



CITY OF CHARLESTON

# Planning Commission Agenda Package

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FOR THE MEETING OF :

**September 20, 2017** 2 George St, Charleston, SC  
5:00PM - Regular Meeting

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CITY OF CHARLESTON



DEPARTMENT OF PLANNING, PRESERVATION AND SUSTAINABILITY

[www.charleston-sc.gov/pc](http://www.charleston-sc.gov/pc)

**CITY OF CHARLESTON  
PLANNING COMMISSION**

September 20, 2017

**Ordinance Amendment 1 :**

**Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by creating a Folly Road Overlay Zone.**

**BACKGROUND**

On August 15, 2017, the City of Charleston Council enacted a moratorium on certain development activity on James Island. This ordinance prohibits the processing of development applications/permits for certain types of development on commercially zoned properties located on James Island until November 6, 2017. It was intended to allow the City time to assess and make recommendations regarding the zoning of commercial properties and land use on James Island to assure an appropriate balance.

Even before the moratorium was finalized, the City has been working with Charleston County and the Town of James Island to draft similar zoning overlay ordinances to address development in the Folly Road corridor. The attached ordinance language is the version proposed for City of Charleston areas of the corridor and it closely parallels ordinances from other jurisdictions.

**STAFF RECOMMENDATION**

APPROVAL

AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY CREATING THE FOLLY ROAD OVERLAY ZONE

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Article 2, Part 5 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting, in numerical order, the following new sections:

**Sec. 54-229.4. Folly Road, FR, Overlay Zone.**

**a. Intent.** The Folly Road, FR, overlay zone fronts on the east and west sides of Folly Road from its intersection with Tatum Road south to the Folly River and includes only those parcels with a commercial base zoning designation. Folly Road is the main thoroughfare on James Island and the only route leading to Folly Beach. As such, it carries a large number of vehicles each day. Moreover, some of the properties along Folly Road are located within the jurisdictional limits of the Town of James Island, the City of Folly Beach, the City of Charleston, and unincorporated Charleston County. The intent of the FR overlay zone is to implement traffic safety measures, to improve the visual character of the corridor, and to create consistency between the Town of James Island, the City of Folly Beach, the City of Charleston, and unincorporated Charleston County concerning land use and design standards.

**b. Generally.**

**1. Development regulations for all areas of the FR overlay zone.**

The following development regulations apply to all parcels within FR overlay zone in addition to the requirements described below for each of the five sub-areas. All non-single family detached development applications shall, at the time application is made, provide proof that the following requirements will be met prior to the issuance of any approvals:

(a) Vehicle Access

(1) All parcels in this overlay zoning district with a base zoning of RO (Residential Office) shall be allowed one curb cut per 150 feet of road frontage; all other parcels with a commercial base zoning shall be allowed one curb cut every 250 feet.

(2) Proposed new access drives shall be a minimum distance of 75 feet from a street intersection measured from the edge of the intersecting roadway to the beginning of the driveway radius. These minimum spacing requirements shall be increased if a right-turn deceleration lane is required and shall equal the length of the turn lane and taper plus an additional distance of 50 feet.

(3) All applications for development of non-residential uses shall include a suitable access management plan demonstrating that the driveway separation requirements can be met. The following techniques may be employed to achieve this

result, but the burden of accomplishing the desired effect remains with the developer of the property:

- a. Aggregation of parcel;
- b. Parallel frontage or “backage” roads;
- c. Shared curb cuts between adjoining properties; and
- d. Shared access easements between parcels.

(b) Pedestrian access. Paved pedestrian ways shall be included in site design and shall provide a continuous link to adjacent parcels, as well as within the development area. Grade-separated pedestrian walkways must provide a direct connection from the street to the main entrance, and to abutting properties. Pedestrian walkways must be designed and located in a manner that does not require pedestrians to walk through parking lots or cross driveways and sidewalks may be allowed in right-of-way-buffers.

(c) Building height. The height of buildings shall not exceed a maximum of 2.5 stories or 35 feet, whichever is less, measured from the highest curb elevation of Folly Road adjacent to the site.

(d) Residential density. Parcels with a base zoning of CT, LB, GB and LI within the Folly Road Overlay shall be limited to a maximum of eight dwelling units per acre of high ground. A maximum of 12 dwelling units per acre of high ground shall be permitted if workforce housing requirements contained in Article 2, Part 15, of this chapter are met. All parcels developed with residential uses shall include commercial uses so that the square footage of conditioned, commercial floor space equals a minimum of 10 percent of the total square footage of conditioned floor space on the parcel.

(e) Uses. Permitted uses and prohibited uses are described in each of the five sub-areas below. Gun shops shall be permitted only on parcels in this overlay zoning district with a base zoning of General Business (GB).

**Sec. 54-229.5. FR Overlay Zone, North Village Sub-Area.**

The North Village sub-area extends from Crosscreek/Tatum Street to Oakpoint Road (Ellis Creek area). This area currently consists of mixed medium and low intensity commercial uses such as shopping centers, professional offices, and vehicle services. Higher intensity residential uses, such as apartment complexes, also exist in this Area. The following regulations apply in addition to the requirements of Section 54-229.4, b:

**a. Permitted uses.** Permitted uses on a parcel shall include uses allowed in the base zoning district of that parcel as modified by Section 54-229.4, b, except that motor vehicle dealers (new and used) shall be prohibited.

**b. Prohibited uses.** Motor vehicle dealers (new and used) shall be prohibited.

**c. Buffers.**

1. A minimum 25-foot vegetated right-of-way buffer shall be required for parcels along Folly Road with a base zoning of GB, LB, CT or GO;

2. A minimum 15-foot vegetated right of way buffer shall be required for parcels along Folly Road with a base zoning of RO;
3. Parcels with a base zoning of GB, LB, CT or GO shall be required to have a minimum 20-foot rear vegetated buffer adjacent to residentially zoned parcels;
4. Parcels with a base zoning of RO shall be required to have a minimum 15-foot vegetated rear buffer adjacent to residentially zoned parcels; and
5. Where appropriate, fencing may be required to screen adjacent residentially zoned parcels. When a minimum 6-foot high opaque fence or wall is utilized, the zoning administrator may reduce the land use buffer by up to one-half ( $\frac{1}{2}$ ) its required depth when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.
6. Exceptions. In order to allow for new buildings to relate harmoniously with the streetscape and to other structures in the vicinity, when deemed appropriate by the Design Review Board, buildings may be permitted to encroach into the required right-of-way buffer. This exemption shall not apply to parking lots or any other vehicular use areas.

**Sec. 54-229.6. FR Overlay Zone, Commercial Core Sub-Area.**

The Commercial Core sub-area is the gateway and commercial center and extends from Oak Point Road (Ellis Creek Area) to Prescott Street. This area currently consists of higher intensity commercial uses such as chain type restaurants, vehicle service and repair, drug stores, and shopping centers with minimal buffering along Folly Road. The following regulations apply in addition to the requirements of Section 54-229.4, b:

**a. Permitted uses.** Permitted uses on a parcel shall include uses allowed in the base zoning district of that parcel as modified by Section 54-229.4, b, except that motor vehicle dealers (new and used) shall be prohibited.

**b. Prohibited uses.** Motor vehicle dealers (new and used) shall be prohibited.

**c. Buffers.**

1. A minimum of a 15-foot vegetated right-of-way buffer shall be required along Folly Road.
2. A minimum of a 25-foot rear vegetated buffer shall be required adjacent to residentially zoned parcels; and
3. Fencing may be required to screen adjacent residentially zoned parcels. When a minimum 6-foot high opaque fence or wall is utilized, the zoning administrator may reduce the land use buffer by up to one-half ( $\frac{1}{2}$ ) its required depth when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.

4. Exceptions. In order to allow for new buildings to relate harmoniously with the streetscape and to other structures in the vicinity, when deemed appropriate by the Design Review Board, buildings may be permitted to encroach into the required right-of-way buffer. This exemption shall not apply to parking lots or any other vehicular use areas.

**Sec. 54-229.7. FR Overlay Zone, South Village Sub-Area.**

The South Village sub-area extends from Prescott Street to Rafael Lane. This area currently consists of mixed medium to high intensity commercial development, such as shopping centers big box stores and consumer services, along the west side of Folly Road and primarily small scale office and residential uses along the east side of Folly Road. This area is intended for development similar to the North Village sub-area with less intense commercial development than the Commercial Core sub-area and a mix of medium to high intensity uses along the west side of Folly Road and lower intensity development on the east side of Folly Road. Future development in this area is to be a mix of commercial and residential uses with increased right-of-way buffers along the west side of Folly Road and increased land use buffers on both sides of Folly Road when commercial development occurs adjacent to single family detached residential uses. The following regulations apply in addition to the requirements of Section 54-229.4, b:

**a. Permitted uses.** Permitted uses on a parcel shall include uses allowed in the base zoning district of that parcel as modified by Section 54-229.4, b, except that motor vehicle dealers (new and used) shall be prohibited.

**b. Prohibited uses.** Motor vehicle dealers (new and used) shall be prohibited.

**c. Buffers.**

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

2. A minimum 20-foot vegetated rear buffer shall be required adjacent to residentially zoned parcels; and

3. Fencing may be required to screen adjacent residentially zoned parcels. When a minimum 6-foot high opaque fence or wall is utilized, the zoning administrator may reduce the land use buffer by up to one-half (1/2) its required depth when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.

4. Exceptions. In order to allow for new buildings to relate harmoniously with the streetscape and to other structures in the vicinity, when deemed appropriate by the Design Review Board, buildings may be permitted to encroach into the required right-of-way buffer. This exemption shall not apply to parking lots or any other vehicular use areas.

**Sec. 54-229.8. FR Overlay Zone, Neighborhood Preservation Sub-Area.**

The Neighborhood Preservation sub-area extends from Rafael Lane to Battery Island Drive. This area consists primarily of low-intensity residential uses with some commercial development primarily along the northwest area of Folly Road. This portion of the overlay zoning district is intended to provide an appropriate transition from the more intense commercial development in the North Village,

Commercial Core, and South Village Areas before entering the Conservation Area and the City of Folly Beach. The following regulations apply in addition to the requirements of Section 54-229.4, b:

**a. Permitted uses.** Permitted uses on a parcel shall include uses allowed in the base zoning district of that parcel as modified by Section 54-229.4, b, except that motor vehicle dealers (new and used), eating places with drive-thru service, gasoline service stations (with or without convenience stores), indoor recreation and entertainment, and automotive repair shops shall be prohibited.

**b. Prohibited uses.** Motor vehicle dealers (new and used), eating places with drive-thru service, gasoline service stations (with or without convenience stores), indoor recreation and entertainment, and automotive repair shops shall be prohibited.

**c. Building size.** No single building structure shall exceed 5,000 square feet in gross floor area.

**d. Buffers.**

1. A minimum of a 25-foot vegetated right-of-way buffer shall be required along Folly Road. This buffer may be reduced to 15 feet when there is no parking or vehicular use area between buildings and right-of-way.

2. A minimum of a 20-foot vegetated rear buffer shall be required adjacent to residentially zoned parcels.

3. Fencing may be required to screen adjacent residentially zoned parcels. When a minimum 6-foot high opaque fence or wall is utilized, the zoning administrator may reduce the land use buffer by up to one-half (1/2) its required depth when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.

4. Exceptions. In order to allow for new buildings to relate harmoniously with the streetscape and to other structures in the vicinity, when deemed appropriate by the Design Review Board, buildings may be permitted to encroach into the required right-of-way buffer. This exemption shall not apply to parking lots or any other vehicular use areas.

**Sec. 54-229.9. FR Overlay Zone, Conservation Sub-Area.**

The Conservation sub-area extends from Battery Island Drive to the Folly River. This area is intended to be the least intensely developed area of the overlay zoning district and is to provide a natural scenic open space before entering the City of Folly Beach by preserving the marsh views and vistas of this area. This portion of the overlay zoning district is intended to provide an appropriate transition from the more intense commercial development in the North Village, Commercial Core, and South Village sub-areas before entering the Conservation sub-area and the City of Folly Beach by preserving the existing low density residential character. The following regulations apply in addition to the requirements of Section 54-229.4, b:

**a. Permitted uses.** Permitted uses on a parcel shall include uses allowed in the base zoning district of that parcel as modified by Section 54-229.4, b, except that motor vehicle dealers (new and used) shall be prohibited.

**b. Prohibited uses.**

Motor vehicle dealers (new and used) shall be prohibited.

**c. Buffers.**

1. A minimum of a 25-foot vegetated right-of-way buffer shall be required along Folly Road in the commercial area which may be reduced to 15 feet when there is no parking or vehicular use area between buildings and right-of-way;
2. A minimum of a 20-foot vegetated rear buffer shall be required adjacent to residentially zoned parcels; and
3. Fencing may be required to screen adjacent residentially zoned parcels. When a minimum 6-foot high opaque fence or wall is utilized, the zoning administrator may reduce the land use buffer by up to one-half (1/2) its required depth when deemed appropriate; however, no required vegetated buffer shall be less than 10 feet in depth.
4. Exceptions. In order to allow for new buildings to relate harmoniously with the streetscape and to other structures in the vicinity, when deemed appropriate by the Design Review Board, buildings may be permitted to encroach into the required right-of-way buffer. This exemption shall not apply to parking lots or any other vehicular use areas.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord 2017, in the \_\_\_\_ Year of Independence of the United States of America.

By: \_\_\_\_\_  
John J. Tecklenburg  
Mayor, City of Charleston

Attest: \_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council