

ORDINANCE 2020-04

AN ORDINANCE

AN ORDINANCE AMENDING THE TOWN OF JAMES ISLAND ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 2013-07: SECTION 153.093 (EXHIBIT A) FRC-O FOLLY ROAD CORRIDOR OVERLAY DISTRICT:

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 Town of James Island 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 Town of James Island Planning Commission has reviewed and considered these amendments to the proposed text of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR) in accordance with the procedures established in State law and the ZLDR, and

WHEREAS, the Town of James Island Town Council has recommended that the proposed text amendments be adopted to Section 153.093 of the FRC-O Folly Road Overlay of the ZLDR; and

WHEREAS, upon receipt of the review and consideration of the Planning Commission, Town Council held at least one (1) public hearing and after close of the public hearing, Town Council approves the proposed text amendments based on the Approval Criteria of Section 153.042 (F) of the ZLDR;

WHEREAS, the Town Council has determined the proposed text amendments meet the following criteria:

(1). The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition; and

(B). The proposed amendment is consistent with the adopted Town of James Island Comprehensive Plan and goals as stated in Section 153.005; and

(C). The proposed amendment is to further the public welfare in any other regard specified by Town Council.

NOW, THEREFORE, be ordained it, by the Town of James Island 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 AMENDMENT OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

The Town of James Island Zoning and Land Development Regulations Ordinance is hereby amended to include the text amendments of Section 153.093, is 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 second reading by the Town Council.

ADOPTED and APPROVED in meeting duly assembled this 16th day of April 2020.

TOWN OF JAMES ISLAND COUNCIL

By: _____

Bill Woolsey

Mayor of the Town of James Island

ATTEST:

By: _____

Frances Simmons

Town Clerk of the Town of James Island

Public Hearing: May 21, 2020

First Reading: April 16, 2020

Second Reading: May 21, 2020

Exhibit "A"

Recommended Amendment #1

§ 153.093 FRC-O, FOLLY ROAD CORRIDOR OVERLAY DISTRICT.

(G) *North Village Area. (City of Charleston and Charleston County).* The North Village Area extends from Crosscreek/Tatum Street to Oakpoint Road (Ellis Creek Area) as illustrated on the FRC-O map entitled "North Village." Parcels in this area are within the jurisdiction of the City of Charleston and unincorporated Charleston County. This area currently consists of mixed medium and low intensity commercial such as shopping centers, professional office, and vehicle services. There are also higher intensity residential uses such as apartment complexes. This area is intended to have less intense commercial uses than the commercial uses found in the Commercial Core Area, particularly along the north side of Central Park Road and west side of Folly Road. This area is not intended for large scale commercial development such as big box stores or mega-shopping centers. Future development in this area is to be a mix of medium to lower intensity commercial, office, and residential uses with increased buffers along Folly Road for more intensive commercial uses. The following commercial recommendations apply to parcels within the North Village Area as indicated on the map. All development applications shall, at the time application is made, provide proof that the following requirements will be met:

(1) *Permitted uses.* Shall include those allowed in the Residential Office (OR), General Office (OG), and Neighborhood Commercial (CN) Zoning Districts as indicated on the overlay map and as described in [Table 153.110](#), Use Table.

(a) Prohibited uses. Vehicle Sales (new or used), **Hotels and Motels**

*All Changes are highlighted

*Proposed additions are indicated by **bold, underlined, italicized** font *Proposed redactions are indicated by strikethrough

Recommended Amendment #2

(H) *Commercial Core Area. (Town of James Island and City of Charleston).* This area is the gateway and commercial center to the town and extends from Oak Point Road (Ellis Creek Area) to Prescott Street as shown on the FRC-O map entitled “Commercial Core.” Parcels in this area are primarily within the town with a few parcels within the City of Charleston. This area 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. Future development in this area is intended for higher intensity commercial uses than those found in the other areas of the corridor. Future development in this area should place high priority on pedestrian connectivity between businesses and neighborhoods with attractive planted streetscapes and building architecture. The following commercial recommendations apply to parcels along Folly Road as indicated on the map. All development applications shall, at the time application is made, provide proof that the following requirements will be met:

(1) *Permitted uses.* Shall include those allowed in the Community Commercial (CC) Zoning District as indicated on the overlay map and as described in [Table 153.110](#), Use Table.

(a) *Prohibited uses.* Self-service storage/mini warehouses, Vehicle Sales (new or used), **Hotels and Motels**

(2) *Uses requiring special exception.* Liquor, beer, or wine sales (as defined in this chapter), bar or lounge, consumer vehicle repair, fast- food restaurant, gasoline service stations (with or without convenience stores), indoor recreation and entertainment, vehicle service.

*All Changes are highlighted

*Proposed additions are indicated by **bold, underlined, italicized** font *Proposed redactions are indicated by strikethrough

Recommended Amendment #3

(I) *South Village Area. (City of Charleston, Town of James Island, Charleston County).* The South Village Area extends from Prescott Street to Rafael Lane as illustrated on the FRC-O map entitled “South Village.” Parcels in this area are within the jurisdiction of the town and the City of Charleston, with a few parcels in unincorporated Charleston County. This area currently consists of mixed high to medium intensity commercial development along the west side of Folly Road such as shopping centers, big box stores, and consumer services, and small scale offices and residential uses along the east side of Folly Road. This area is intended to be developed similar to the North Village Area with less intense commercial development than the Commercial Core Area. This area is intended to have a mix of high to medium intensity uses along the west side of Folly and low intensive 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 increased land use buffers on both sides of Folly Road when commercial development occurs adjacent to single-family detached residential uses. The following commercial recommendations apply to parcels within the South Village Area as indicated on the map. All development applications shall, at the time application is made, provide proof that the following requirements will be met:

(1) *Permitted uses.* Shall include those allowed in the Residential (R), Residential Office (OR), and Neighborhood Commercial (CN) Zoning Districts on the east side of Folly Road and Community Commercial (CC) Zoning Districts on the west side of Folly Road as indicated on the overlay map and as described in [Table 153.110](#), Use Table.

(a) *Prohibited uses.* Self-service storage/mini warehouses, Vehicle Sales (new or used), **Hotels and Motels**

(2) *Uses requiring special exception.* Vehicle storage, boat/RV storage, bar or lounge, consumer vehicle repair, fast-food restaurant, gasoline service stations (with or without convenience stores), indoor recreation and entertainment, consumer vehicle repair.

*All Changes are **highlighted**

*Proposed additions are indicated by ***bold, underlined, italicized*** font *Proposed redactions are indicated by strikethrough

Recommended Amendment #4

(J) *Neighborhood Preservation Area. (Charleston County, City of Charleston).* The Neighborhood Preservation Area extends from Rafael Lane to Battery Island Drive as illustrated on the FRC-O map entitled "Neighborhood Preservation." 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 district is to provide an appropriate transition from the more intense commercial development on James Island before entering the Conservation Area and the City of Folly Beach by preserving the existing low density residential character. The following commercial and residential recommendations apply to parcels along Folly Road as indicated on the map. All development applications shall, at the time application is made, provide proof that the following requirements will be met:

(1) *Permitted uses.* Shall include those allowed in the Special Management (S3) and Neighborhood Commercial (CN) Zoning Districts as indicated on the overlay map and as described in [Table 153.110](#), Use Table.

(a) Prohibited uses. Vehicle Sales (new and used), **Hotels and Motels**

(2) *Uses requiring special exception.* Liquor, beer, or wine sales (as defined in this

chapter), bar or lounge.

*All Changes are highlighted

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Recommended Amendment #5

(K) *Conservation Area. (Charleston County, City of Folly Beach).* The Conservation Area extends from Battery Island Drive to Folly River as illustrated on the FRC-O map entitled "Conservation." 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. The following commercial and residential recommendations apply to parcels along Folly Road as indicated on the map. All development applications shall, at the time application is made, provide proof that the following requirements will be met:

(1) *Permitted uses.* Shall include those allowed in the Neighborhood Commercial (CN) and the Special Management (S3) Zoning District.

a. Prohibited Uses. Vehicle Sales (new and used), **Hotels and Motels**

(2) *Uses requiring special exception.* Liquor, beer, or wine sales (as defined in this chapter), bar or lounge, consumer vehicle repair, fast- food restaurant, gasoline service stations (with or without convenience stores), indoor recreation and entertainment, vehicle service.

*All Changes are highlighted

*Proposed additions are indicated by ***bold, underlined, italicized*** font *Proposed redactions are indicated by strikethrough

(1) *Permitted uses.* Shall include those allowed in the Community Commercial (CC) Zoning District as indicated on the overlay map and as described in [Table 153.110](#), Use Table.

(a) *Prohibited uses.* Self-service storage/mini warehouses, Vehicle Sales (new or used),

(2) *Uses requiring special exception.* Liquor, beer, or wine sales (as defined in this chapter), bar or lounge, consumer vehicle repair, fast- food restaurant, gasoline service stations (with or without convenience stores), indoor recreation and entertainment, vehicle service, **Hotels or Motels**

*All Changes are highlighted

*Proposed additions are indicated by ***bold, underlined, italicized*** font *Proposed redactions are indicated by strikethrough

