

Ordinance #2017-002

AN ORDINANCE TO AMEND ORDINANCE #99-004, THE ANDERSON COUNTY ZONING ORDINANCE, AS ADOPTED JULY 20, 1999, BY AMENDING THE ANDERSON COUNTY ZONING ORDINANCE, CHAPTER 70 TO INCLUDE SECTION 5:30 INNOVATIVE ZONING DISTRICT (IZOD).

Whereas, Anderson County, a body politic and corporate and a political subdivision of the State of South Carolina (the “County”), acting by and through its County Council (the “County Council”) has previously adopted Anderson County Ordinance #99-004, the Anderson County Zoning Ordinance (the “Ordinance”); and,

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

Whereas, the Ordinance contains provisions providing for the amendment of the Ordinance; and,

Whereas, Anderson County Council 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 Innovative Zoning District, with appropriate Zoning District Regulations in Article 5 of Chapter 70; and

Whereas, the Anderson County Planning Commission has held a duly advertised Public Hearing on January 10, 2017, during which it reviewed the proposed Text Amendment and found it in compliance with the Anderson County Comprehensive Plan, and recommended it to County Council as an amendment to the Anderson County Zoning Ordinance; and,

Whereas, the Anderson County Council held a duly advertised Public Hearing on February 7, 2017, regarding said amendment of the Anderson County Zoning Ordinance:

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

1. The Anderson County Council hereby finds that this proposed Text Amendment is consistent with the Anderson County Comprehensive Plan and in accord with requirements of the South Carolina Code of Laws Title 6, Chapter 29, Article 5.
2. The Anderson County Council hereby amends the Anderson County Zoning Ordinance as previously adopted July 20, 1999, by Anderson County Ordinance #99-004.
3. Should any portion of this Ordinance be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such determination shall not affect the remaining terms and provisions of this ordinance, all of which are hereby deemed separable.
4. All orders, resolutions, and enactments of Anderson County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.
5. This ordinance shall take effect and be in full force and effect from and after third reading and enactment by Anderson County Council.

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ATTEST: Ordinance 2017-002

Rusty Burns
Anderson County Administrator

Tommy Dunn, District #5, Chairman

Kim Poulin,
Clerk to Council

APPROVED AS TO FORM:

Leon Harmon
Anderson County Attorney

1st Reading: February 7, 2017
2nd Reading: February 21, 2017
3rd Reading: March 7, 2017
Public Hearing: February 7, 2017

Section 5:30 Innovative Zoning District (IZOD)

5:30.1 IZOD, intent. The IZOD District is established to allow flexibility in development that will result in improved design, character, and quality of new developments as well as preserve natural and scenic features of open spaces. The Innovative Zoning District regulations must encourage innovative site planning for residential, commercial, institutional, or industrial development within the district.

It should be emphasized that these provisions are not to be used to circumvent the intent or use of conventional zoning classifications as set forth in Chapter 70 of the Anderson County Code of Ordinances. The Innovative Zoning District is intended to provide characteristics that are harmonious with surrounding communities that could not be achieved through conventional zoning classifications.

Each application for IZOD zoning shall be reviewed based on its own merit. It is recognized that some concepts will be more appropriate than others and the approval of an application in one location does not necessarily indicate the development will be applicable in other locations.

5:30.2. Minimum site size. There is no minimum site size for the Innovative Zoning District.

5:30.3. Minimum lot area or minimum lot width. There is no minimum lot area or minimum lot width required for the Innovative Zoning District.

5:30.4. Minimum lot width, minimum yard requirements, maximum lot coverage, maximum height of structures. No structure shall be erected within 25 feet from any external lot line of any Innovative Zoning District. Each Innovative Zoning District may provide for unique regulations regarding minimum lot width, minimum yard sizes, maximum lot coverage, maximum height, and other requirements to accommodate innovation for the general purpose of promoting and protecting the public health, safety, and general welfare.

5:30.5. IZOD application and preliminary development plan approval.

A. Prior to submitting an IZOD application, the applicant is encouraged to meet with the Planning Department staff for a pre-application conference to avoid undue delay in the review process after the application is submitted.

B. Applications for an IZOD shall include the following:

1. Preliminary development plan. The applicant shall submit an electronic copy and a hard copy of the preliminary development plan which shall include the following:

- a. A boundary survey with vicinity map, title block, scale, and north arrow.
- b. Total number of acres of overall site, including the location and number of acres of various areas by type of use (e.g., single-family detached, recreation, office, commercial, etc.), as well as total number of acres of open space.
- c. Number of units of various residential types, such number to represent the maximum number of units.
- d. Approximate square footage for each use.
- e. Primary traffic circulation pattern, including major points of ingress and egress with approximate number of parking spaces for each use.
- f. Proposed buffering and landscaping for the project.
- g. An adequately designed drainage system for the project.
- h. Any other information or descriptions as may be deemed reasonably appropriate for review.

2. Statement of intent. The applicant shall submit an electronic copy and a hard copy of a report setting forth the characteristics of the proposed IZOD including the following:

- a. A description of the procedures of any proposed homeowners association or other group maintenance agreement.
- b. A statement setting forth the proposed development schedule.
- c. A statement of the public improvements both on- and off-site that are proposed for dedication and/or construction and an estimate of the timing for providing such improvements.
- d. A statement of impact on public facilities including water, sewer collection and treatment, fire protection, etc., and letters from the appropriate agencies or districts verifying that such facilities or services are available and adequate to serve the proposed IZOD.
- e. Any other information or descriptions as may be deemed reasonably appropriate for review.

C. A Planning Commission public hearing shall be held in accordance with procedures set forth in Chapter 70, Article 10.

D. Upon recommendations from the Planning and Community Development Department and the applicable Zoning Advisory Group, and following a duly held public hearing as described in item C above, the Planning Commission shall make a recommendation which shall be advisory to County Council.

E. County Council, after fulfilling all applicable requirements of this section and all applicable requirements of Chapter 70, Article 10, may act to approve, approve with modification, defer action, or disapprove the preliminary application for an Innovative Zoning District.

F. Following County Council approval of a preliminary IZOD, the official zoning map shall be amended to reflect such approval. Approval of an IZOD shall constitute authority for the applicant to submit a final development plan to the Planning Commission for approval in accordance with the provisions of section 5:30.7.

5:30.6. Subdivision plats. Approval of a preliminary IZOD shall constitute authority for the applicant to prepare subdivision plats (if applicable) in accordance with procedures set forth in the Anderson County subdivision regulations. No building permit or certificate of occupancy shall be issued until the Planning Commission has approved a final subdivision plat.

5:30.7. Final development plan. All final development plans in the Innovative Zoning District will require a site plan review and approval by the Anderson County Planning Commission. Site plan requirements and procedures for the Innovative Zoning District are outlined in Section 38-173 of the Anderson County Code of Ordinances.

5:30.8. Changes to Innovative Zoning Districts. Changes to an approved preliminary or final Innovative Zoning District may be permitted in accordance with one of the following procedures as determined by the Zoning Administrator:

A. Major changes. Changes to an Innovative Zoning District which would alter the basic concept and general characteristics of the IZOD may be approved by County Council in accordance with the procedures established by section 5:30.5. After approval of a major change by County Council, approval of a final development plan showing such changes must be submitted to the Planning Commission in accordance with section 5:30.7. Examples of major changes may include, but are not limited to the following:

Outer boundary changes.

Decrease in open space.

Increase or decrease in number of access points.

Changes to more intensive land uses, e.g. residential to commercial.

Any change which the Zoning Administrator determines would significantly alter the character of the IZOD or be expected to have an adverse impact upon neighboring property owners.

B. Minor changes. Changes to an Innovative Zoning District which are of a design nature and which do not alter the original concept or use characteristics of the IZOD may be approved by the Zoning Administrator. No minor change may be approved by the Zoning Administrator which is in conflict with specific conceptual considerations previously approved by County Council.

Examples of minor changes may include, but are not limited to the following:

Reductions in:

Density or total square footage.

Increases in:

Landscaping, open space, or setbacks.

Minor changes to:

Landscaping, lighting, location of land uses, parking, or signage.

Minor changes to site plan such as:

Reorientation of structures, realignment of approved access, or shift in approved density from one area of IZOD to another.