



Ratification
Number 2020-027

A N O R D I N A N C E

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO ADD TO SEC. 54-299.4.B OF THE ZONING ORDINANCE A REQUIREMENT FOR THE INSTALLATION OF A TWELVE FOOT (12') WIDE MULTI-USE PATH ALONG THE FRONTAGE OF PARCELS WITHIN THE FOLLY ROAD (FR) OVERLAY ZONE; TO AUTHORIZE THE DESIGN REVIEW BOARD TO REDUCE THE MINIMUM REQUIRED BUFFER PLANTINGS ADJACENT TO A RIGHT-OF-WAY AND/OR REDUCE THE MINIMUM REQUIRED WIDTH OF THE MULTI-USE PATH IN CERTAIN CIRCUMSTANCES; AND TO AMEND SEC. 54-120 OF THE ZONING ORDINANCE TO ADD DEFINITIONS FOR THE TERMS "BIKEWAY" AND "MULTI-USE PATH." (AS AMENDED)

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

Section 1. The following terms and definitions are hereby added to Sec. 54-120 of the Code of the City of Charleston ("Zoning Ordinance"), to be included in alphabetical order with the other definitions listed therein:

"Bikeway" is a generic term for any road, street, path, or traveled way that is in some manner specifically or legally designated for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

"Multi-Use Path" means a bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way. Multi-use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users.

Section 2. Sec. 54-299.4.b of the Zoning Ordinance is hereby amended to read as follows (new text in **bold and double underlined** and deleted text with ~~strikethrough~~):

b. Generally.

1. **Development regulations for all areas of the FR overlay zone.** The following development regulations apply to all parcels within **the** FR overlay zone in addition to the requirements described below for each of the five sub-areas. All ~~non-single family detached~~ development applications, **except for development applications for one-family detached**

dwellings, 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 two and one-half (2.5) stories or thirty-five (35) feet, whichever is less, measured from the highest curb elevation of Folly Road adjacent to the site, except that architectural features such as parapets, cupolas, roof structures, and other similar features shall be allowed to exceed the 35-foot height limitation but not exceed a total building height of 40 feet.

(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 greater than 10,000 square feet 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. Residential developments that provide workforce housing shall be exempt from the 10 percent commercial use requirement.

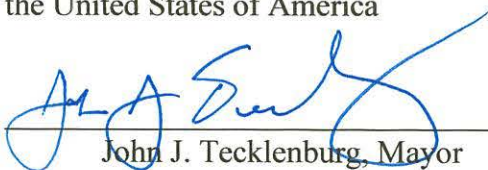
(e) Uses. Permitted uses and prohibited uses are described in each of the five sub-areas below. Gun shops shall be permitted only on parcels in this overlay zoning district with a base zoning of General Business (GB).

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

(g) Multi-Use Path. A multi-use path of at least twelve feet (12') in width shall be installed along the frontage of the parcel. The design of the multi-use path shall be reviewed and approved by the Design Review Board ("DRB"). The DRB shall seek to have the path implemented in an aesthetically pleasing manner with regards to landscaping, the proposed building, existing trees and other site features and context. The multi-use path may be fully in the right-of-way or on private property with an easement. The multi-use path shall be as safely designed as possible with good separation from moving traffic on Folly Road. If the applicant establishes that the required minimum width of the multi-use path is not feasible based on site conditions, the DRB may: (1) permit a reduction in the required minimum buffer plantings along the road right-of-way to accommodate the minimum required width of the path; and/or (2) permit a reduction in the required width of the multi-use path.

Section 3. This Ordinance shall become effective upon ratification.

Ratified in City Council this 25th day of February in the Year of Our Lord, 2020, and in the 244th Year of the Independence of the United States of America



John J. Tecklenburg, Mayor

ATTEST:



Vanessa Turner Maybank,
Clerk of Council