

Ordinance 2016-079
Ratified July 19, 2016

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO ADD A NEW OVERLAY ZONING DISTRICT TO BE KNOWN AS THE GATEWAY OVERLAY ZONE, ADD REGULATIONS TO AUTHORIZE SPECIFIC LAND USES, BUILDING HEIGHTS AND LOT OCCUPANCY REQUIREMENTS IN THE GATEWAY OVERLAY ZONE, AND CHANGE THE ZONE MAP, WHICH IS PART THEREOF, SO THAT CERTAIN PROPERTIES BEARING THE FOLLOWING CHARLESTON COUNTY TAX MAP NUMBERS, TO WIT: TMS# 457-07-01-029 AND 457-07-01-061 (310 BROAD STREET) BE INCLUDED WITHIN THE GATEWAY OVERLAY ZONE. **(AS AMENDED)**

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

Section 1. Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting in the first sentence of Section 54-102(c)(1) immediately after “Tech Corridor Overlay Zone” the text “Gateway Overlay Zone,” and inserting the following new subsection at the end of Section 54-202 to read as follows:

“1. **Gateway, G Overlay Zone.** The Gateway Overlay Zone is intended for sites in the City that are located at primary entrances to specifically defined or colloquially known districts and areas of the City. The purpose of the Gateway Overlay is to accommodate a more varied use matrix at these strategic locations by providing an opportunity for denser residential developments at commercially zoned properties by way of an optional set of development regulations that authorize higher residential density, and impose lot coverage requirements and certain height restrictions.”

Section 2. Article 2, Part 5: Permitted Uses For Overlay Zones of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the following new section:

“Sec. 54-229.2. Gateway, G Overlay Zone.

- a. Intent. The intent of the Gateway “G” overlay zone is to accommodate a more varied use matrix at the strategic locations by providing an opportunity for denser residential developments at commercially zoned properties by way of an optional set of development regulations that authorize higher residential density, and impose lot coverage requirements and certain height restrictions.”

- b. Permitted uses. In any Gateway overlay zoning district, land may be used and buildings or structures may be erected, altered or used for any purpose allowed by the underlying zoning district as listed in Article 2, Part 3. In the alternative, land may be used and buildings or structures may be erected, altered or used for any purpose allowed by the underlying zoning district, and may include residential uses at a density between 50 and 78 dwelling units per acre of high ground, or fraction thereof (rounded up), provided that all dwelling units above 72 dwelling units per acre of high ground, or fraction thereof, must meet the requirements for affordable housing in Sec. 54-207 p., and provided further that the zoning administrator approves a Site Plan of the property being put to alternate uses that demonstrates the following conditions are met:
1. The gross floor area, hereafter “GFA”, of the structures on the property shown on the Site Plan, in the aggregate, but excluding parking structures, shall not exceed 81,000 square feet per acre of high ground, or fraction thereof. For the purposes of this section, GFA shall mean the total floor area within the building envelope including exterior walls, except that vertical circulation, i.e. stairs and elevator shafts, mechanical chases, and mechanical penthouses shall be exempt from being included in GFA, and further provided that parking and driveway areas within a building, and the exterior walls surrounding parking and driveway areas within buildings, shall be exempt from being included in the GFA. For example, a two story building with exterior dimensions of 20 x 40 feet has a GFA equal to 1,600 square feet minus any square footage of floor area occupied by vertical circulation, mechanical chases or mechanical penthouses while a three story building with exterior dimensions of 20 x 40 feet in which a story consists of only parking and driveway areas, has a GFA equal to 1,600 square feet minus any square footage of floor area occupied by vertical circulation, mechanical chases or mechanical penthouses; and
 2. No less than seventy (70%) per cent of the GFA of the structures on the property shown on the Site Plan must be used for residential purposes; and
 3. The total number of required off-street parking spaces must be provided on site and calculated in accordance with the parking standards of the underlying zoning district; provided that parking requirements for affordable housing units shall be 1 space per unit; and
 4. No structure on the property shown on the Site Plan shall exceed the lesser of: (a) the height limit set by the underlying zoning district; or (b) 160 feet, with a 10 foot allowance for mechanicals, to include stairs, railings, antennas and elevator overruns; and
 5. Lot Occupancy of the buildings on the Site Plan shall not exceed fifty-five (55%) percent of the property shown on the Site Plan.
 6. The number of dwelling units per acre of high ground, or fraction thereof, shall be within the limits as noted in this section, and if exceeding 72 dwelling units per acre

of high ground, or fraction thereof, the Site Plan shall indicate the total number of affordable housing units.

- c. The Site Plan may include multiple, contiguous lots of record over which the alternate uses and other requirements of subpart (c) may be allocated. If the lots of record delineated on the Site Plan are not under common ownership, the consent of all owners of the lots of record must be shown on the Site Plan. For purposes hereof, lots of record separated by a public right-of-way shall be deemed contiguous.
- d. For the purposes of this Section, the Site Plan shall include the following:
 - 1. A Site Plan that shows spot elevations of the highest curb elevation adjacent to the site, and the highest points on each roof section of each building; and
 - 2. Floor plans with uses, the total number of dwelling units, calculated GFA on the site and a breakdown of the total GFA by residential and non-residential area noted; and
 - 3. An overall Site Plan that shows existing lot lines, notes the high ground and wetland areas of each lot, notes the owner of each lot, shows all buildings, notes the lot occupancy of buildings, shows all parking spaces, and notes the calculated parking requirements for each use to satisfy requirements noted in this Section; and
 - 4. In the event that a Site Plan includes multiple, contiguous lots of record that either are not under common ownership or will remain as separate lots of record, a separate overall site plan that allocates uses and other requirements described in Section 54-229.2, c, to each lot of record and includes the written consent of all owners of the lots of record.
 - 5. In the event that a Site Plan includes affordable housing, the Site Plan shall note the total number of affordable housing units and include notes that restate the requirements of Sec. 54-207. p. (f) and (g).
- e. Once a permit is issued to authorize construction under the Site Plan, the provisions of the Site Plan shall control the development of the property.

Section 3. The Zoning Ordinance of the City of Charleston be, and the same hereby is, amended by changing the zone map, which is a part thereof, so that the property described in Section 4 hereof be included in the Gateway overlay zone.

Section 4. The property to be included in the Gateway overlay is described as follows:

Charleston County Tax Map Parcels, as indicated, bearing TMS# 457-07-01-029 AND 457-07-01-061, identified as 310 Broad Street.

Section 5. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of _____ in the Year of Our Lord, 2016, and in the _____th Year of the Independence of the United States of America

John J. Tecklenburg, Mayor

ATTEST: _____
Vanessa Turner Maybank
Clerk of Council