

Ordinance No. 2013-009

AN ORDINANCE ADOPTING THE ROYAL AMERICAN OVERLAY DISTRICT REGULATIONS; AND ALL OTHER MATTERS RELATED THERETO.

WHEREAS, Anderson County, South Carolina (the “County”), a body politic and corporate and a political subdivision of the state of South Carolina (the “State”), has heretofore enacted its Ordinance 99-004, establishing zoning districts for Anderson County, which ordinance has been codified in Chapter 70 of the official Anderson County Code of Ordinances; and

WHEREAS, Article 5 of such Chapter 70 (“Chapter 70”) of the Anderson County Code of Ordinances (the “Code”) defines the zoning district regulations; and

WHEREAS, Anderson County Council is aware of the potential issues arising from the abutment of residential and non-residential uses; and

WHEREAS, Anderson County by way of Resolution 2013-006 has determined that the public health, safety, and welfare of the citizens of the County would be served by the creation of a new district; the Royal American Overlay District with appropriate Zoning District Regulations in Article 5 of Chapter 70 (“Regulations”); and

WHEREAS, the Anderson County Council has referred this to the Anderson County Planning Commission for consideration and “Public Hearing” which was held on February 12, 2013; and

WHEREAS, the Anderson County Planning Commission held a “Public Hearing” on Ordinance 2012-009 on February 12, 2013, found that the proposed revisions were in the best interests of the health, safety, and welfare of the citizens of Anderson County, and subsequently recommended that the Anderson County Council adopt the above noted revisions to Article 5 of Chapter 70 of the Code; and

WHEREAS, County Council desires to approve and adopt the Regulations.

NOW, THEREFORE, be it ordained by Anderson County Council, in meeting duly assembled, that:

1. The Regulations are hereby created as a part of Article 5 of Chapter 70 of the Anderson County Code of Ordinances to read as follows:

Section 5:30 Royal American Overlay District

- (1) Establishment and Purpose

Establishment of Royal American Overlay District (the District) is proposed. It is the intent of the Anderson County Council to develop an Overlay District to protect the residential areas specified in the District from nuisances arising from non-residential activity.

The Overlay District is intended to provide an environment supportive of existing housing within the District while permitting commercial activities to operate in ways that minimize the impact on residential activities.

The Overlay District is intended to serve as a complementary tool for implementing the development policies and guidelines set forth in the Anderson County 20-Year Comprehensive Plan.

As a highly visible area directly viewable from Interstate 85, the Royal American Overlay District has the potential to provide commercial activities that could carry with it significant volumes of traffic. Therefore, it is the purpose of this Overlay District to ensure high aesthetic quality of development through:

- (a) The establishment of standards for future non-residential improvements such as landscaping, lighting, and other improvements constructed on the properties within the identified Overlay District; and
- (b) The establishment of development requirements which will encourage quality development of these properties and promote quality, scale, and character consistent with existing and planned uses within the identified Overlay District.

The boundaries of the Royal American Overlay District are hereby established as follows:

ALL PROPERTIES BOUNDED TO THE NORTH BY ROYAL AMERICAN ROAD (ALSO KNOWN AS FRONTAGE ROAD), TO THE EAST BY HURRICANE CREEK AND ITS TRIBUTARIES, TO THE SOUTH BY SIX AND TWENTY CREEK AND ITS TRIBUTARIES, AND TO THE WEST BY THE NORFOLK SOUTHERN RAILROAD LINE.

- (2) **Permitted Uses**
The Overlay District provisions apply in addition to any base zoning district set forth in Chapter 70 of the Anderson County Code of Ordinances that exists within the defined area. Permitted uses shall be subject to the provisions of this Overlay and shall be further subject to requirements of the applicable zoning district.
- (3) **Modification of Design Standards**

Modification of the design requirements of the Overlay District shall be presented to the Anderson County Council for approval. Requests for modification of the design standards shall be considered at the time development plans are submitted for review and shall comply with all submittal requirements established in the zoning ordinance.

- (4) Applications and Exceptions
 - (a) These standards apply to sites (including all principal and accessory buildings) that are within the Overlay District unless otherwise specified herein, and apply to all use categories.
 - (b) Existing structures are exempt from these requirements.
 - (c) All residential properties, including single family, manufactured, and multi-family are exempt from these requirements.
 - (d) The following standards coupled with existing County Zoning ordinances provide the minimum requirements that must be met in order to receive authorization to develop or redevelop property within the Overlay District.
 - (e) Unless otherwise noted in this Section, the standards of the underlying base Zoning Districts shall apply. If overlapping regulations appear in other sections of the Land Development Code, the more restrictive of the regulations shall apply.

- (5) Standards for All Defined Areas of the Overlay District
 - (a) Building Design. It is the intention of the Overlay to ensure that new development is designed with the purpose of blending with the existing community. Building design shall incorporate materials to convey permanence, substance, timeliness, and restraint, with low maintenance. Recommended building materials include, but are not limited to; clay or masonry brick, stucco, natural stone, decorative masonry, decorative metals, or wood.
 - (b) Outdoor Equipment. Exterior mechanical equipment, trash enclosures, and outdoor storage shall be located so that they are not visible from any road right-of-way or direct any nuisance to residential areas.
 - (c) Signage. All new signage in this District shall be in accordance with the provisions set forth in the county sign ordinance. Billboards shall not be permitted in any instance. Freestanding and monument-style signage shall be architecturally designed to reflect the character of the structure for which they are advertising, and shall be limited to one sign per parcel. Animated signs or signs with flashing lights are prohibited in the District.
 - (d) Communication Towers. No new communication towers as defined in Chapter 70 of the Anderson County Code of Ordinances shall be permitted in any instance.

(e) Bufferyards. All new non-residential properties shall follow the bufferyard requirements set forth in Section 38-122 of the Anderson County Code of Ordinances. When any non-residential property being developed abuts a residential property, a Type VI buffer shall be utilized between uses.

(f) Berms. When a berm is utilized to provide separation between residential and non-residential use properties or for the purpose of modifying other standards elsewhere required by these regulations, it shall adhere to the following:

- (1) Have side slopes no greater than 2:1 that are stabilized with suitable groundcover. Any alternative designs shall be noted on all plans; and
- (2) Breaks in the berm may be allowed as for drainage or walkthroughs; and
- (3) All plants used for landscaping shall be indigenous to this climate and shall be properly maintained in a healthy, controlled manner by the property owner.

No fence, berm, or landscape material shall be designed or located in a manner that obstructs the vision of vehicular traffic at street and/or driveway intersections.

(g) Exterior Lighting. Exterior illumination shall be carefully considered in order to promote safety and security while limiting light trespass and reducing glare. New lighting shall be mounted and shielded to obscure light pollution to the greatest extent possible. Fixtures must be mounted in such a manner that its cone of light does not cross any property line of the site. All exterior lighting designs shall meet minimum IESNA (Illuminating Engineering Society of North America) guidelines.

No flashing lights are permitted within the Overlay. Emergency lighting for public safety and hazard warning, and seasonal residential decorations are exempt from the provisions of the Overlay.

2. Should any term, provision, or content of this ordinance be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such determinations shall have no effect on the remainder of this ordinance, all of which is hereby deemed separable.
3. All Ordinances, Orders, Resolutions, and actions of Anderson County Council inconsistent herewith are, to the extent inconsistency only, hereby repealed, revoked, and superseded.
4. This Ordinance shall become effective and be in full force and effect from and after the public hearing and the third reading in accordance with the Code of Ordinances, Anderson County, South Carolina.

ORDAINED, in meeting duly assembled this ____ day of _____, 2013.

Rusty Burns
Interim Anderson County Administrator

Francis M. Crowder, Sr., Chairman

Gloria Driver,
Clerk to Council

APPROVED AS TO FORM:

Anderson County Attorney

1st Reading: _

2nd Reading: _

3rd Reading: _

Public Hearing: _