

ORDINANCE NO. 09-11-55

AN ORDINANCE TO AMEND AND CLARIFY CERTAIN SECTIONS OF ORDINANCE NO. 01-8-35, ADOPTED AUGUST 27, 2001, ZONING AND DEVELOPMENT STANDARDS ORDINANCE, "BERKELEY COUNTY ZONING ORDINANCE" AND AMENDING ORDINANCES NO. 02-08-33, 02-12-58,04-11-68, 05-03-08, 05-08-58, 06-09-63, 06-12-92, AND 07-07-43, IN REGARD TO THE PROPOSED CREATION OF AN ARTERIAL ROADS OVERLAY DISTRICT.

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

WHEREAS, the Berkeley County Council has determined that the following amendment herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

WHEREAS, the Berkeley County Council has determined that the following amendment is necessary in order to preserve and enhance the appearance and operational characteristics of arterial roads within Berkeley County.

NOW, THEREFORE, BE IT ORDAINED that Ordinance No. 01-8-35, as amended, and is hereby further amended and revised as follows:

Section 10.3: Scenic Roads (Reserved) is hereby renamed to the Arterial Roads Development Standards Overlay District and is established to read:

ARTERIAL ROADS DEVELOPMENT STANDARDS OVERLAY DISTRICT

PURPOSE.

The purpose of this subchapter is to preserve and enhance the appearance and operational characteristics of arterial roads within Berkeley County.

DEFINITION.

The **ARTERIAL ROAD DEVELOPMENT STANDARD** is defined as the area of land along major arterial roads within Berkeley County. These regulations will apply to all parcels, properties, tracts and developments with frontages along I-26 and I-26 frontages along I-26 and I-26 Frontage Roads, US Hwy. 17 A, US Hwy. 52, US Hwy. 176, SC Hwy. 6, SC Hwy. 27, SC Hwy. 41, SC Hwy. 45, SC Hwy. 311 and SC Hwy. 402, SC Hwy. 78, Hwy. 16 (Jedburg Road), College Park Road, Clements Ferry Road, Henry Brown Boulevard (Hwy. 136) Liberty Hall Road (Hwy. 529), Old Hwy. 52, Red Bank Road, Sheep Island Road (S-8-275); and measured along all intersecting public road frontages for a distance to the nearest property line beyond three hundred (300) feet from the intersection with I-26 and I-26 Frontage Roads, US Hwy. 17A, US Hwy. 52, US Hwy. 176, SC Hwy. 6, SC Hwy. 27, SC Hwy. 41, SC Hwy. 45, SC Hwy. 311 and SC Hwy. 402, SC Hwy. 78, Hwy. 16 (Jedburg Road), College Park Road, Clements Ferry Road, Henry Brown Boulevard (Hwy. 136), Liberty Hall Road (Hwy. 529), Old Hwy. 52, Red Bank Road, and Sheep Island Road (S-8-275).

SIGNAGE.

The following types of signs are permitted, provided;

1. The conditions attached thereto are met;
2. Required setbacks for the sign type are met;
3. The sign is installed in accordance with the structural and safety requirements of the building code, and a building permit is obtained, if applicable.

(A) *Permanent freestanding signs.*

1. A property or development will be permitted only one ground-type sign, except that double frontage lots with more than 500 feet of frontage on each of two major highways will be permitted a second freestanding sign with a total message area not to exceed 50% of that allowed for the first sign and located a minimum of 250 feet from the adjacent sign located on the double frontage lot. Distance will be measured from the outer edge of the sign and/or supporting structure.
2. These standards include properties with multiple detached structures, except that outparcels which in themselves meet the minimum road frontage requirements for a lot in the applicable zoning classification and will be permitted one ground-type sign. Out parcels will not be deemed to overlap or to share frontage or area in any way with other out parcels or with the larger property of which they are a part. Outparcel(s) which would reduce the road frontage of a double frontage lot would not be approved without removal of the additional sign permitted herein.

3. On a developed lot without road frontage, one ground-type sign will be permitted. The signs will not exceed 10 feet in height and 50 square feet in message area. The sign will be located on the adjacent lot which has road frontage on the road where the ingress and egress for the business is located, and written permission will be obtained from the property owner of the road frontage lot.
4. No freestanding sign will be nearer than 75 feet to any other freestanding sign or within any access sight triangle.
5. The message area of a sign includes, for example, the name(s) and logo(s) of the business(es) and/or the principal product or service; other copy; background, including any internally lighted area; borders; projections; and salients.
6. The maximum single message area permitted will be applied to the area of the plane view (elevation) of the largest single message area of the sign, when the area is enclosed by the shortest perimeter encompassing all the parts of the message area, exclusive of the supports.
7. Sign area will be the area of the plane view (elevation) of the largest single side of the sign when the area is enclosed by the shortest perimeter encompassing the message area and the area of the supporting or decorative structure.

The following table contains sign specifications by size and type of development:

Sign Specification Allowances*

| <i>Size and Type of Development**</i> | A* | B* | C* | D* | E* |
|---------------------------------------|--|---------------------------------------|-----------------------------------|---------------------------------|--------------------------------|
| | Maximum Total All Message Areas (Sq.Ft.) | Maximum Single Message Area (Sq .Ft.) | Maximum Height of Sign Base (Ft.) | Maximum Total Sign Height (Ft.) | Maximum Total Sign Width (Ft.) |
| Major Commercial | 200 | 100 | 4 | 12.0 | 14.0 |
| Secondary Commercial | 200 | 100 | 3 | 12.0 | 12.0 |
| Minor Commercial | 160 | 80 | 3 | 10.0 | 10.5 |
| Small Commercial | 100 | 50 | 2 | 10.0 | 9.0 |
| Major Residential | 160 | 80 | 3 | 10.0 | 10.5 |
| Secondary Residential | 100 | 50 | 2 | 10.0 | 9.0 |
| Minor Residential | 60 | 30 | 2 | 8.0 | 7.0 |

*** Specifications:**

All signs must be ground type identification signs.

- A Maximum total message area in square feet combining all message areas.
- B Maximum single message area in square feet.
- C Maximum height of the sign base above grade in linear feet. The sign base is the portion of the supporting structure of the sign below the lowest point on any message area. The sign base must equal the width of the sign.
- D Maximum total height of the sign in linear feet including the height of the supporting structure of the sign and all message areas of the sign.
- E Maximum total width of the sign in linear feet including the width of the supporting structure of the sign.

**** Sizes and Types of Developments:**

- (1) Major commercial. A development containing 45,000 or more square feet of commercial floor space.
- (2) Secondary commercial. A development containing 15,000 square feet of commercial floor space or more, but less than 45,000 square feet of commercial floor space.
- (3) Minor commercial. A development containing 5,000 square feet of commercial floor space or more, but less than 15,000 square feet of commercial floor space.
- (4) Small commercial. A development containing less than 5,000 square feet of commercial floor space.
- (5) Major residential. A development containing 300 or more residential units.
- (6) Secondary residential. A development containing 150 or more, but less than 300 residential units.
- (7) Minor residential. A development containing less than 150 residential units.

Commercial floor space will include all usable, completely enclosed, interior floor space area under roofs in the principal building or buildings on the lot. It will not include floor space in accessory buildings or exterior floor space under roofs.

(B) Wall signs.

Wall signage is permitted at the rate of one square foot of signage per linear foot of building width of that wall to which the signs are attached. No single wall sign may exceed 200 square feet. The aggregate wall signage plus window signage will not exceed 20% of that wall area to which the signs are attached.

(C) Sign illumination.

Externally lighted signs will be illuminated by "white," steady, stationary lights and will not have light-reflecting backgrounds, but may have light-reflecting lettering.

LED and/or electronic message boards are permitted provided:

- 1) Automatic sign brightness adjustment devices or photocells are installed so that the sign will not negatively impact adjacent property uses or create a traffic hazard, and
- 2) The material displayed must cycle at a rate of not less than eight seconds, and
- 3) Transition of displayed material must be instantaneous without creating the appearance of flashing, movement or animation.

BUFFERYARDS.

The following standards are in addition to the bufferyard requirements contained within this chapter. These standards do not apply to single-family residential lots.

(A) Street bufferyard.

The required minimum area for bufferyards shall be measured toward the interior of the property from the road right-of-way of streets and will be 20 feet in width. Four (4) understory trees, two (2) canopy trees, and twelve (12) shrubs will be planted per 100 linear feet of road frontage. All trees must be a minimum of six feet tall and two inches in caliper measured one foot from ground level at installation.

(B) Bufferyards; all others.

Required bufferyards along perimeter property lines will conform to the standards listed in the bufferyard requirements of this chapter.

(C) Mature tree retention.

Mature tree protection fencing will be erected prior to any construction activity to provide protection for any existing trees within required bufferyards. All existing deciduous trees, located inside a required bufferyard, with a size greater than 4 inches in diameter measured four and one half feet from ground level must be preserved unless the zoning administrator approves, in advance, the removal of the trees.

(D) Maintenance.

Required buffers will not be disturbed for any reason except for permitted signs, driveways, sidewalks, or other pedestrian or bicycle paths, walls, fences, or required landscaping, landscaping maintenance and replacement, or maintenance and construction of utility lines and drainage features that cross the bufferyard.

Where utility or drainage easements exist along property lines, the buffer shall be located adjacent to the easement and may be reduced by the width of the easement on the

property where the buffer is required or twenty-five percent (25%) of the required buffer width, whichever is smaller.

OFF-STREET PARKING.

The following standards are in addition to the off-street parking requirements of this article.

(A) Definitions.

For the purpose of these regulations, an off-street parking space is an asphalt or concrete area, not in a street, alley, or in front of a garage entrance, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by an asphalt or concrete driveway which affords ingress and egress, except that these regulations will not apply to single-family detached dwellings or manufactured homes (outside of parks).

Alternative engineered porous paving surfaces may be approved by the Berkeley County Planning and Zoning Administrator and the Berkeley County Engineer.

Additionally, permitted small businesses and multi-family projects in any zoning district will be exempt from paving when the following conditions are met:

- (1) The required number of parking spaces is ten or less;
- (2) The required handicap parking spaces, walkways, and driveway apron are paved;
- (3) Any future expansion or change in use dictating more than ten required parking spaces will require the developer to pave all required parking and access drives, existing and proposed.

(B) Dimensions.

Parking stalls will be not less than 9 feet by 19 feet. The length may be reduced by two feet when protective devices (curbing or curb stops) are provided. However, the overhang will not extend into the required bufferyards, required landscaped areas, required accessibility or other similar areas. However, the dimensions of all parallel parking stalls will not be less than 9 feet by 24 feet. Handicapped parking stalls will not be less than 8 feet by 19 feet with a 5-foot aisle separation (13 feet by 19 feet overall). All parking spaces will be located so as to insure adequate off-street maneuvering space.

(C) Access Identification/Separation.

Approved barriers will be provided along boundaries to control entrance and exit of vehicles or pedestrians. Off-street parking spaces will be separated from walkways, sidewalks, streets, alleys and required yards by a wall, fence, or curbing.

(D) Landscaping/Maintenance.

Ten percent of the developed area (paved, gravel, building areas) will be open and landscaped in a manner as to divide and break up the expanse of paving with islands and barriers. These areas must be located throughout the parking area and cannot be placed around the parking lot perimeter unless approved by the Board of Zoning Appeals.

For every ten required off-street parking spaces, a minimum of one tree and three shrubs, 18 inches in height at installation, must be planted within each of the required islands and barriers of the parking area. All trees will be a minimum of six feet tall and two inches in caliper, measured one foot from ground level at installation.

Off-street parking areas will be maintained in a clean, orderly, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations.

(E) Lighting.

Adequate lighting will be provided if off-street parking spaces are to be used at night. Equipment for lighting parking facilities will be arranged so that light does not interfere with traffic, is shielded or directed away from adjoining residences, and produces no glare across residential property boundaries.

(F) Marking.

Parking spaces in lots of more than ten spaces will be marked by painted lines to indicate individual spaces. Signs or markers, as approved by the Zoning Administrator, will be used as necessary to insure efficient traffic operation of the lot. All parking facilities, except single-family detached and duplex dwellings, will be designed so that all existing movements onto a public street are in a forward motion.

(G) Loading docks and dumpsters.

Loading docks and dumpsters will be screened from the view of the arterial traffic flow.

ROAD CORRIDOR PRESERVATION

No building, structure, or facility shall be erected, constructed, reconstructed, moved, added to, or structurally altered so as to impact the minimum right-of-way needed to preserve a corridor for road widening and improvement projects established through the Berkeley County Transportation Sales Tax Program, the Berkeley County Capital Improvements Plan, the Charleston Regional Area Transportation Study Transportation Improvement Program, or any anticipated SCDOT and Federal Highway transportation project.

When a future alignment for a road improvement has been established by the appropriate reviewing agency, the setback and bufferyard requirements shall be applied to the approved alignment. Where an alignment for expanding an existing road or highway has not been determined, no construction or development shall occur on properties within the limits of the projected corridor until a final alignment has been determined by the appropriate agency or until the Berkeley County Planning and Zoning Department and the Berkeley County Engineering Department has determined that the proposed construction or development will not have a negative impact on the future alignment or corridor.

When a future alignment or improvement will require the acquisition of right-of-way from a parcel that will reduce the parcel's minimum lot size below the zoning district's minimum lot size requirement the plat may be approved for recordation without the need for a variance by the Board of Zoning Appeals. The future development of vacant lots or the redevelopment of parcels must meet all other appropriate development standards for the zoning district and the use of the property or variances granted by the Board of Zoning Appeals.

GRANDFATHER CLAUSE.

These standards are in addition to the nonconforming uses section of this chapter. The construction of a new principal structure or the conversion of an existing structure into a non-residential permitted use will require the property to be brought into compliance with the requirements contained herein.

ADOPTED this 23rd day of November 2009.

S/Daniel W. Davis, Chairman
Berkeley County Council

ATTEST:

S/Barbara B. Austin, CCC
Clerk to Council

Approved as to form:

S/Nicole Scott Ewing
Berkeley County Attorney

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| First Reading: | September 28, 2009 |
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