

**AN ORDINANCE
 AMENDING THE CHARLESTON COUNTY ZONING AND LAND
 DEVELOPMENT REGULATIONS, ORDINANCE NUMBER 1202, AS
 AMENDED, AT THE FOLLOWING DOCUMENT LOCATIONS: ZONING MAP,
 CHAPTER 5, OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS,
 CHAPTER 8, SUBDIVISION REGULATIONS, AND CHAPTER 9, LAND
 DEVELOPMENT REGULATIONS.**

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Sections 6-29-310, et seq., 6-29-510 et seq., 6-29-710 et seq. and 6-29-110 et seq., of the Code of Laws of South Carolina, 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 text of Section 5.4, JO-MHC-O, Johns Island Maybank Highway Corridor Overlay Zoning District; Section 8.4.2.A.4.j and Section 8.5.2.B.9, of Article 8; and Section 9.5.4, Table 9.5.4.A.3, of Article 9; and related map amendments 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 text and map amendments 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 approves the proposed text amendments based on the Approval Criteria of Section 3.3.6 of Article 3.3 of the ZLDR;

WHEREAS, County Council has determined the proposed text and map amendments meet the following criteria:

- A. The proposed amendments correct an error or inconsistency or meet the challenge of a changing condition; and
- B. The proposed amendments are consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5; and
- C. The proposed amendments are 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. TEXT AND MAP AMENDMENTS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

The Charleston County Zoning and Land Development Regulations Ordinance is hereby amended to include the text and map amendments of Chapter 5, Overlay and Special Purpose Zoning Districts, and related ZLDR amendments, which are attached hereto as Exhibit "A" and made a 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 9th day of March, 2021.

CHARLESTON COUNTY, SOUTH CAROLINA

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

ATTEST:

By: _____
Kristen L. Salisbury
Clerk to Charleston County Council

First Reading: February 2, 2021
Second Reading: February 16, 2021
Third Reading: March 9, 2021

EXHIBIT “A”

ARTICLE 5.4 JO-MHC-O, JOHNS ISLAND MAYBANK HIGHWAY CORRIDOR OVERLAY ZONING DISTRICT

§ 5.4.1 Statement of Findings

The MHC-O, Maybank Highway Corridor Overlay Zoning District, was first established as part of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) when it was adopted on November 20, 2001. The MHC-O only included unincorporated properties along Maybank Highway located on Johns Island. In 2006, the MHC-O district was amended to implement the recommendations of the 2003 *Charleston County Comprehensive Plan Five-Year Review*, but still only included unincorporated properties along Maybank Highway on Johns Island. In 2018, the *10-Year Comprehensive Plan Update* was adopted, and includes the priority recommendation to coordinate with the City of Charleston to review the MHC-O District and extend the overlay boundary onto James Island. The JO-MHC-O, Johns Island Maybank Highway Corridor Overlay Zoning District, implements that recommendation.

This Article replaces the original MHC-O District, and is renamed as JO-MHC-O, Johns Island Maybank Highway Corridor Overlay Zoning District. The corridor is a primary gateway to Johns Island and acts as one of the main thoroughfares for destinations such as Kiawah Island, Seabrook Island, and Wadmalaw Island. Maybank Highway on Johns Island carries a high volume of vehicular traffic each day. Moreover, some of the properties within this corridor are located within the jurisdictional limits of the City of Charleston, while some are located within unincorporated Charleston County. The revised JO-MHC-O District was adopted to implement traffic safety measures, address infrastructure deficiencies, improve the visual character of the corridor, and create consistency between the County of Charleston and the City of Charleston concerning land development regulations.

§ 5.4.2 Purpose and Intent

The purpose of the JO-MHC-O District is to create a corridor that is well-planned, attractive, and preserves and improves existing development patterns where appropriate through the implementation of traffic safety measures and land use and design standards. It is also intended to be consistent with similar regulations adopted by the City of Charleston, ensure safe and efficient vehicle, pedestrian, and bicycle movement through traffic safety measures and access management standards, and to address stormwater runoff, drainage, and flooding issues along the corridor.

A separate regional planning effort involving numerous public and private stakeholders was conducted concurrent with the preparation of the JO-MHC-O District. This planning effort, named Dutch Dialogues Charleston, culminated in a final report released in September 2019. The report addresses “long-term planning to manage the risks and the opportunities provided by the Lowcountry’s dynamic water systems.” It should be noted that implementation of recommendations included in the Dutch Dialogues Charleston Final Report may result in future amendments to the JO-MHC-O District.

§ 5.4.3 Applicability and Effect of the Overlay Zoning District

A. Applicability

The standards of this Article shall apply to all development of unincorporated properties within the JO-MHC-O District, as shown on the map titled “Johns Island Maybank Highway Corridor Overlay Zoning District,” except Single-Family Detached Dwellings.

B. Effect of 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.

C. Variances

The following requirements are ineligible for Zoning Variances in addition to those listed in Sec. 3.10.1, Applicability; Limitations, of this Ordinance:

1. Sec. 5.4.7.B, Vehicle Access;
2. Sec. 5.4.7.D, Pedestrian Access and Sidewalks/Multi-Use Path;
3. Sec. 5.4.8.A.2, MU District Right-of-Way Buffers; and
4. Sec. 5.4.9.A.2, LC District Right-of-Way Buffers.

§ 5.4.4 COORDINATION WITH ADJACENT JURISDICTIONS

A letter of coordination from the City of Charleston shall be required as part of all land development applications in the JO-MHC-O District with the exception of applications for Single-Family Detached Dwellings. The purpose of this coordination is to ensure that development is consistent with similar requirements adopted for the JO-MHC-O District by the City of Charleston.

§ 5.4.5 USE REGULATIONS

A. Table 5.4-1, Johns Island Maybank Highway Overlay Zoning District Use Table. Table 5.4-1 lists the Principal Uses permitted in the districts as identified and described in this Overlay Zoning District and as shown on the map entitled “Johns Island Maybank Highway Corridor Overlay Zoning District.” The following is a description of the codes used in the table:

1. **Uses Allowed by Right.** “A” indicates uses allowed by right.
2. **Uses Subject to Conditions.** “C” indicates uses subject to conditions. A cross-reference to the applicable conditions can be found in the column entitled “Conditions.”
3. **Uses Subject to Special Exception.** “S” indicates uses allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions. A cross-reference to the applicable conditions can be found in the column entitled “Conditions.”
4. **Prohibited Uses.** Blank cells indicate uses that are not permitted.

- B. New or Unlisted Uses and Interpretation.** The Zoning and Planning Director shall be authorized to make use determinations whenever there is a question regarding the category of use based on the definitions contained in Chapter 12, Definitions, of this Ordinance.
- C. Nonconforming Uses.** The requirements of Article 10.2, Nonconforming Uses, of this Ordinance apply to all development subject to the JO-MHC-O District, provided, however, that the following requirement shall apply in place of those contained in Sec. 10.2.4, Loss of Legal Nonconformity Status, sub-section A:
- 1. Abandonment.** If a Nonconforming Use is replaced with another use or is discontinued for any reason for a period of more than 36 consecutive months, the use shall be considered abandoned. Once abandoned, the legal nonconforming status of the use shall be lost and re-establishment of a Nonconforming Use shall be prohibited. Any subsequent use of the property shall comply with the regulations of the JO-MHC-O District.
- D. Accessory Uses.** Accessory Uses shall be allowed pursuant to Art. 6.5, Accessory Uses, of this Ordinance.

Table 5.4-1, Johns Island Maybank Highway Overlay Zoning District Use Table			
Uses	Mixed-Use (MU) District	Limited Commercial (LC) District	Conditions
AGRICULTURAL			
AGRICULTURAL AND ANIMAL PRODUCTION, PROCESSING AND SUPPORT			
Aquaculture			
Mariculture			
Apiculture (Bee Keeping)			
Animal and Insect Production			
Concentrated Animal Feeding Operation			
Horticultural, Greenhouse, Nursery, Crop and Floriculture Production	A	A	
Hemp Crop Production and/or Processing	C	C	§5.4.6.A
Winery			
Agricultural Processing	A	A	
Agricultural Sale or Service	C	C	§5.4.6.B
Roadside Stand	A	A	
Farmers Market	A	A	
Sweetgrass Basket Stand	A	A	
Community Garden	A	A	

Table 5.4-1, Johns Island Maybank Highway Overlay Zoning District Use Table

Uses	Mixed-Use (MU) District	Limited Commercial (LC) District	Conditions
FORESTRY AND LOGGING			
Bona Fide Forestry Operation			
Lumber Mill, Planing, or Saw Mill			
RESIDENTIAL			
ASSISTED LIVING			
Assisted Living	A	A	
MANUFACTURED HOUSING			
Manufactured Housing Unit			
Manufactured Housing Park			
MULTI-FAMILY DWELLING			
Dwelling, Multi-Family	A		
Triplex and Fourplex	A	A	
Duplex	A	A	
Dwelling Group			
Dwelling, Single-Family, Attached	C	C	§5.4.6.C
SHORT-TERM RENTAL			
Short-Term Rental Property, Limited Home Rental (LHR)			
Short-Term Rental Property, Extended Home Rental (EHR)			
SINGLE-FAMILY DWELLING			
Dwelling, Single-Family Detached	A	A	
OTHER RESIDENTIAL USES			
Transitional Housing	A	S	
Child Caring Institution			
Emergency Shelter	A	A	
Affordable Dwelling Unit	C	C	§5.4.6.E
Group Residential	A	A	
Farm Labor Housing			
CIVIC / INSTITUTIONAL			
COURTS AND PUBLIC SAFETY			
Court of Law	A	A	
Correctional Institution			
Parole Office or Probation Office			
Safety Service	A	A	

Table 5.4-1, Johns Island Maybank Highway Overlay Zoning District Use Table

Uses	Mixed-Use (MU) District	Limited Commercial (LC) District	Conditions
DAY CARE SERVICES			
Adult Day Care Service	A	A	
Family Home	C	C	§5.4.6.F
Group Home	A	A	
Child Care Center	A	A	
Day Camp	A	A	
DEATH CARE SERVICES			
Cemetery	A	A	
Funeral Service	A	A	
EDUCATIONAL SERVICES			
Pre-school or Educational Nursery	A	A	
School, Primary	A	A	
School, Secondary	A	A	
Higher Education Facility	A	A	
Personal Improvement Education	A	A	
HEALTH CARE SERVICES			
Medical Office or Outpatient Clinic	A	A	
Community Residential Care Facility	C	C	§5.4.6.G
Counseling Service	A	A	
Intermediate Care Facility for Individuals with Intellectual Disabilities	A	A	
Health Care Laboratory	A	A	
Home Health Agency	A	A	
Hospital; Hospice Facility	A	A	
Outpatient Facility for Chemically Dependent or Addicted Persons	A	A	
Rehabilitation Facility	A	A	
Residential Treatment Facility for Children or Adolescents (mental health treatment)	A	A	
MUSEUM, HISTORIC SITE AND SIMILAR INSTITUTIONS			
Historic Site	A	A	
Library or Archives	A	A	
Museum	A	A	
Nature Exhibition	A		
Botanical Garden	A		

Table 5.4-1, Johns Island Maybank Highway Overlay Zoning District Use Table

Uses	Mixed-Use (MU) District	Limited Commercial (LC) District	Conditions
Zoo	S		
POSTAL SERVICE			
Postal Service, United States	A	A	
RECREATION AND ENTERTAINMENT			
Community Recreation	A	A	
Fishing, Hunting or Recreational Guide Service	A	A	
Golf Course or Country Club			
Parks and Recreation	A	A	
Recreation and Entertainment, Indoor	A	A	
Recreation and Entertainment, Outdoor	C	C	§5.4.6.H
Drive-In Theater			
Golf Driving Range			
Outdoor Shooting Range			
Special Event	C	C	§5.4.6.I
RELIGIOUS, CIVIC, PROFESSIONAL AND SIMILAR ORGANIZATIONS			
Business, Professional, Labor, Political Organizations; Social or Civic Organization; Social Club or Lodge	A	A	
Religious Assembly	A	A	
UTILITIES AND WASTE-RELATED USE			
Utility Service, Major	C	C	§5.4.6.J
Utility Service, Minor	A	A	
Septic Tank Installation, Cleaning, or Related Services	A	A	
Solid Waste Disposal Facility (Public or Private)			
COMMERCIAL			
ACCOMMODATIONS			
Short-Term Rental Property, Commercial Guest House (CGH)	C	C	§5.4.6.D
Hotel or Motel	A		
RV (Recreational Vehicle) Park			
Campground			
ANIMAL SERVICES			
Stable, Commercial			

Table 5.4-1, Johns Island Maybank Highway Overlay Zoning District Use Table

Uses	Mixed-Use (MU) District	Limited Commercial (LC) District	Conditions
Stable, Private			
Kennel	A	A	
Pet Store or Grooming Salon	A	A	
Small Animal Boarding	A	A	
Veterinary Service	A	A	
FINANCIAL SERVICES			
Banks or Financial Services	A	A	
Short-term Lender			
FOOD SERVICES AND DRINKING PLACES			
Bar or Lounge	S	S	
Catering Service	A	A	
Restaurant, Fast Food	C	C	§5.4.6.K
Restaurant, General	C	C	§5.4.6.K
Sexually Oriented Business			
INFORMATION INDUSTRIES			
Communication Service; Data Processing Service; and Publishing Industry	A	A	
Communications Tower	C	C	§6.4.5
OFFICES			
Administrative or Business Office; Government Office; Professional Office	A	A	
OTHER NONRESIDENTIAL DEVELOPMENT			
Convention Center or Visitors Bureau	A	A	
Heavy Construction Service or General Contractor	C	C	§5.4.6.L
Billboard			
Special Trade Contractor (Office/Storage)	C	C	§5.4.6.L
PARKING, COMMERCIAL			
Parking Lot	A	A	
Parking Garage	A		
RENTAL AND LEASING SERVICES			
Charter Boat or other Recreational Watercraft Rental Service			
Commercial or Industrial Machinery or Equipment, Construction Tools or	C	C	§5.4.6.M

Table 5.4-1, Johns Island Maybank Highway Overlay Zoning District Use Table

Uses	Mixed-Use (MU) District	Limited Commercial (LC) District	Conditions
Equipment, Heavy Duty Truck or Commercial Vehicle Rental or Leasing			
Consumer Goods Rental Center	A	A	
Self-Service Storage Facility	C	C	§5.4.6.N
Vehicle Rental or Leasing	C	C	§5.4.6.M
REPAIR AND MAINTENANCE SERVICES			
Boat Yard	A	A	
Repair Service, Consumer	C	C	§5.4.6.L
Repair Service, Commercial	C	C	§5.4.6.L
Vehicle Repair or Service	A	C	§5.4.6.L
RETAIL SALES			
Nonstore Retailer	A	A	
Fuel Dealer; Heating Oil Dealer; Liquefied Petroleum Gas (Bottled Gas) Dealer	C	C	§5.4.6.O
Home Improvement Center	A		
Food Sales	A	A	
Food Truck	A	A	
Liquor, Beer, or Wine Sales	S	S	
Retail Sales or Services, General; Building Materials or Garden Equipment and Supplies Retailer	A	A	
Convenience Store	A		
Duplicating or Quick Printing Service; Private Postal or Mailing Service	A	A	
Pawn Shop			
Service Station, Gasoline	C		§5.4.6.R
Truck Stop			
Vehicle Sales	C	C	§5.4.6.M
Heavy Duty Truck or Commercial Vehicle Dealer; Manufactured Home Dealer	C	C	§5.4.6.M
Vehicle Parts, Accessories or Tire Store	A	A	
RETAIL OR PERSONAL SERVICES			
Consumer Convenience Service	A	A	
Hair, Nail, or Skin Care Service	A	A	
Job Training or Placement Service	A	A	

Table 5.4-1, Johns Island Maybank Highway Overlay Zoning District Use Table

Uses	Mixed-Use (MU) District	Limited Commercial (LC) District	Conditions
Personal Improvement Service	A	A	
Physical Fitness or Health Club	A	A	
Tattoo Facility			
Services to Buildings or Dwellings	A	A	
Landscaping and Horticultural Service	A	A	
VEHICLE AND WATERCRAFT STORAGE			
Vehicle Storage	C	C	§5.4.6.P
Impound Yard			
Towing Facility			
Boat Ramp			
Community Dock			
Commercial Dock			
Marina			
WHOLESALE SALES			
Wholesale Sales	A		
Clay or Related Products, Construction Material Wholesaler	A		
Flower, Nursery Stock or Florists' Supplies Wholesaler	A		
Petroleum Wholesaler			
INDUSTRIAL			
INDUSTRIAL SERVICES			
Laundry, Dry Cleaning, or Carpet Cleaning Plant			
Photo Finishing Laboratory			
Research and Development Laboratory	A	A	
Scrap and Salvage Service			
MANUFACTURING AND PRODUCTION, GENERAL			
Artisan and Craftsman	A	A	
Manufacturing and Production	A		
Aircraft Manufacturing and Production, including Related Parts			

Table 5.4-1, Johns Island Maybank Highway Overlay Zoning District Use Table

Uses	Mixed-Use (MU) District	Limited Commercial (LC) District	Conditions
Chemical Manufacturing and Production			
Clay or Related Products, Furniture, Cabinets or Related Products, Toy or Artwork, or Wood Products Manufacturing and Production	A	A	
Microbrewery	C	C	§5.4.6.Q
Pulp Mill or Paper Mill, Rendering Plant			
Slaughter House and Meat Packing			
Stone or Shell Products Manufacturing and Production			
WAREHOUSE AND FREIGHT MOVEMENT			
Warehouse and Distribution Facility			
Container Storage Facility			
Freight Forwarding Facility			
Fuel Storage Facility			
Grain Terminal and Elevator			
Stockpiling of Sand, Gravel, or other Aggregate Materials			
Storage or Manufacturing of Weapons or Ammunition			
OTHER USES			
RECYCLING SERVICES			
Recycling Center			
Recycling Collection Facility	A	A	
RESOURCE EXTRACTION/MINING			
Resource Extraction/Mining			
TRANSPORTATION			
Aviation			
Private Air Strip			
Railroad Facility			
Sightseeing Transportation, Land or Water	A		
Taxi or Limousine Service	A		
Urban Transit System	A	A	
Water Transportation			

§ 5.4.6 Use Conditions

A. Hemp Production and Processing

1. **Industrial Hemp License.** Evidence of the appropriate South Carolina Department of Agriculture Industrial Hemp License (Grower or Processor) shall be submitted with all Site Plan Review applications.
2. **Approval from South Carolina Department of Agriculture.** Evidence of the appropriate South Carolina Department of Agriculture Hemp Grower or Processor application approval shall be submitted with any Site Plan Review Application.

B. Agricultural Sales or Service, Retail Sales or Service, General, and Building Materials or Garden Equipment and Supplies Retailer

Tractor-trailer containers are prohibited in outside storage areas.

C. Single-Family Attached Dwellings

Single-Family Attached Dwellings shall be subject to the following standards:

1. **Number of Attached Units in a Single Structure.**

No single structure may contain more than eight Single-Family Attached Dwellings.

2. **Density/Intensity and Dimensional Standards.**

Single-Family Attached Dwellings shall comply with the applicable Density/Intensity and Dimensional Standards of this Article.

3. **Accessory Structures.**

All Accessory Structures shall be located on the same Lot as the associated principal Single-Family Attached Dwelling and shall be for the private use of the property occupant(s). A minimum interior setback of three feet is required between an Accessory Structure and the interior lot lines, provided that an Accessory Structure may be located on one of the zero lot lines when constructed of a material finish matching the Dwelling Unit exterior or when the Accessory Structure is the same height and materially a part of a fence or wall.

4. **Design Standards.**

- a. *Front Façade.* The front façade of a Single-Family Attached Dwelling may not include more than 40 percent garage wall area.
- b. *Roof.* The roof of each Single-Family Attached Dwelling must be distinct from the other through either separation of roof pitches or direction, or other variation in roof design.
- c. *Windows.* At least 10 percent of the area of each façade that faces a street must be comprised of windows.

D. Short-Term Rentals, Commercial Guest House (CGH)

Short-Term Rentals, Commercial Guest House (CGH) use shall comply with the requirements of Article 6.8 of this Ordinance as regulated for the Community Commercial (CC) Zoning District.

E. Affordable Dwelling Units

1. Affordable Dwelling Units in the Mixed-Use (MU) District shall comply with the requirements of Article 6.4.19 of this Ordinance as regulated for the Community Commercial (CC) Zoning District.
2. Affordable Dwelling Units in the Limited Commercial (LC) District shall comply with the requirements of Article 6.4.19 of this Ordinance as regulated for the Neighborhood Commercial (NC) Zoning District.

F. Family Home

A Family Home, as defined in this Ordinance, does not require compliance with the Site Plan Review procedures contained within this Ordinance.

G. Community Residential Care Facility

A Community Residential Care Facility that provides care for nine or less persons shall be considered a Family, and is an allowed use in all Zoning Districts pursuant to the Fair Housing Act, Section 800 [42 U.S.C. 3601].

H. Outdoor Recreation and Entertainment

Any structure or activity use area established in connection with Outdoor Recreation and Entertainment uses shall have a vegetated land use buffer of not less than 50 feet from any property that contains a residential use or is located in an agricultural, residential or office Zoning District, except where such property line abuts a street, in which case the front setback established for the Zoning District shall apply.

I. Special Events

Special Events established as a principle use in the MU and LC Districts shall comply with the requirements of Article 6.7 of this Ordinance as regulated for the Community Commercial (CC) Zoning District.

J. Utility Service, Major

1. Sewage Disposal Facility, Water and Sewage Treatment Facility, Water Storage Tank, and Electric or Gas Power Generation Facility

Vegetated Buffers. Any structure established in connection with a Water Storage Tank, Water and Sewage Treatment Facility, Sewage Disposal Facility, or Electric or Gas Power Generation Facility shall have a vegetated buffer of not less than 50 feet from any property line, in compliance with the Chapter 9 buffer standards of this Ordinance.

2. Utility Substation, Electrical or Telephone Switching Facility, Sewage Collector or Trunk Line, Utility Pumping Station, and Water Main

a. *Vegetated Buffers for Structures Less than 120 Square Feet.* Above ground structures that have a cumulative area of 120 square feet or less, associated with underground utilities such as meters, which are necessary for maintenance and monitoring, shall have a vegetated buffer of 10 feet from all property boundaries, in compliance with Chapter 9 buffer standards of this Ordinance;

b. *Vegetated Buffers for Structures Greater than 120 Square Feet.* Above ground structures that have a cumulative area of greater than 120 square feet established in connection with a Utility Substation, Electrical or Telephone Switching Facility, Sewage Collector or Trunk Line, or Utility Pumping Station shall have a vegetated buffer of 25 feet from all property boundaries, or the minimum setback of the overlay district, whichever is greater; and

c. *Storage of Vehicles and Equipment.* The accessory storage of vehicles and equipment on the premises shall be prohibited in the LC District.

K. Restaurants

All proposed Restaurants serving beer or alcoholic beverages located within 500 feet of the property line of a lot in a residential Zoning District or a lot containing a residential use shall require review and approval in accordance with the Special Exception procedures of this Ordinance. Distances shall be measured from the nearest property line of the subject parcel to the nearest property line of a lot containing a residential use or located in a residential Zoning District.

L. Heavy Construction Service or General Contractor, Special Trade Contractor, Consumer and Commercial Repair Service, and Vehicle Repair or Service

All materials and equipment associated with this use shall be entirely screened from view of adjacent properties, and public or private right-of-ways, by the use of solid fencing or appropriate landscaping.

M. Commercial or Industrial Machinery or Equipment, Construction Tools or Equipment, Heavy Duty Truck or Commercial Vehicle Rental or Leasing, Vehicle Rental or Leasing, and Vehicle Sales and Heavy Duty Truck or Commercial Vehicle Dealer; Manufactured Home Dealer

1. Vehicles must be located behind a commercial or office building as viewed from the facing street frontage.

2. In the LC District, Vehicle Sales, Dealers, Rental, and Leasing uses, including all associated vehicle storage areas, must not exceed one acre in size; otherwise, these uses are prohibited.

N. Self-Service Storage Facility

1. Performance Standards

a. Street Frontages and Mixed-Use Development

i. In the MU District, a Self-Service Storage Facility shall be part of a mixed-use development where the ground floor use facing street frontages (entire street frontage) are commercial or office space independent of the Self-Service Storage Facility business.

ii. In the LC District, a Self-Service Storage Facility shall be either:

a) Part of a mixed-use development where the ground floor use facing street frontages (entire street frontage) are commercial or office space independent of the Self-Service Storage Facility business, or

b) Part of a mixed-use development where the Self-Service Storage Facility business is contained within a separate building or buildings located behind a commercial or office space business as viewed from the facing street frontage.

b. Front Setback

All structures, including the accessory manager's office/residence must be set back a minimum of 25 feet from the right-of-way or the district minimum setback, whichever is greater.

c. Side and Rear Buffers/Screening

i. *Office, Commercial or Industrial Zoned Lots.* Where projects abut lots zoned office, commercial, or industrial, no side and rear setbacks are required.

ii. *Residential Zoned Lots.* Where sites abut residentially zoned properties, buildings adjacent to the perimeter must face inward with their doors away from such areas.

d. Building Lengths and Access

To ensure ease of access for emergency vehicles, no building shall exceed 300 feet in length. Spaces between ends of buildings shall be at least 30 feet.

e. **Accessory Office/Apartment**

One management office and/or accessory residence shall be permitted.

f. **Parking and Circulation**

i. *Entrance.* Project entrances shall be 30 feet in width.

ii. *Roadway Widths.* Roadway widths on interior drives shall be at least 24 feet in width where buildings face and open onto such drives on only one side. Where buildings face and open onto drives on both sides, widths of such drives shall be at least 34 feet.

iii. *Turning Radii.* Turning radii, whether provided at the terminus of interior drives or at points between buildings, shall be at least 30 feet to provide for the maneuverability of emergency vehicles.

g. **Signs**

Signs shall comply with the requirements contained in this Article and Chapter 9 of this Ordinance.

2. **Operating Conditions**

a. **Commercial Activities**

The manufacture or sale of any commercial commodity or the provision of any service from the premises is prohibited.

b. **Commercial Repair Activities**

Commercial repairs of vehicles autos, boats, motors, furniture, or other items on the premises are prohibited.

c. **Storage of Flammable Substances**

Storage of flammable chemical substances within the complex is prohibited.

d. **Open Storage**

Open storage of automobiles vehicles and boats is permitted only where such areas are screened to comply with Landscaping, Screening and Buffer requirements contained in Chapter 9 of this Ordinance.

O. Liquefied Petroleum Gas Dealers

The amount of storage for Liquid Petroleum Gas Dealers shall be limited to 40,000 gallons per site.

P. Vehicle Storage

Open storage of vehicles and boats shall be entirely screened from view of adjacent properties, and public or private right-of-ways, by the use of solid fencing or appropriate landscaping.

Q. Microbrewery

1. *Barrel Capacity.* A Microbrewery shall have a maximum capacity of 5,000 barrels per year; otherwise, this use shall comply with the Special Exception procedures contained in this Ordinance.

2. *On-Site Consumption.* A Microbrewery shall require review and approval in accordance with the Special Exception procedures of this Ordinance if they allow on-site consumption of beer or alcoholic beverages in conjunction with the Microbrewery use or an Accessory Use.

3. *Proximity to Residential District or Use.* A Microbrewery shall require review and approval in accordance with the Special Exception procedures of this Ordinance if they are located within 500 feet of the property line of a lot in a residential Zoning District or a lot containing

a residential use. Distances shall be measured from the nearest property line of the subject parcel to the nearest property line of a lot containing a residential use or located in a residential Zoning District.

4. *Accessory Uses and Structures.* All Accessory Uses and Structures shall comply with the requirements of Article 6.5 of this Ordinance.
5. *Special Events.* All Special Events uses shall comply with the requirements of Article 6.7 of this Ordinance.
6. *Third Party Vendors.* The Site Plan shall demonstrate that all required parking is maintained and remains unencumbered when third party vendors or structures are onsite.

R. Gasoline Service Stations

Gasoline Service Stations shall have a maximum of four fuel dispensing stations and a maximum of eight vehicle fueling positions (VFP). VFP's are the number of vehicles that can be fueled simultaneously at a gasoline service station.

§ 5.4.7 GENERAL DEVELOPMENT STANDARDS AND REQUIREMENTS (ALL DISTRICTS)

A. Residential Density

1. *Maximum Residential Density.* The Density/Intensity and Dimensional Standards listed in Table 5.4-3 of this Article shall apply to all properties in the MU District, and the Density/Intensity and Dimensional Standards listed in Table 5.4-5 of this Article shall apply to all properties in the LC District.
2. *Calculation of Residential Density.* Residential density shall be calculated by dividing the number of Lots/Dwelling Units on a site by the net area (in acres) of highland of the site on which the Lots/Dwelling Units are located. Net highland acres includes all acreage that is not below the Office of Coastal Resource Management Critical Line or identified as freshwater wetlands. Site Plan Review and Subdivision applications shall include all freshwater wetland metes and bounds, and total freshwater wetland acreage based on a United States Army Corps of Engineers (USACE) Approved Jurisdiction Determination (AJD). Accessory Dwelling Units (ADUs) are not included in the calculation of residential density.

B. Vehicle Access. Site Plan Review and Subdivision Plat applications shall include suitable access management plans demonstrating compliance with the requirements below:

1. *Driveway Separation.* For driveways directly accessing Maybank Highway, driveway separation shall be a minimum distance of 150 feet from the intersection of the right-of-way lines to the closest edge of driveways. Where the driveway separation is less than 150 feet the proposed driveway shall be designed as a right-in, right-out (RIRO) driveway and conform to the SCDOT standards for a Typical Right-in, Right-out Driveway Design.
2. *Driveway Width.* Vehicular access from Maybank Highway and side (secondary) streets to properties shall be confined to access drives not exceeding 30 feet in width at the street line. Driveways which include a median strip to separate traffic flow in opposite directions shall not exceed 60 feet in width at the street line.
3. *Distance between Driveways.* The distance between the proposed driveway and an existing adjacent driveway shall be the greatest distance feasible.

4. *Limitation to Number of Driveways.* For parcels with a right-of-way frontage equal to or less than 150 feet in length, the development is limited to one driveway, unless single lane driveways are provided in accordance with § 5.4.7.B.5.; for parcels with a frontage greater than 150 feet and less than 300 feet in length, the development is limited to two driveways; for parcels with a frontage equal to or greater than 300 feet the development may have up to three driveways.
5. *Single Lane Driveways.* For parcels with a right-of-way frontage equal to or less than 150 feet in length, two single lane driveways may be allowed. Each single lane drive shall not exceed 15 feet in width at the street line, and the single lane driveway separation shall be a minimum distance of 100 feet from the intersection of the right-of-way lines to the closest edge of driveways.
6. *Corner Lots.* Notwithstanding the above stated requirements, access drives on corner lots shall be located only on the side (secondary) street and such driveways shall be a minimum distance of 50 feet from the street intersection as measured from the edge of the intersecting roadway to the beginning of the driveway radius. However, the Zoning and Planning Director may require the access to be located on the primary street to avoid undue interference with, or hazard to, traffic on the roadways.
7. *Shared Access Requirements.* Shared access is encouraged between adjoining parcels. Driveways for all uses except Single-Family Detached Dwellings should be located in a manner where they can be shared between adjacent parcels as described below:
 - a. The applicant must request a shared access with the adjacent property if the adjacent property does not contain a Single-Family Detached Dwelling.
 - b. Shared access should be located along a common property boundary, if feasible.
 - c. If the owner of the adjacent parcel does not agree to share access, the applicant shall provide one of the following to the Zoning and Planning Department:
 - i. A letter from the adjacent property owner denying access; or
 - ii. 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. If this subsection applies, a new 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 and/or redeveloped.
 - d. Shared access agreements shall be recorded with the Register of Deeds (ROD) Office.
 - e. When right-of-way is dedicated pursuant to the map titled "Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity" as determined by the Zoning and Planning Director and the parcel is involved in a shared access agreement, the maximum building cover shall be 60 percent. When right-of-way is not dedicated, but the parcel is involved in a shared access agreement, the maximum building cover shall be 40 percent.
8. *Transportation Coordination.* Prior to the issuance of a Building Permit, the applicant must show conformance with all requirements included in Letters of Coordination from the South Carolina Department of Transportation (SCDOT), Charleston County Public Works Department, and the Charleston Area Regional Transportation Authority (CARTA).
9. *Infrastructure Connectivity Dedication Incentives.*

The map titled “Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity” identifies the approximate location of a future connector road and drainage system intended to support improved vehicular circulation and stormwater drainage within the JO-MHC-O District. Property owners may be eligible for certain incentives (as listed in Tables 5.4-3 and 5.4-5 below) in exchange for dedicating 50-foot rights-of-way for one or more segments of the planned connector road and drainage system as shown on the map titled “Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity” to the City of Charleston. These incentives shall only apply upon submittal of documentation that such rights-of-way have been dedicated to and accepted by the City of Charleston. If the 50-foot right-of-way is dedicated and accepted, it does not have to be constructed by the property owner unless it is used as access to the development.

C. Traffic Impact Analysis

All Site Plan Review applications for properties within the JO-MHC-O District shall comply with the requirements of Article 9.9, Traffic Impact Studies. Compliance with Art. 9.9, Traffic Impact Studies, is also required for Subdivision Plat applications that meet the thresholds contained in Art. 9.9.

D. Pedestrian Access and Sidewalks/Multi-Use Paths

1. *On-Site Pedestrian Access.* On-site pedestrian access shall comply with the requirements of this Ordinance and shall be included in site design illustrating access linkage to existing sidewalks, adjacent parcels, and within the development area. At-grade and 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.
2. *Maybank Highway Sidewalk and Multi-use Path Requirements.* A minimum 10-foot wide concrete sidewalk shall be required for properties in the Mixed Use (MU) District and a minimum 10-foot concrete multi-use path shall be required for properties in the Limited Commercial (LC) District. Sidewalks and multi-use paths must comply with the requirements listed below and the right-of-way buffer requirements contained in this Article. This Section applies when properties are developed or redeveloped in accordance with Sec. 3.7.1 of this Ordinance.
 - a. The minimum 10-foot wide concrete sidewalk or multi-use path, located as shown in Figures 1 and 2, as applicable, shall extend the length of the entire property frontage;
 - b. Where applicable as determined by the Zoning and Planning Director, asphalt surface material may be used in place of concrete to mitigate damage to existing trees that are to remain;
 - c. The property owner shall obtain and submit all required encroachment permits as part of the Site Plan Review application;
 - d. The property owner shall provide written documentation from the City of Charleston that the City will maintain the sidewalk or multi-use path upon approval of Certificates of Occupancy. This requirement is applicable regardless of whether the sidewalk or multi-use path is located in a right-of-way or within an easement. Such documentation shall be submitted as part of the Site Plan Review application;
 - e. If the sidewalk or multi-use path is located on private property, the property owner shall record an easement for the safe movement of pedestrians and the maintenance of the sidewalk; and

- f. Sidewalks/multi-use path shall be installed and inspected prior to issuance of Certificate(s) of Occupancy.
3. *All Other Roads Sidewalk Requirements.* Sidewalk requirements for all roads other than Maybank Highway in the Overlay Zoning District shall comply with the sidewalk requirements of Chapter 9 of this Ordinance.

E. Signs

All signage must comply with the requirements of this Section in addition to the applicable requirements of Article 9.11, Signs, of this Ordinance.

1. Free-standing Signs
 - a. All new freestanding signs are to be designed as monument signs.
 - i. Signs shall have a maximum height of 10 feet and a maximum size of 40 square feet.
 - ii. Shared free standing signs shall be allowed with a maximum height of 12 feet and a maximum size of 60 square feet.
 - b. All sign illumination:
 - i. Illuminated signs located adjacent to any residential area shall be controlled so as not to create excessive glare to properties within adjacent residential areas.
 - ii. Electronic Copy Readerboard signs and Billboards are prohibited.
 - iii. No illumination that simulates traffic control devices or emergency vehicles shall be used.
 - iv. All illumination must be from a steady, stationary light source.
 - v. Internal Illumination:
 - a) Internally illuminated signs must be constructed of routed aluminum or similar opaque material so that only letters, numbers, and/or logos are illuminated.
 - b) Signs shall not have light reflecting backgrounds or letters.
 - c) All finishes shall be a matte finish.
 - vi. External Illumination:
 - a) Illumination shall be from a steady stationary light source, shielded and directed solely at the sign.
 - b) Light sources to illuminate signs shall be shielded as to not cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent properties.
 - c) The intensity of light shall not exceed twenty (20) footcandles at any point on the sign face.
 - d) The color of light sources to illuminate signs shall be white.
 - e) Signs shall not have light-reflecting backgrounds or letters.
 - c. Nonconforming Signs
 - i. Any Nonconforming sign located on property within this Overlay Zoning District that was legally permitted on or before [Date of Adoption of this Overlay Zoning District] that does not comply with the standards set forth in this Article must come into compliance with the requirements of this Article prior to the issuance of a Zoning Permit for: (1) a new business on the property; and/or (2) all changes other than re-facing and the required addition of pole covers as described in subsection ii below.
 - ii. A Nonconforming Sign may be re-faced without complying with the requirements of this Article provided a pole cover is added to the existing poles pursuant to the following requirements:
 - a) The pole cover shall be at least one-third the width of the sign cabinet; and

- b) The pole cover shall be at least one-third the overall height of the pole sign, however the pole cover shall not exceed 8 feet in height.

2. Wall Signs

- a. The maximum size of a wall sign shall be in accordance with Table 9.11.4, Wall/Façade Signs, of this Ordinance;
- b. In new multi-tenant developments, such as shopping centers and office parks, all tenant signs are to be similar in type, color, font size, font style, and method of illumination; and
- c. New tenant signs in existing multi-tenant developments shall be consistent with the type and method of illumination of existing tenant signs.

F. Special Stormwater Requirements

All construction activities occurring on properties within the JO-MHC-O District may be subject to Special Protection Area stormwater design criteria as described in the most recent edition of the *Charleston County Stormwater Program Permitting Standards and Procedures Manual*.

§ 5.4.8 MIXED-USE (MU) DISTRICT

The MU District includes JO-MHC-O Overlay Zoning District properties grouped in three noncontiguous mixed-use nodes, as shown on the map titled “Johns Island Maybank Highway Corridor Overlay Zoning District.” These mixed-use nodes currently consist of high and medium intensity commercial and residential uses such as shopping centers, restaurants, pharmacies, multi-family dwellings, and various small retail and professional offices, along with a mix of vacant and undeveloped parcels. Two of the three mixed-use nodes are located at major crossroads that currently serve as established and recognized Johns Island commercial centers.

The MU District is intended for higher intensity commercial development and higher density residential uses than those allowed in the LC District of this JO-MHC-O District. Future development in this district should offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. The MU District accommodates different types of compatible land uses close together in appropriate locations to shorten trips and facilitate alternative modes of transportation such as walking, biking, and public transportation. Mixed-use buildings with retail, service and other uses on the ground floor and residential units above the nonresidential space should be encouraged. The following regulations apply in addition to the requirements of Sec. 5.4.7, General Development Standards and Requirements (All Districts), of this Article to unincorporated parcels within the MU District as indicated on the map titled “Johns Island Maybank Highway Overlay Zoning District”:

a. Buffers

- 1. *Land Use Buffer.* The land use buffer and landscape requirements of Chapter 9 shall apply.
- 2. MU District Right-of-Way Buffers
 - a. *Buffer Requirement.* For properties with frontage on Maybank Highway, the right-of-way buffer shown in Figure 1 shall be required when such properties are developed or redeveloped in accordance with Sec. 3.7.1 of this Ordinance:
 - b. *Buffer Description.* The Maybank Highway right-of-way buffer shall be a minimum of 15 feet in depth, and include the following:

- i. *Planting Strip Requirements.* A five-foot planting strip including:
 - a) Street trees and additional required plantings meeting the requirements of Table 5.4-2. All required trees and plantings shall be planted prior to the issuance of Certificate(s) of Occupancy; and
 - b) Street lights subject to the following street light requirements:
 - 1) Street lights shall be provided as shown in Figure 1 at locations to be determined by the Zoning and Planning Director, provided that property owners shall only be responsible for the street lights located in front of their properties;
 - 2) All required encroachment permits from the SC Department of Transportation shall be included as part of the Site Plan Review application;
 - 3) Property owners/applicants shall provide documentation stating that they shall be responsible for bearing the costs of the conduit(s) for the required street light(s) and coordinating with Dominion Energy to erect the lights prior to the issuance of Certificate(s) of Occupancy;
 - 4) Street lights shall have Octagonal heads as defined by Dominion Energy's light palette and shall be placed on seventeen-foot (17') tall Fluted poles. Should these designs/light types no longer be in existence at the time of land development application, the Zoning and Planning Director shall determine the appropriate pedestrian scale fixture to be used;
 - 5) Street lights shall be installed prior to issuance of Certificate(s) of Occupancy; and
 - 6) The property owner shall provide written documentation that the development/redevelopment will comply with the above stated requirements. Such documentation shall be submitted as part of the Site Plan Review application.

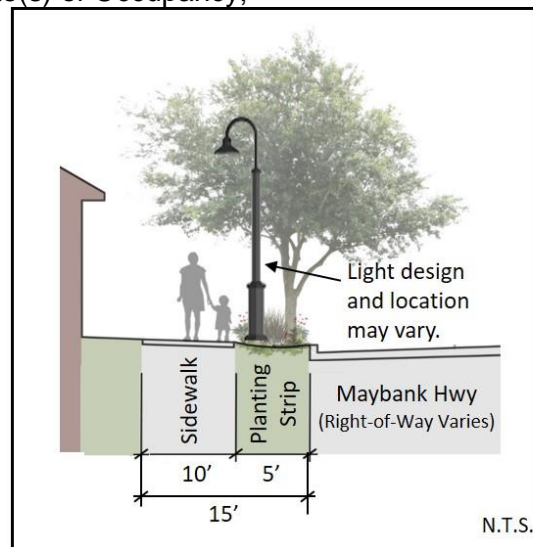


FIGURE 1
RIGHT-OF-WAY BUFFER, MAYBANK HIGHWAY

- ii. *Sidewalk Requirements.* A 10-foot sidewalk shall be installed subject to the requirements of Sec. 5.4.7.D.2, Sidewalks/Multi-use Paths.

Table 5.4-2, Mixed-Use (MU) District Buffer Depth and Planting Schedule [1]	
STANDARD	MAYBANK HIGHWAY (JOHNS ISLAND)
MIN. BUFFER DEPTH [2] [3]	15 feet [4]
MINIMUM BUFFER LANDSCAPING (Plants per 100 linear feet)[5]	
Canopy Trees[6] [7]	3

Table 5.4-2, Mixed-Use (MU) District Buffer Depth and Planting Schedule [1]	
STANDARD	MAYBANK HIGHWAY (JOHNS ISLAND)
Understory Trees (at least 50 percent evergreen]	3
Shrubs	25
Street Trees (may be counted toward canopy tree req.)[8]	2
<p>All trees with a diameter breast height (DBH) of 6 inches or greater within buffers shall be preserved.</p> <p>[1] All landscape and plant material shall comply with the minimum standards of Section 9.5.6 of this Ordinance.</p> <p>[2] Buffers may be traversed by permitted driveways and pedestrian ways.</p> <p>[3] As measured from existing back of curb, where applicable.</p> <p>[4] Consisting of a five foot planting strip and ten foot sidewalk as illustrated in Figure 1.</p> <p>[5] The Planning Director may waive/modify minimum buffer planting requirements when an undisturbed natural buffer exists that is the same depth and amount of plant material as that which is required.</p> <p>[6] Bradford Pears cannot be used to fulfill any of the tree requirements of this Ordinance. Any exotic species which are proposed by the designer are subject to approval of the Planning Director.</p> <p>[7] Only Live Oak trees can be used to fulfill canopy tree requirements.</p> <p>[8] Street trees are trees planted in rights-of-way for the purpose of fulfilling these requirements. Any planting in rights-of-way must be approved by party(ies) authorized to grant encroachment.</p>	

3. If property is dedicated pursuant to Sec. 5.4.7.B.9, the connector road right-of-way buffer shall be eight feet.
4. Right-of-way buffer and sidewalk requirements for all other roads in the MU District shall comply Chapter 9 of this Ordinance.

b. **Density, Intensity, Dimensional, and Design Standards.** The Density/Intensity and Dimensional Standards contained in Table 5.4-3 shall apply to properties in the MU District:

**Table 5.4-3, Mixed-Use (MU) District
Density/Intensity and Dimensional Standards**

STANDARD	WITHOUT 50' RIGHT-OF-WAY DEDICATION [6]	WITH 50' RIGHT-OF-WAY DEDICATION [7]
MAXIMUM RESIDENTIAL DENSITY [1]	8 dwelling units per acre	19 dwelling units per acre
MINIMUM LOT WIDTH	12 feet	12 feet
MINIMUM SETBACKS [2]	Equivalent to required buffers	Equivalent to required buffers
MAYBANK HIGHWAY RIGHT-OF-WAY BUFFER	15 feet	15 feet
OCRM CRITICAL LINE BUFFER	50 feet	50 feet
MAXIMUM BUILDING COVER [3]	30%	50%
MAXIMUM INDIVIDUAL BUILDING FOOTPRINT	15,000 square feet	20,000 square feet [4]
MAXIMUM BUILDING HEIGHT	35 feet/2½ stories	55 feet/5 stories [5]

[1] To promote ownership or occupancy of affordable, quality housing, increased densities may be allowed pursuant to Sec. 5.4.6.E.

[2] No building setback shall be less than eight feet.

[3] When right-of-way is dedicated pursuant to the map titled "Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity" as determined by the Zoning and Planning Director and the parcel is involved in a shared access agreement pursuant to Sec. 5.4.7.B.7, the maximum building cover shall be 60 percent. When right-of-way is not dedicated, but the parcel is involved in a shared access agreement, the maximum building cover shall be 40 percent.

[4] When right-of-way is dedicated pursuant to the map titled "Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity" as determined by the Zoning and Planning Director, building footprints of up to 50,000 square feet may be allowed if approved pursuant to the Special Exception procedures of this Ordinance.

[5] When right-of-way is dedicated pursuant to the map titled "Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity" as determined by the Zoning and Planning Director, building heights of up to fifty five (55) feet and five (5) stories

**Table 5.4-3, Mixed-Use (MU) District
Density/Intensity and Dimensional Standards**

may be approved by the Zoning and Planning Director 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 Maybank Highway 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 dwelling units.

[6] Vertical improvements shall not occur in the area identified for infrastructure connectivity as shown on the map titled "Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity" as determined by the Zoning and Planning Director.

[7] These incentives shall only apply upon submittal of documentation that the 50-foot right-of-way has been dedicated to and accepted by the City of Charleston.

§ 5.4.9 LIMITED COMMERCIAL (LC) DISTRICT

The LC District includes JO-MHC-O Overlay Zoning District properties outside of the mixed-use nodes as shown on the map titled "Johns Island Maybank Highway Corridor Overlay Zoning District." Existing uses in this district are primarily a mixture of light commercial, and vacant and undeveloped properties surrounded by established residential development.

The LC District is intended for lower intensity commercial development and lower density residential uses than those allowed in the MU District. This district should serve as a transition from the more intense mixed-use node and provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered should be varied and include specialty retail stores, restaurants, and neighborhood-serving offices. Residential development most appropriate for this district includes small lot single-family dwellings and single-family attached dwellings, such as duplexes and townhouses, and triplexes and fourplexes/quadplexes. The following regulations apply in addition to the requirements of Sec. 5.4.7, General Development Standards and Requirements (All Areas), of this Article to unincorporated parcels within the LC District as indicated on the map titled "Johns Island Maybank Highway Overlay Zoning District":

A. Buffers

1. *Land Use Buffer.* The land use buffer and landscape material requirements of Chapter 9 of this Ordinance shall apply.
2. LC District Right-of-Way Buffers.

a. Maybank Highway LC District Right-of-Way Buffer

i. *Buffer Requirement.* For properties with frontage on Maybank Highway, the right-of-way buffer shown in Figure 2 shall be required when such properties are developed or redeveloped in accordance with Sec. 3.7.1 of this Ordinance.

ii. *Buffer Description.* The Maybank Highway right-of-way buffer shall be 75 feet in depth and include the following:

- 0 – 25 feet from the property line at the right-of-way: a minimum 10-foot concrete multi-use path meeting the requirements of Sec. 5.4.7.D.2 and street lighting meeting the requirements of Sec. 5.4.9.A.3. This area is also reserved for future road widening.
- 25 – 50 feet from the property line at the right-of-way: Street trees and additional required plantings meeting the requirements of Table 5.4-4. All required trees and plantings shall be planted prior to the issuance of Certificate(s) of Occupancy.
- 50 - 75 feet from the property line at the right-of-way: This area is reserved for stormwater infrastructure; however, other temporary activities may occur in this area as approved by the Zoning and Planning Director. When stormwater detention ponds are located within the right-of-way buffer, they are only allowed in this portion of the buffer and they shall not occupy more than 25% of the entire right-of-way buffer area.

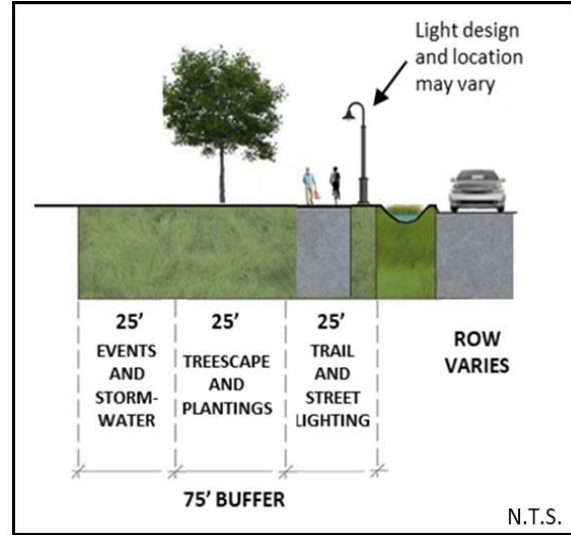


FIGURE 2
RIGHT-OF-WAY BUFFER, MAYBANK HIGHWAY

Table 5.4-4, Limited Commercial (LC) District ROW Buffer Depth and Planting Schedule [1]	
STANDARD	MAYBANK HIGHWAY (JOHNS ISLAND)
MIN. BUFFER DEPTH [2] [3]	75 feet [4]
MINIMUM BUFFER LANDSCAPING (Plants per 100 linear feet)[5]	
Canopy Trees[6] [7]	3
Understory Trees (at least 50 percent evergreen)	4
Shrubs	30
Street Trees (may be counted toward canopy tree req.)[8]	2
All trees with a diameter breast height (DBH) of 6 inches or greater within buffers shall be preserved.	
[1] All landscape and plant material shall comply with the minimum standards of Sec. 9.5.6 of this Ordinance.	
[2] Buffers may be traversed by permitted driveways and pedestrian ways.	

**Table 5.4-4, Limited Commercial (LC) District
ROW Buffer Depth and Planting Schedule [1]**

STANDARD	MAYBANK HIGHWAY (JOHNS ISLAND)
<p>[3] As measured from existing back of curb, where applicable.</p> <p>[4] Consisting of a minimum 10-foot multi-use path as illustrated in Figure 2.</p> <p>[5] The Zoning and Planning Director may waive/modify minimum buffer planting requirements when an undisturbed natural buffer exists that is the same depth and amount of plant material as that which is required.</p> <p>[6] Bradford Pears cannot be used to fulfill any of the tree requirements of this Ordinance. Any exotic species which are proposed by the designer are subject to approval of the Zoning and Planning Director.</p> <p>[7] Only Live Oak trees can be used to fulfill the canopy tree requirements.</p> <p>[8] Street trees are trees planted in rights-of-way for the purpose of fulfilling these requirements. Any planting in rights-of-way must be approved by party(ies) authorized to grant encroachment.</p>	

- b. If property is dedicated pursuant to Sec. 5.4.7.B.9, the connector road right-of-way buffer shall be eight feet.
- c. Right-of-way buffer and sidewalk requirements for all other roads in the LC District shall comply with Chapter 9 of this Ordinance.

3. Street Lights

Street Light Requirements. Property owners shall install street lights, as shown in Figure 2, in accordance with the following standards:

- a. Street lights shall be placed in the first 25 feet of the right-of-way buffer at locations to be determined by the Zoning and Planning Director, provided that property owners shall only be responsible for the street lights located in front of their properties;
- b. All required encroachment permits from the SC Department of Transportation shall be included as part of the Site Plan Review application;
- c. Property owners/applicants shall provide documentation stating that they shall be responsible for bearing the costs of the conduit(s) for the required street light(s) and coordinating with electricity provider to erect the lights prior to the issuance of Certificate(s) of Occupancy;
- d. Street lights shall have Octagonal heads as defined by the electricity provider's light palette and shall be placed on 17-foot tall Fluted poles. Should these designs/light types no longer be in existence at the time of land development application, the Zoning and Planning Director shall determine the appropriate pedestrian scale fixture to be used;
- e. Street lights shall be installed prior to issuance of Certificate(s) of Occupancy; and
- f. The property owner shall provide written documentation that the development/redevelopment will comply with the above stated requirements. Such documentation shall be submitted as part of the Site Plan Review application.

B. Density, Intensity, Dimensional, and Design Standards. The Density/Intensity and Dimensional Standards contained in Table 5.4-5 shall apply to properties in the LC District:

Table 5.4-5, Limited Commercial (LC) District Density/Intensity and Dimensional Standards

STANDARD	WITHOUT 50' RIGHT-OF-WAY DEDICATION [5]	WITH 50' RIGHT-OF-WAY DEDICATION [6]
MAXIMUM RESIDENTIAL DENSITY [1]	6 dwelling units per acre	12 dwelling units per acre
MINIMUM LOT WIDTH	12 feet	12 feet
MINIMUM SETBACKS [2]	Equivalent to required buffers	Equivalent to required buffers
MAYBANK HIGHWAY RIGHT-OF-WAY BUFFER	75 feet	75 feet
OCRM CRITICAL LINE BUFFER	50 feet	50 feet
MAXIMUM BUILDING COVER [3]	30%	50%
MAXIMUM INDIVIDUAL BUILDING FOOTPRINT	5,000 square feet	10,000 square feet [4]
MAXIMUM BUILDING HEIGHT	35 feet/2½ stories	45 feet/3½ stories

[1] To promote ownership or occupancy of affordable, quality housing, increased densities may be allowed pursuant to Sec. 5.4.6.E.

[2] No building setback shall be less than eight feet.

[3] When right-of-way is dedicated pursuant to the map titled “Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity” as determined by the Zoning and Planning Director and the parcel is involved in a shared access agreement, the maximum building cover shall be 60 percent. When right-of-way is not dedicated, but the parcel is involved in a shared access agreement pursuant to Sec. 5.4.7.B.7, the maximum building cover shall be 40 percent.

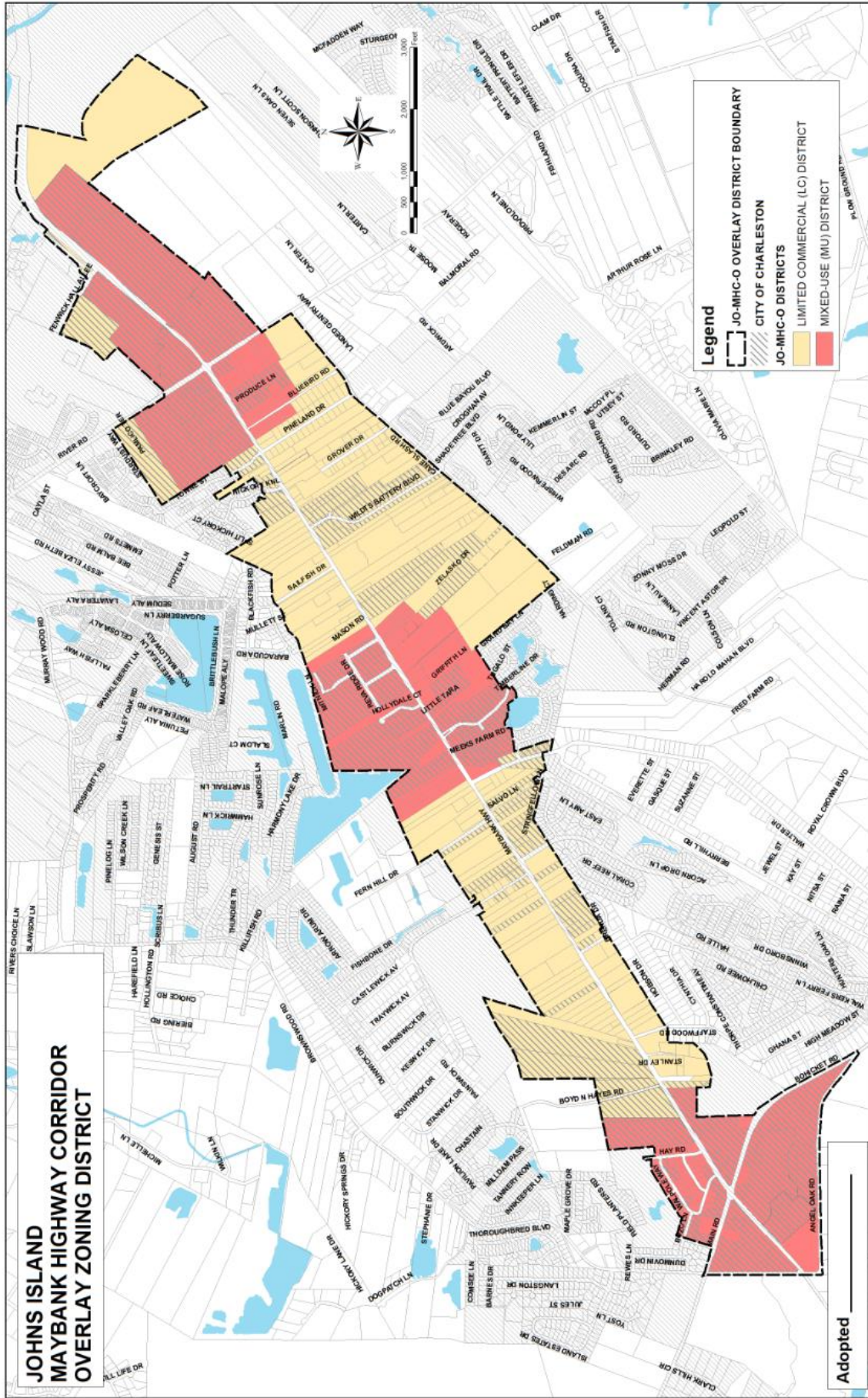
[4] When right-of-way is dedicated pursuant to the map titled “Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity” as determined by the Zoning and Planning Director, building footprints of up to 20,000 square feet may be allowed if approved pursuant to the Special Exception procedures of this Ordinance.

[5] Vertical improvements shall not occur in the area identified for infrastructure connectivity as shown on the map titled “Johns Island Maybank Highway Corridor Overlay Zoning District Infrastructure and Connectivity” as determined by the Zoning and Planning Director.

**Table 5.4-5, Limited Commercial (LC) District
Density/Intensity and Dimensional Standards**

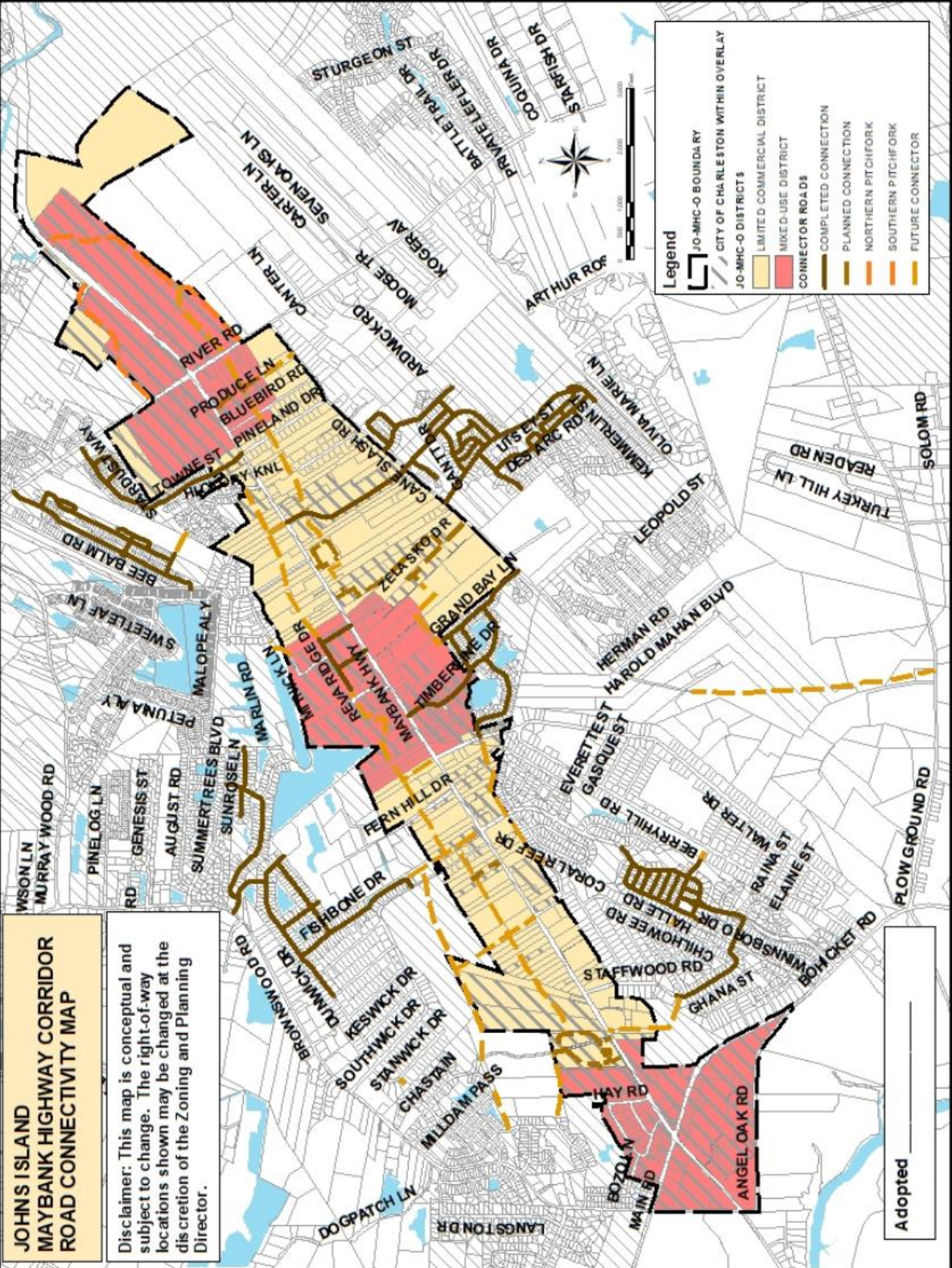
[6] These incentives shall only apply upon submittal of documentation that the 50-foot right-of-way has been dedicated to and accepted by the City of Charleston.

JOHNS ISLAND MAYBANK HIGHWAY CORRIDOR OVERLAY ZONING DISTRICT



**JOHNS ISLAND
MAYBANK HIGHWAY CORRIDOR
ROAD CONNECTIVITY MAP**

Disclaimer: This map is conceptual and subject to change. The right-of-way locations shown may be changed at the discretion of the Zoning and Planning Director.



Legend

- JO-MHC-O BOUNDARY
- CITY OF CHARLESTON WITHIN OVERLAY
- JO-MHC-O DISTRICTS
 - LIMITED COMMERCIAL DISTRICT
 - MIXED-USE DISTRICT
- CONNECTOR ROADS
 - COMPLETED CONNECTION
 - PLANNED CONNECTION
 - NORTHERN PITCHFORK
 - SOUTHERN PITCHFORK
 - FUTURE CONNECTOR

Adopted _____

Related ZLDR Amendments: Chapters 8 and 9

CHAPTER 8 | SUBDIVISION REGULATIONS

ARTICLE 8.4 PRELIMINARY PLAT

§8.4.2.A.4 Application; Requirements

A. Requirements

The following shall be submitted:

4. The following information shall be required on each plat:
 - j. United States Army Corps of Engineers Jurisdictional Determination. A United States Army Corps of Engineers (USACE) jurisdictional determination is not required for approval of a subdivision plat application except: (1) as required for the Main Road Corridor Overlay Zoning District, James Island Maybank Highway Corridor Overlay Zoning District, and Johns Island Maybank Highway Overlay Zoning District; and (2) that an Accurate-Approved jurisdictional determination is required for areas located within proposed publicly dedicated rights-of-way and/or easements prior to Preliminary Plat approval. (...)

CHAPTER 8 | SUBDIVISION REGULATIONS

ARTICLE 8.5 FINAL PLATS

§8.5.2.B Application;

B. The Final Plat Shall Show the Following:

9. United States Army Corps of Engineers Jurisdictional Determination. A United States Army Corps of Engineers (USACE) jurisdictional determination is not required for approval of a subdivision plat application except: (1) as required for the Main Road Corridor Overlay Zoning District, James Island Maybank Highway Corridor Overlay Zoning District, and Johns Island Maybank Highway Overlay Zoning District; and (2) that an Accurate-Approved jurisdictional determination is required for areas located within proposed publicly dedicated rights-of-way and/or easements prior to Final Plat approval. (...)

Amend Sec. 9.5.4, Table 9.5.4.A.3, Buffer Types by Roadway, as follows:

Table 9.5.4.A.3, Buffer Types by Roadway			
ROADWAY	BUFFER TYPE	ROADWAY	
Abbapoola Road	S4	Magwood Road	S3
Ashley Hall Road	S1	Main Road (Humbert Road to Maybank Hwy.) Main Road Corridor Overlay District	S5 [2]
Hwy. 61/Ashley River Road (Saint Andrews Boulevard to Sam Rittenberg Boulevard)	S1	Main Road (Bees Ferry Road to Limehouse <u>Bridge</u>)	S4

Table 9.5.4.A.3, Buffer Types by Roadway

ROADWAY	BUFFER TYPE	ROADWAY	
Hwy. 61/Ashley River Road (Sam Rittenberg Boulevard to Mark Clark Expressway)	S2	Manse Road	S4
Hwy. 61/Ashley River Road (Church Creek to Muirfield Parkway/MacLaura Hall Ave.) [1]	S5	Mary Ann Point Road	S3
Hwy. 61/Ashley River Road (Muirfield Parkway/ MacLaura Hall Avenue intersection to Charleston County Line)[1]	S6	Mathis Ferry Road [1]	S4
Bears Bluff Road	S5	Maybank Highway Corridor Overlay District [Johns Island]	[2]
Bees Ferry Road	S4	Maybank Highway Corridor Overlay Zoning District [James Island]	[4]
Belvedere Road	S4	Maybank Hwy (Main Road to Rockville)	S5
Betsy Kerrison Parkway [1]	S5	Meeting Street	S1
Bohicket Road [1]	S5	Murraywood Road	S4
Botany Bay Road	S4	Old Georgetown Road	S4

2. Buffer type as described in the Johns Island Maybank Highway Corridor Overlay District