will be subject to the County’s livability and/or noise ordinance.

§6.7.6 INDOOR SPECIAL EVENTS

A Zoning Permit shall not be required when hosting an indoor special event in legally established businesses in commercial and industrial zoning districts and public facilities or civic facilities such as: hotels/motels, convention centers; social lodge; assembly halls; religious facilities; fairgrounds; federal, state, and county parks, and similar facilities legally established and authorized to hold Special Events.

§6.7.7 ZONING PERMIT

A Zoning Permit shall be required prior to commencing Special Events and shall be maintained for the duration of the Special Events use, following Site Plan Review and Special Exception approval, as applicable. Additionally, a valid, Charleston County Business License is required following zoning permit approval.

§6.7.8 LAPSE OF APPROVAL

A valid Charleston County Business License must be maintained for a principal Special Events use. If this Business License is not renewed annually or is discontinued, for any reason, for a period of at least six (6) consecutive months, then the use shall be considered abandoned. Once abandoned, the Special Exception approval and the Zoning Permit for the Special Events use shall be deemed null and void. Renewal of the Special Events use shall require the approval of the Board of Zoning Appeals (BZA) and compliance with the regulations of this Ordinance.