



Ratification  
Number 2015-142

# AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY ADDING TO SEC. 54-201 A NEW BASE ZONING DISTRICT TO BE KNOWN AS THE UPPER PENINSULA (UP) DISTRICT, BY ADDING TO ARTICLE 2 A NEW PART 17, THE UPPER PENINSULA DISTRICT, BY AMENDING ARTICLE 2, PART 3, TABLE OF PERMITTED USES TO ESTABLISH PERMITTED USES, CONDITIONAL USES, USES PERMITTED BY SPECIAL EXCEPTION AND CONDITIONS FOR ACCOMMODATIONS USES IN THE UP DISTRICT, BY AMENDING SEC. 54-305 (b) PERTAINING TO HEIGHTS APPLICABLE TO PROPERTIES IN THE UP DISTRICT AND OLD CITY HEIGHT DISTRICT, BY AMENDING ARTICLE 3, PART 8, SEC. 54-349 PERTAINING TO LANDSCAPE BUFFER REQUIREMENTS, BY AMENDING SEC. 54-301, TABLE 3.1: HEIGHT, AREA AND SETBACK REGULATIONS, AND TO REZONE AND CHANGE THE ZONE MAP TO REFLECT THAT THE PROPERTIES BEARING THE FOLLOWING CHARLESTON COUNTY TAX MAP NUMBERS TO UPPER PENINSULA DISTRICT, TO WIT: 4590101001, 006, 007, 009, 010, 012, 013, 014, 079, 082, 083, 084; 4590103048, 051, 054, 055, 056, 057, 058; 4590104002, 003, 005, 006, 007, 008, 009, 010, 025, 026; 4590200002, 005, 006, 009, 010, 011, 013, 024; 4610901002, 003, 004, 005, 007, 008, 010, 011, 012, 014; 4610903002, 003, 004, 005, 006, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 029, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 051, 057, 060, 061, 069, 070, 072, 075, 076, 077; 4611301009, 010, 011, 012, 013, 014, 015, 016, 018, 019, 020, 022, 023, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 036, 037, 039, 040, 042, 043, 044, 045, 046, 047, 048, 051, 052, 053, 054, 055; 4630802001, 003, 004, 006, 007, 011, 012, 078, 079, 080, 081, 082, 083; 4640000033, 043; 4640200091; 4640600001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 012, 013, 014, 015, 018, 019, 020, 021; 4641000001, 004, 005, 008, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 027, 030, 031, 032, 033, 034, 035, 037, 038, 091, 093, 094, 109, 112, 117, 118, 125; 4641400025, 026, 028, 029, 039, 040, 041, 108, 111, 112, 113, 142, 143, 145, 146, 147; 46410000061, AND TO A PORTION OF THE PROPERTIES BEARING THE FOLLOWING CHARLESTON COUNTY TAX MAP NUMBERS TO UPPER PENINSULA DISTRICT, TO WIT: 4610901013, 4610903074, 4611301035, BY AMENDING ARTICLE 2, PART 2, SEC. 54-206 PERTAINING TO SPECIAL EXCEPTION USES, BY AMENDING ARTICLE 2, PART 2, SEC 54-207 PERTAINING TO CONDITIONAL USES, AND BY AMENDING ARTICLE 3, PART 11, SEC. 54-352 PERTAINING TO ONE-FAMILY ATTACHED DWELLINGS. (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 adding to Article 2 thereof a new Part 17 Upper Peninsula District, which Part 17 shall read as follows:

PART 17  
UPPER PENINSULA DISTRICT

**Sec. 54-300. - Findings.**

Numerous studies and plans suggest the area of the Peninsula lying generally to the east of Interstate 26 and north of Huger Street (Upper Peninsula District) is well suited for greater density and increased building height due to its connectivity to major transportation routes such as I-26, Highway 17, Highway 52 and Highway 78, the expansive nature of its existing infrastructure and its relatively sparse population as compared to other areas of the Peninsula. The character of the Upper Peninsula District is distinct and different from other areas of the Peninsula in that there is not a predominance of historic buildings, thus presenting an opportunity for buildings to be sized and designed in a manner that incorporates architectural features characteristic to Charleston but which also take advantage of the geographic features of the area, as the potential for views of both the Ashley and Cooper Rivers exist. **After receiving valuable input from various sectors of the public, including residents, neighborhood leaders, area businesses and nonprofit groups, preservation organizations, developers, real estate professionals, designers and green building experts, City Council finds it to be in the public interest that this area of the Peninsula be developed in a manner that reflects the built environment, makes advantageous use of technology to protect the natural environment and which provides opportunities for diverse housing and commercial activities.**

**Sec. 54-301. - Purpose.**

The purpose of the Upper Peninsula District is to preserve the character and quality of the existing residential neighborhoods and to accommodate responsible growth and redevelopment through the use of incentives designed to promote and protect the built and natural environments.

**Sec. 54-302. - Land uses.**

Land uses permitted in the Upper Peninsula District are set out in Article 2, Part 3, Table of Permitted Land Uses, in the column heading having the district designation UP.

**Sec. 54-303. - Rooftop uses.**

Rooftop uses are permitted, provided that such uses are not residential or office in nature or accessory to residential or office uses, and provided further, the spaces for such uses are open air. Shade structures or other types of partial protection from the elements are allowed.

**Sec. 54-304. - Ground floor active use.**

All buildings having frontage on a primary street shall have an active use on the ground floor for the length of the frontage and that occupies, at a minimum, the first thirty (30) feet of linear depth of the building as measured from the front facade of the building.

An active use is any non-residential and non-parking (vehicle or bicycle) use that is also enclosed in a conditioned space, designed for human occupation and has a direct view from adjacent primary streets. Some examples of active uses are retail, office, restaurant, coffee shop, brewery, library, institution, educational facility, cultural facility and entrance lobby.

Primary streets are Morrison Drive, Meeting Street, Meeting Street Road, King Street, King Street Extension, Mount Pleasant Street, Brigade Street, Romney Street, Cool Blow Street and Huger Street.

**Sec. 54-305. - Mixed use.**

Every new building in the District with more than 50,000 gross square feet of space shall contain at least two (2) different land use categories, with the larger use occupying no more than eighty (80%) percent of the building's gross square footage. For the purpose of this section, land use categories are residential/multifamily, retail, office, institutional, or any other use not falling within these categories.

**Sec. 54-306. - Parking.**

If workforce housing is included within a building, parking requirements for all workforce housing units shall be one (1) space per two (2) units. Parking requirements for all other uses shall be governed by the parking provisions of Article 3, Part 4, Off-Street Parking Requirements, with the exception of the location of parking.

**Sec. 54-307. - Location of parking.**

Off-street parking spaces shall be located upon the same lot of record as the use to which they are associated. If a property does not provide sufficient off-street parking onsite, parking (except handicapped parking) may be provided on a properly zoned lot within one thousand five hundred (1,500) feet of the property, provided a satisfactory long-term lease of at least ten (10) years in duration is submitted to and approved by the zoning administrator. The distance shall be measured from the nearest lot line of the parking lot to the nearest lot line of the property the parking lot is to serve. The off-site parking lot must be connected to the property it serves by a safe and accessible pedestrian route.

Spaces that are subject to an approved space-sharing agreement, or that are part of a car share program, or that are designated as electric vehicle charging stations, or that are designated for compact car only, count toward fulfilling minimum parking requirements.

**Sec. 54-308. - Density.**

Density shall be limited to 26.4 dwelling units per highland acre, subject to density bonuses acquired through the use of incentive options as hereinafter set forth.

**Sec. 54-309. - Height limits.**

There is no minimum building height. The maximum height of a building or structure shall be four (4) stories, subject to height bonuses acquired through the use of incentive options as hereinafter set forth.

**Sec. 54-310. - Drainage ponds.**

Constructed wetlands and surface retention and detention drainage ponds, as defined in Low Impact Development in Coastal South Carolina: A Planning and Design Guide (hereafter the "Guide"), are not permitted in the District.

**Sec. 54-311. - Incentive options.**

Height and density bonuses are available to owners who achieve a predetermined sum of incentive option points. The options for achieving points are identified in Table 1: Incentive Options. The number of points required to achieve a bonus for one (1) building is set out in Table 2: Building Height and Density Bonuses.

Table 1: Incentive Options

	Incentive Options	Description	Point Value	Maximum Allowable Points
1	Stormwater Management	Decrease Stormwater Runoff and Impervious Surfaces	2	2
2	Vegetated Green Roof	Vegetated Green Roof (greater of, 700 ft <sup>2</sup> or 30%)	1	2
		Vegetated Green Roof (greater of, 1,500 ft <sup>2</sup> or 60%)	2	
3	Building Certification Programs	LEED Silver	2	8
		LEED Gold or Charleston RISES	6	
		LEED Platinum	8	
4	Mobility and Transportation	Alternative Transportation	1	1
		Exceptional Bicycle Parking and Facilities	1	1
		Contribute to Mobility Improvement Fund	varies	varies
5	Renewable Energy	Renewable Energy (5 kW System)	1	2
		Renewable Energy (12 kW System)	2	
6	Outdoor Public Space	Quality Outdoor Public Space (2,500 - 5,000 ft <sup>2</sup> )	1-2	4
		Quality Outdoor Public Space (5,000 ft <sup>2</sup> – 20,000 ft <sup>2</sup> )	2-3	
		Quality Outdoor Public Space (20,000 ft <sup>2</sup> or more)	3-4	
7	Workforce Housing	Workforce Housing 60% AMI (greater of, 10 units or 5%)	2	9
		Workforce Housing 80%, 120% AMI (greater of, 15 units or 10%)	3	
		Workforce Housing 80%, 120% AMI (greater of, 25 units or 15%)	4	

Table 2: Building Height and Density Bonuses

Building Height	Density	Points Required
four (4) stories	26.4 dwelling units per highland acre	zero (0) points
five (5) stories	not regulated	five (5) points
six (6) stories	not regulated	six (6) points
seven (7) stories	not regulated	seven (7) points
eight (8) stories	not regulated	eight (8) points
nine (9) stories	not regulated	nine (9) points
ten (10) stories	not regulated	ten (10) points
eleven (11) stories	not regulated	eleven (11) points
twelve (12) stories	not regulated	twelve (12) or more points

#### General requirements for incentive options

- (a) For each building on a site utilizing bonuses, any combination of the seven (7) incentive options is allowed, up to the maximum allowable points per option as indicated in Table 1, unless otherwise noted. A site is defined by its parcel lines.
- (b) A certificate of occupancy for any building utilizing bonuses will not be issued until all incentive options are verified by necessary documentation and field inspections.
- (c) If the owner cannot achieve the points originally set out to, the owner shall be required to substitute incentive options to earn all points necessary for the height before a certificate of occupancy will be issued.
- (d) Each point approved may only be redeemed once.
- (e) Owners may choose to implement incentive options onsite in advance of development, allowing for projects to be phased. Any preexisting incentive options will still be verified for compliance.
- (f) Each incentive option has its own specific requirements regarding where on the site the option may be implemented as some are building specific and some are site specific; please refer to each individual section for this information.
- (g) Each incentive option has its own specific requirements regarding how its points may be redeemed on the site as some are building specific and some are site specific; please refer to each individual section for this information.
- (h) All incentive options used toward height and/or density bonuses shall remain in place and be maintained for the life of the building utilizing the bonus, unless otherwise noted.
  - 1) **Stormwater Management.** Urban landscapes often feature expansive areas of impervious surfaces such as roadways, parking lots, sidewalks and rooftops that increase surface runoff and reduce infiltration. Management of stormwater as close to its source as possible by way of low impact development infiltration techniques recharges the water table via infiltration and reduces stormwater runoff. Reducing stormwater runoff lessens the amount of water entering the City's stormwater system, thus reducing the potential for flooding issues and the demand on City infrastructure. Low impact development systems recreate the predevelopment site hydrology

through site design techniques that promote storage, infiltration, evaporation, and treatment of stormwater runoff onsite. Low impact development can be both an aesthetically pleasing and a functional way of managing stormwater at the source.

**Requirements: Decrease Stormwater Runoff and Impervious Surfaces**

For two (2) points, design, construct, and maintain low impact development stormwater management systems that handle rainfall onsite, and prevent the offsite discharge of at least one (1) inch of stormwater runoff from the site's total area. Impervious surfaces shall not exceed sixty five (65%) percent of the surface area of the entire site.

For purposes hereof, impervious surfaces means a surface that does not allow water to penetrate. Examples of impervious surfaces include asphalt, rooftops and concrete. For purposes hereof, all other surfaces shall be considered pervious surfaces.

The design, construction and maintenance of the system shall adhere to the recommendations of the Guide, a copy of which is available in the Department of Planning, Preservation and Sustainability (hereafter the "Department"). Approved systems include, but are not limited to, bioretention cells, permeable pavement, stormwater infiltration, vegetated green roofs, rainwater harvesting and impervious surface disconnection.

No more than two (2) points per site may be awarded for this incentive option.

**General requirements**

- (a) The design of all low impact development systems shall follow the specifications and guidelines listed in the Guide, to include specifications pertaining to contaminated soils and guidelines for plant selection and installation. Runoff reduction rates provided for the Coastal Zone Credit Approach as outlined in the Guide will be recognized for meeting the prevention of the above offsite discharge requirement.
- (b) The creation of wetlands, open channels and surface retention or detention facilities (i.e. ponds), as defined in the Guide, are not permitted.
- (c) All low impact development systems shall have appropriate stormwater educational signage, approved by the Department and any applicable review boards, displayed in a prominent location.
- (d) Owners availing themselves of this incentive shall be required to sign a Maintenance and Operation Agreement which, among other things, will require continued maintenance of the system and a yearly inspection and report on the condition and functionality of the system by an engineer licensed by the State of South Carolina, the cost of which shall be borne by the property owner. Any deficiencies revealed by the inspection shall be corrected in a timeframe established by the City. The Agreement shall be in recordable form, and at the option of the City, may be recorded in the RMC Office for Charleston County.

The City may choose to perform additional inspections at its discretion at no cost to the property owner.

- (e) Certificate of occupancy. If the committed points in this category are not achieved, the owner shall be required to substitute incentive options and earn all points necessary to justify bonuses before a certificate of occupancy will be issued.
  - (f) Longevity. The stormwater management system(s) shall exist and be maintained for the life of the corresponding building(s) utilizing bonuses.
  - (g) Implementation. This incentive option is not limited to being located in, on or around a specific building, but does need to be located onsite.
  - (h) Point redemption. Points earned from this incentive option may be applied to any building on the site, in any full point increment.
- 2) **Vegetated Green Roof.** Urban greening in the form of vegetated green roofs reduces stormwater runoff and flooding, mitigates the urban heat island effect, creates a sanctuary for wildlife, adds aesthetic beautification, can extend the life of the roof and can improve energy efficiency of the building by acting as an insulator. Vegetated green roofs can be installed on a wide range of buildings and are an ideal best management practice for urban sites, especially those which may be contaminated.

**Requirements: Vegetated Green Roof**

Install and maintain a vegetated green roof. The vegetated green roof surface area need not be contiguous to allow flexibility for mechanical equipment and other necessary or desired roof infrastructure.

For one (1) point, incorporate and maintain a vegetated green roof onsite that is the greater of: (1) seven hundred (700) square feet; or (2) thirty (30%) percent of total roof area of the building utilizing bonuses.

OR

For two (2) points, incorporate and maintain a vegetated green roof onsite that is the greater of: (1) one thousand five hundred (1,500) square feet; or (2) sixty (60%) percent of total roof area of the building utilizing bonuses.

There are two (2) types of allowable vegetated green roof systems: modular and layered.

**System type requirements**

Modular System Type: The following components, in order, shall be included in all modular systems:

- (a) Waterproofing layer, to prevent water damage to the roof. This layer can be the roof itself, in some cases.
- (b) Root barrier slip sheets to protect the waterproofing membrane from root penetration.

- (c) Engineered plastic container made from recycled plastic with built-in water retention, drainage holes and raised drainage channels designed specifically for vegetated green roofs.
- (d) Growing media, engineered to be lightweight and to support a range of vegetated green roof plant growth and resilience (e.g. extreme conditions).
- (e) Vegetation layer, to include plants specified for vegetated green roof and climate conditions.
- (f) An irrigation system.

Layered System Type: The following components, in order, shall be included in all layered systems:

- (a) Waterproofing layer to prevent water damage to the roof. This layer can be the roof itself, in some cases.
- (b) Root barrier slip sheets to protect the waterproofing membrane from root penetration.
- (c) Drainage layer, to consist of a combination of a (non-woven) geotextile fabric that is placed or glued on top of a waffled rigid plastic sheet with drainage holes throughout.
- (d) Root permeable filter fabric, a semi-permeable layer that prevents growing media from entering the drainage layer and clogging it.
- (e) Growing media, engineered to be lightweight and to support a range of vegetated green roof plant growth and resilience (e.g. extreme conditions).
- (f) Vegetation layer, to include plants specified for vegetated green roofs and climate conditions.
- (g) An irrigation system.

**General requirements**

- (a) Root barrier slip sheets. A minimum forty (40) mil thick slip sheet of EPDM, TPO or PVC or another material as recommended by the roof membrane manufacturer shall be installed as a root barrier layer. Root barriers which have been impregnated with pesticides, metals or other chemicals that could leach into stormwater runoff shall not be allowed in systems where the root barrier layer will come into contact with water or allow water to pass through the barrier.
- (b) Growing media. Growing media shall be lightweight, absorbent and engineered specifically for vegetated green roofs. Growing media shall contain organic matter of approximately ten (10%) percent to thirty (30%) percent of the soil composition by volume.
- (c) Depth. Growing media shall be four (4) inches or more deep. A standard four (4) inch modular unit is acceptable so long as it is filled with growing media as close to the top as possible.
- (d) Planting plan. A planting plan shall be completed by a landscape architect, horticulturalist or other professional experienced with vegetated green roofs and Charleston's unique climate.



- (e) **Vegetation.** Tolerant plant selections shall be used and should be suitable to Charleston's climate and able to withstand rooftop sensitivities such as strong winds, extreme heat and drought conditions.
- i. A variety of at least five (5) different plant species representing at least two (2) different genera shall be used to maintain diversity. One genus shall not contain more than seventy five (75%) percent of the total vegetation.
  - ii. Guidelines for plant selection are listed in the Guide. It is imperative plant selection considerations are made specifically for Charleston's unique climate as a plant that does well in another climate may not work as well in Charleston.
  - iii. Pre-planted vegetation mats or already established mature plants shall be installed. Small plugs and seeds are difficult to establish on rooftops and shall be used sparingly only as appropriate for a species. Seeds cannot exceed a maximum of fifty (50%) percent of the total vegetated green roof surface area.
  - iv. Living vegetation shall cover at least fifty (50%) percent of the surface area of the vegetated green roof after the first three (3) months and throughout the remainder of the first year.
  - v. After the first year, living vegetation shall cover at least seventy (70%) percent of the surface area of the vegetated green roof and shall be maintained at that level for the life of the building(s) utilizing bonuses.
  - vi. Vegetation shall be replaced as needed to maintain the minimum vegetative surface coverage at all times to prevent roots from drying out and ensuring its success and effectiveness.
- (f) **Irrigation.** A permanent programmable irrigation system and water access on roof shall be installed and shall include a rain sensor to ensure proper irrigation and avoid overwatering. The frequency of irrigation shall adhere to the recommendations in "Appendix A: Charleston Vegetated Green Roof Maintenance Manual" (hereafter the "Manual"), a copy of which is on file in the Department.
- (g) **Roof pitch.** Flat or low sloping roofs are required to optimize stormwater collection and ease maintenance access. The slope of the vegetated green roof shall not exceed a rise:run ratio of 3:12 or a twenty five (25%) percent pitch.
- (h) **Separation of active and inactive zones.** Vegetated green roofs which also offer pedestrian active areas (walkways and/or gathering areas) shall clearly delineate and demarcate pedestrian activity zones from inactive vegetated green roof zones to deter everyday foot traffic out of the vegetated green roof area.
- (i) **Drain collars.** Drain collars and protective flashing shall be installed to ensure free flow of excess stormwater.
- (j) **Maintenance access.** The vegetated green roof shall be setback a minimum of two (2) feet from all serviceable rooftop equipment allowing ample room for maintenance personnel to access rooftop mechanical equipment without disturbing the vegetation on the roof. A clear, vegetation free, maintenance route to all serviceable equipment shall be available and maintained.

- (k) **Maintenance.** A maintenance plan that complies with the Manual shall be followed. At a minimum, for the first two (2) years, all maintenance shall be performed by experienced green roof personnel to help the vegetated green roof get established during its most sensitive growing period. Documentation of this contract shall be furnished to the Department.
  - (l) **Inspection.** Owners of property availing themselves of this incentive shall be required to sign a Maintenance and Operation Agreement which, among other things, will require continued maintenance of the green roof system and a yearly inspection and report on the condition and functionality of the green roof system by a third party experienced vegetated green roof professional, the cost of which, if any, shall be borne by the property owner. Any deficiencies revealed by the inspection shall be corrected in the timeframe established by the City. The Agreement shall be in recordable form, and at the option of the City, may be recorded in the RMC Office for Charleston County. The City may choose to perform additional inspections at its discretion at no cost to the property owner.
  - (m) **Installation.** An experienced installer shall construct the vegetated green roof.
  - (n) **Signage.** All vegetated green roofs shall have appropriate educational signage, approved by the Department, on the roof to inform users of the design and prevent accidental trampling of the vegetation. If the roof is not open for user access, the sign shall be placed in a more visible and highly used location to inform users of the system in place and its function.
  - (o) **Data.** The City shall be provided the approximate stormwater retention capacity of the designed system in gallons per square foot and the size of the system in square feet.
  - (p) **Best practices and tips.** For vegetated green roof design considerations and best practices, referencing the Guide is encouraged.
  - (q) **Longevity.** This incentive option shall exist and be maintained by the owner for the life of the corresponding building(s) utilizing bonuses.
  - (r) **Implementation.** This incentive option is not limited to being located in, on or around a specific building, but does need to be located onsite. However, the size requirement of a vegetated green roof specifically corresponds to the building utilizing bonuses.
  - (s) **Point redemption.** Points earned from this incentive option may be applied to any building on the site, in any full point increment.
- 3) **Building Certification Programs.** Green building certification programs address a broad range of sustainability goals which include, but are not limited to, energy efficiency, contaminated site cleanup, stormwater management and transportation options. There are two green building certification programs approved for this category: Charleston Resilient, Innovative, Sustainable, Efficiency Standards (Charleston RISES) and Leadership in Energy & Environmental Design (LEED).

Charleston Resilient, Innovative, Sustainable, Efficiency Standards (Charleston RISES): A Charleston specific green building certification program that recognizes best-in-class building strategies and practices relative to the unique needs of the

Charleston area, the requirements for which can be secured from the Sustainability Institute.

**Leadership in Energy & Environmental Design (LEED):** A nationally accepted green building certification program that recognizes best-in-class building strategies and practices.

**Requirements: Charleston Resilient, Innovative, Sustainable, Efficiency Standards (Charleston RISES)**

For six (6) points, achieve certification in the Charleston RISES program for the building utilizing bonuses.

OR

**Requirements: Leadership in Energy & Environmental Design (LEED)**

For two (2) points, achieve LEED Silver certification in the Building Design and Construction category for the building utilizing bonuses.

OR

For six (6) points, achieve LEED Gold certification in the Building Design and Construction category for the building utilizing bonuses.

OR

For eight (8) points, achieve LEED Platinum certification in the Building Design and Construction category for the building utilizing bonuses.

**General requirements (for all certification programs)**

- (a) The owner shall execute a restrictive covenant, recordable in form, committing to achieve the specified rating.
- (b) The owner shall provide the Department with a copy of the completed registration for projects seeking rating.
- (c) The owner shall submit a preliminary checklist to the Department indicating the measures the project intends to complete to meet the applicable requirement.
- (d) The owner shall submit to the Department the design review results and an updated checklist or scorecard indicating the project will be able to obtain certification by project completion.
- (e) A third party certified inspector shall be chosen by the Department to follow the project and ensure it is on target to meet the certification goal. The owner shall be responsible for funding up to four (4) inspections and all final certification meetings as needed.
- (f) Points for incomplete or partial certification shall not be awarded.
- (g) The owner shall provide written proof of the certification from the authorized inspector to the Department prior to receiving a permanent certificate of occupancy.
- (h) For projects demonstrating good faith progress toward earning certification, a one-time temporary certificate of occupancy of up to one hundred twenty (120) days may be issued, subject to the approval of the Building Inspector.
- (i) Certificate of occupancy. If an owner fails to meet certification after a temporary certificate of occupancy expires, the owner shall be required to substitute incentive options to earn all points necessary for bonuses granted before a

permanent certificate of occupancy will be issued. All such substitutions shall be completed within the time specified by the Department, or the certificate of occupancy (temporary or permanent) shall be revoked.

- (j) Longevity. All post construction components of the certification system shall exist and be maintained by the owner for the life of the corresponding building utilizing bonuses.
- (k) Implementation. This incentive option directly correlates to a specific building, meaning the certification program needs to be associated with the building utilizing bonuses.
- (l) Point redemption. Points earned from this incentive option may only be applied to its corresponding building and may not be applied to other buildings on the site.

- 4) **Mobility and Transportation.** Sustainable communities welcome, encourage and offer a variety of transportation options. Walking, bicycling, public transit and car sharing programs require significantly less space per traveler than do single ownership automobiles. When a variety of bicycle parking options and other alternative methods of transportation are available, a reduction in vehicular parking can be justified.

**Requirements: Alternative Transportation**

For one (1) point, provide and maintain one (1) of the following onsite:

1. Install electric vehicle car charging stations (minimum Level 2 or DC fast charging) with appropriate signage for electric vehicles to provide service for four (4) vehicle parking spaces or five (5%) percent of total vehicle parking spaces for the building utilizing bonuses, whichever is greater.
2. Incorporate a car share program with appropriate signage and car capacity totaling four (4) vehicle parking spaces or five (5%) percent of total vehicle parking for the building utilizing bonuses, whichever is greater.
3. Incorporate a mix of car share and electric vehicle charging stations (minimum Level 2 or DC fast charging) with appropriate signage to provide service for four (4) vehicle parking spaces or five (5%) percent of total vehicle parking for the building utilizing bonuses, whichever is greater.

**General requirements**

- (a) Certificate of occupancy. If the committed points in this category are not achieved, the owner shall be required to substitute incentive options and earn all points necessary to justify bonuses before a certificate of occupancy will be issued.
- (b) Longevity. This incentive option shall exist and be maintained by the owner for the life of the corresponding building utilizing bonuses.
- (c) Implementation. This incentive option directly correlates to a specific building, meaning the alternative transportation options need to be associated with the building utilizing bonuses.
- (d) Point redemption. Points earned from this incentive option may only be applied to its corresponding building and may not be applied to other buildings on the site.

**Requirements: Exceptional Bicycle Parking and Facilities**

This option is only available for buildings in which more than fifty (50%) percent of the gross square footage is dedicated to residential and/or office use.

For one (1) point, provide and maintain the following:

(a) Reduce vehicle parking requirements. Minimum vehicle parking requirements may be reduced at the rate of one (1) vehicle space per every six (6) bicycle spaces, up to a maximum of ten (10%) percent of vehicle parking requirements for the building.

(b) Bicycle Parking and Facilities.

**For residential**

Provide an onsite enclosed and covered bicycle parking room that is secure and ventilated and which can accommodate the greater of: one (1) bicycle parking space per bedroom; or twenty (20) bicycle parking spaces. A studio unit shall count as one (1) bedroom for the purpose of this calculation. The facility shall include a bicycle work stand, a basic set of bicycle repair tools and an air pump. The use of security cameras and/or security personnel is encouraged. Spaces within dwelling units do not count toward the bicycle parking requirement.

OR

**For office**

Provide an onsite enclosed and covered bicycle parking room that is secure and ventilated and which can accommodate the greater of: one (1) bicycle parking space for every two thousand (2,000) square feet of office use; or fifteen (15) bicycle parking spaces. The facility shall include a bicycle work stand, a basic set of bicycle repair tools and an air pump. The use of security cameras and/or security personnel, and the installation of a vending machine stocked with patch kits, inner tubes, drinks and energy bars are encouraged. A minimum of two (2) onsite showers with associated changing facilities, restrooms and lockers must also be provided within the bicycle parking room or in close proximity thereof.

OR

**For mixed use office and residential**

If there is mix of office and residential uses in the building, provide an onsite enclosed and covered bicycle parking room that is secure and ventilated and which can accommodate the greater of: one (1) bicycle parking space per bedroom plus one (1) bicycle parking space for every two thousand (2,000) square feet of office use; or fifteen (15) bicycle parking spaces. A studio unit shall count as one (1) bedroom for the purpose of this calculation. Spaces within dwelling units do not count toward the bicycle parking requirement. The facility shall include a bicycle work stand, a basic set of bicycle repair tools and an air pump. The use of security cameras and/or security personnel is encouraged. A minimum of two (2) onsite showers with associated changing facilities, restrooms and lockers must also be provided within the bicycle parking room or in close proximity thereof.

## **General requirements**

- i. **Bicycle rack selection criteria.**
  - (a) Provide at least two (2) points of contact for a standard bicycle frame (racks that are designed to support a bicycle primarily by a wheel are not allowed).
  - (b) Have rounded surfaces and corners.
  - (c) Be coated in a material that will not damage the bicycle.
  - (d) Be securely anchored or fastened to a hardscape surface.
- ii. **Bicycle parking space dimensions.**
  - (a) Accommodate a wide range of bicycle frame types and provide adequate space between bikes, especially those with wider handlebar stems. Each bicycle parking space shall be sufficient to accommodate a bicycle at least six (6) feet in length and two (2) feet wide.
  - (b) An aisle or other space shall be provided for bicycles to enter and leave the facility.
- iii. **Lighting and site materials.**
  - (a) Lighting shall be provided such that all bicycle parking facilities are thoroughly illuminated and visible from adjacent sidewalks, parking lots or buildings during hours of use.
  - (b) Bicycle parking shall be located on a hard surface material such as concrete, asphalt, brick or other stable surface the rack can be securely fastened to.
  - (c) Signage shall demarcate the bicycle parking and be placed in a visible and highly used location to inform users of the system in place.
- iv. **Proximity to building entrances.**
  - (a) Bicycle parking shall be located within close proximity to, or inside, the main building. Bicycle parking shall be located no further from the building's main or secondary entrance than the closest automobile parking space to that entrance or no more than fifty (50) feet away, whichever is closer.
  - (b) If required bicycle parking is not clearly visible from the main entrance of the building, wayfinding signs shall be posted at the primary entrances indicating the location of the parking.
- v. **Certificate of occupancy.** If the committed points in this category are not achieved, the owner shall be required to substitute incentive options and earn all points necessary to justify bonuses before a certificate of occupancy will be issued.
- vi. **Longevity.** This incentive option shall exist and be maintained by the owner for the life of the corresponding building utilizing bonuses.
- vii. **Implementation.** This incentive option directly correlates to a specific building, meaning the exceptional bicycle parking and facilities need to be associated with the building utilizing bonuses.
- viii. **Point redemption.** Points earned from this incentive option may only be applied to its corresponding building and may not be applied to other buildings on the site.

**Requirements: Mobility Improvement Fund**

A Mobility Improvement Committee is hereby created, the sole purpose of which is to identify and prioritize for consideration by City Council needed alternative transportation improvements within or immediately adjacent to the District. The Committee shall be appointed by the Mayor and include two (2) members of City Council, one (1) representative from the Department of Planning, Preservation and Sustainability, the Department of Parks and the Department of Traffic and Transportation (or their respective successor Departments), and one (1) representative from the local area. The Committee shall select its own chair and meet at the call of the chair or upon the request of two (2) committee members.

There is hereby created a Mobility Improvement Fund. Deposits to the Fund shall be used for the sole purpose of assisting in the funding of transportation improvements for projects directly around the Upper Peninsula District. The Fund shall be maintained in an interest bearing account and administered by the Department of Budget, Finance and Revenue Collections. All projects funded by the Mobility Improvement Fund shall be approved by City Council. Transportation improvements relating to alternative types of transportation (other than single ownership automobiles) shall be given priority, however, projects can include, but are not limited to, protected bike lanes, covered bus stop shelters, signalization, signage, turning lanes and other transportation improvements deemed necessary by the committee for the Upper Peninsula. Transportation improvements do not include mitigation for impacts recommended by a traffic impact study required for a project.

For one (1) point, contribute the greater of, \$25,000 or \$0.60 per square foot of the total gross square footage of the building utilizing bonuses.

**General requirements**

- (a) No more than fifty (50%) percent, rounded up to the nearest whole number, of a building's points can be earned by way of a contribution to the Mobility Improvement Fund.
- (b) Certificate of occupancy. All contributions shall be complete prior to the issuance of a certificate of occupancy. If the committed points in this category are not achieved, the owner shall be required to substitute incentive options and earn all points necessary to justify bonuses before a certificate of occupancy will be issued.
- (c) Longevity. All contributions are non-refundable.
- (d) Implementation. This incentive option directly correlates to a specific building, meaning the amount of funds required needs to be associated with the size of the building utilizing bonuses.
- (e) Point redemption. Points earned from this incentive option may only be applied to its corresponding building and may not be applied to other buildings on the site.

- 5) **Renewable Energy.** Renewable energy technologies are clean sources of energy that have a lower environmental impact than conventional energy technologies which are dependent on natural resources limited in availability. Renewable energy may include, but is not limited to, solar, wind, biomass and biogas.

**Requirements: Renewable Energy**

For one (1) point, incorporate a minimum five (5 kW) kilowatts onsite renewable energy system measured in direct current (DC) kilowatt (kW) units.

OR

For two (2) points, incorporate a minimum twelve (12 kW) kilowatts onsite renewable energy system measured in direct current (DC) kilowatt (kW) units.

**General requirements**

- (a) The owner shall execute and provide the Department a restrictive covenant committing to achieve and maintain the specified rating.
  - (b) The owner shall provide the Department with certified evidence the system meets the capacity required and is functioning properly before a certificate of occupancy is given.
  - (c) Certificate of occupancy. If the committed points in this category are not achieved, the owner shall be required to substitute incentive options and earn all points necessary to justify bonuses before a certificate of occupancy will be issued.
  - (d) Longevity. This incentive option shall exist and be maintained to its full capacity by the owner for the life of the corresponding building(s) utilizing bonuses.
  - (e) Implementation. This incentive option is not limited to being located in, on or around a specific building, but does need to be located onsite.
  - (f) Point redemption. Points earned from this incentive option may be applied to any building on the site, in any full point increment.
- 6) **Outdoor Public Space.** High quality public spaces are important attributes of any thriving community. As a community grows, so too does the demand for additional outdoor space. Quality public places are thoughtfully designed to be accessible, comfortable, sociable and to provide a variety of activities. A quality outdoor public space provides a much needed alternative to the surrounding urban development. Outdoor public spaces may include, but are not limited to, parks, plazas and greenways.

**Requirements: Quality Outdoor Public Space**

Incorporate onsite contiguous outdoor space that is publicly accessible and privately maintained by the property owner. This space shall be preserved and protected in perpetuity by either a conservation easement held by a suitable entity and monitored annually or by irrevocable deed restrictions in favor of the City.

More than one (1) outdoor public spaces may be created per site, however no more than two (2) outdoor public spaces are eligible for incentive option points, per site.



For one (1) point, create a public space that is greater than or equal to 2,500 square feet that follows the general requirements

OR

For two (2) points, create a public space that is greater than or equal to 2,500 square feet that follows both the general requirements and exceptional requirements.

**Size Bonus**

For one (1) bonus point, create a public space that is greater than or equal to 5,000 square feet.

OR

For two (2) bonus points, create a public space that is greater than or equal to 20,000 square feet.

**Table 3: Points Possible for Outdoor Public Space**

	Size of Public Space		
	$\geq 2,500 \text{ ft}^2$ < $5,000 \text{ ft}^2$	$\geq 5,000 \text{ ft}^2$ < $20,000 \text{ ft}^2$	$\geq 20,000 \text{ ft}^2$
Follow General Requirements	1	2	3
Follow Exceptional Requirements	2	3	4

**General requirements**

- (a) The space shall be contiguous.
- (b) The space shall be designed by a licensed landscape architect and subject to approval by applicable City boards and commissions.
- (c) The space shall be at ground level, adjacent to a public right of way and visible from a public right of way. The space may connect to a public right of way via a pedestrian path; however, the path will not be factored into the size of the public space.
- (d) The space shall be open to the public daily during normal business hours and remain open at least until dusk. Special events or programmed activities that restrict general public access shall be limited to twelve (12) days per calendar year.
- (e) The space shall display appropriate welcome signage at the main entrance in a prominent location.
- (f) The space shall accommodate, at a minimum, six (6) different semi-programmed activities which may include, but are not limited to: paths to walk, places to sit, tables to utilize, games to play, music to hear, Wi-Fi to access, playgrounds to climb, community gardens to cultivate, art exhibits to observe, fountains to watch, etc. so there are a wide range of reasons to visit the space.
- (g) The space shall include ample plantings such as trees, shrubs, flowering plants, groundcover or turf, as appropriate. Generally, turf shall be limited to areas where use and/or play is anticipated. Responsible selection, placement and spacing of vegetation shall be made so all species may mature properly in the space over time.

- (h) The space shall include native plants or introduced plants that are not considered invasive species.
- (i) The space shall provide a programmable irrigation system to properly maintain plantings and/or usable turf. All irrigation systems shall use a rain sensor to prevent the irrigation from unnecessarily running during a rainstorm or directly after there has been sufficient rainfall. Irrigation is encouraged to run in early morning (before 10:00am) or early evening hours (after 4:00pm) to minimize water loss from drift, evaporation and evapotranspiration- all associated with mid-day watering.
- (j) The space shall offer shade by means of plantings and/or shade structures. Greater than fifty (50%) percent of the programmed sitting areas are encouraged to be located in the shade between the hours of 10:00am and 4:00pm during the summer months of June, July and August.
- (k) The space shall be designed at a pedestrian scale.
- (l) The space shall include an appropriate hardscape and softscape material palette that is comfortable, aesthetically appealing and is of quality construction.
- (m) The space shall incorporate a variety of site furniture to include ample seating areas, (some designed for single users, and others designed for groups), tables, trash receptacles, recycling bins, etc.
- (n) The space shall integrate lighting into appropriate locations and use energy efficient lighting systems.
- (o) The space shall provide outdoor bicycle parking.
- (p) The space shall display local public art as either a focal point or supplementary pieces.
- (q) Utilization of designs which serve multiple purposes to maximize efficiency in small spaces are encouraged. By way of example, a rain garden could offer stormwater management, aesthetically appealing plantings, wildlife habitat, a seat wall around the edge and a focal piece of art in the center. A piece of art could also function as a bike rack or other piece of site furniture and could be an iconic identifier of the public space.
- (r) The space shall not allow automobile uses except for maintenance or special event reasons.
- (s) The space shall have and follow a City approved long term maintenance plan.
- (t) Certificate of occupancy. If the committed points in this category are not achieved, the owner shall be required to substitute incentive options and earn all points necessary to justify bonuses before a certificate of occupancy will be issued.
- (u) Implementation. This incentive option is not limited to being located in, on or around a specific building, but does need to be located onsite.
- (v) Point redemption. Points earned from this incentive option may be applied to any building on the site, in any full point increment.

**Exceptional requirements**

- (a) All general requirements shall be met.
- (b) The space shall accommodate, at a minimum, ten (10) different semi-programmed activities in total. Activities may include, but are not limited to:

paths to walk, places to sit, tables to utilize, games to play, music to hear, Wi-Fi to access, playgrounds to climb, community gardens to cultivate, art exhibits to observe, fountains to watch, etc. so there are a wide range of reasons to visit the space.

- (c) The space shall use rainwater catchment cisterns to collect rainwater on site. The collected rainwater shall be reused in the irrigation system to help meet the irrigation demand of the landscaped plantings. Display appropriate stormwater educational signage, approved by the Department, in a prominent location.

OR

The space shall incorporate renewable energy to be utilized within the space, such as solar powered overhead lighting, solar powered pathways, solar powered device charging stations, etc. Display appropriate renewable energy educational signage, approved by the Department, in a prominent location.

- 7) **Workforce Housing.** Housing affordability is important to protect in the Upper Peninsula.

**Requirements: Workforce Housing**

Provide onsite residential units inside the building utilizing bonuses, qualifying as owner occupied workforce housing units or rental workforce housing units as defined by the U.S. Department of Housing and Urban Development, or its successor, and adjusted for household size by the City of Charleston Department of Housing and Community Development, or its successor.

For two (2) points, provide owner occupied workforce housing units for qualified households whose household income does not exceed sixty (60%) percent of AMI and/or rental workforce housing units for qualified households whose household incomes do not exceed sixty (60%) percent of AMI that total ten (10) units or five (5%) percent of the number of residential units in the building, rounded up to the next whole number, whichever is greater. At least twenty five (25%) percent of the workforce housing units, rounded up to the next whole number, shall have more than one (1) bedroom.

AND/OR

For three (3) points, provide owner occupied workforce housing units for qualified households whose household income does not exceed one hundred twenty (120%) percent of AMI and/or rental workforce housing units for qualified households whose household income does not exceed eighty (80%) percent of AMI that total fifteen (15) units or ten (10%) percent of the number of residential units in the building, rounded up to the next whole number, whichever is greater. At least twenty five (25%) percent of workforce housing units, rounded up to the next whole number, shall have more than one (1) bedroom.

AND/OR

For four (4) points, provide owner occupied workforce housing units for qualified households whose household income does not exceed one hundred twenty (120%) percent of AMI and/or rental workforce housing units for qualified households whose household incomes do not exceed eighty (80%) percent of AMI that total

twenty five (25) units or fifteen (15%) percent of the number of residential units in the building, rounded up to the next whole number, whichever is greater. At least twenty five (25%) percent of the workforce housing units, rounded up to the next whole number, shall have more than one (1) bedroom.

**General requirements**

- (a) The workforce housing units shall be integrated and intermixed within the building, and not isolated to a specific area or floor that is separate from market rate units. If there are multiple floors of residential units, the workforce housing shall be spread out and shall not all be located on the same floor or specific area.
- (b) Exterior finishes and general quality of workforce housing units shall be similar to the building's market rate units.
- (c) The upkeep of workforce rental units shall be of the same quality as the upkeep of the other market rate rental units of the development.
- (d) Prior to the issuance of a certificate of occupancy for any portion of the development, the owner thereof shall identify, in writing, to the City of Charleston Department of Housing and Community Development, or its successor, the units designated as owner occupied workforce housing units and/or rental workforce housing units.
- (e) Prior to the issuance of a certificate of occupancy for any portion of a development, the owner shall execute covenants identifying the owner occupied workforce housing units and/or rental workforce housing units and restricting such units to occupancy, and if applicable ownership, by qualified households, and submit a copy of the recorded covenants to the City of Charleston Department of Housing and Community Development, or its successor.
- (f) As for the owner occupied workforce housing units, the covenants shall identify the initial maximum allowable sales price, and provide that the initial maximum allowable sales price may be adjusted annually for inflation based on the increase in the area median income (AMI) or Consumer Price Index, whichever is greater. Each owner of such units, prior to initial occupancy, shall be required to submit to the City of Charleston Department of Housing and Community Development, or its successor, a verified income report of household income of all members of the household. The covenants shall require notice to the City of Charleston Department of Housing and Community Development, or its successor, of any transfer of the owner occupied workforce housing units and verification that the purchaser is a qualified household. Owner occupied workforce housing units shall be subject to resale restrictions for a period of ninety (90) years.
- (g) As for rental workforce housing units, the covenants shall require the owner to provide proof to the City of Charleston Department of Housing and Community Development, or its successor, at inception and on an annual basis, that no more than fair market rent is being charged for the unit(s), and verified income reports of household income of all rental occupants. Rental workforce housing units shall be subject to these restrictions for a period of thirty (30) years.

- (h) The covenants shall accord the City of Charleston, or its assignee, rights to enforcement by any legal and/or equitable means, including the revocation of a certificate of occupancy, and in all events be subject to approval by corporation counsel.
- (i) Implementation. This incentive option directly correlates to a specific building, meaning the workforce housing units need to be located within the building utilizing bonuses.
- (j) Point redemption. Points earned from this incentive option may only be applied to its corresponding building and may not be applied to other buildings on the site.

**Sec. 54-312. - Definitions.**

For the purpose of this Part, the following terms mean:

- a. Car share program: A membership based shared vehicle program in which member drivers are able to reserve and drive a vehicle they do not own.
- b. Coastal SC Low Impact Development Guide: Ellis, K., C. Berg, D. Caraco, S. Drescher, G. Hoffmann, B. Keppler, M. LaRocco, and A. Turner. 2014. Low Impact Development in Coastal South Carolina: A Planning and Design Guide. ACE Basin and North Inlet – Winyah Bay National Estuarine Research Reserves, 462 pp.
- c. Fair market rent: An amount calculated and published annually by the United States Department of Housing and Urban Development, or its successor, for the Charleston-North Charleston Metropolitan Statistical Area (eighty (80%) percent of area median income (AMI)), as adjusted by the City of Charleston Department of Housing and Community Development. In the absence of such information, the rents charged by the owner shall not exceed thirty (30%) percent of the annual household income.
- d. Household income: All sources of financial support, both cash and in kind, of adult occupants of the housing unit, to include wages, salaries, tips, commissions, all forms of self-employment income, interest, dividends, net rental income, income from estates or trusts, Social Security benefits, railroad retirement benefits, Supplemental Security income, Aid to Families with Dependent Children or other public assistance welfare programs, other sources of income regularly received, including Veterans' (VA) payments, unemployment compensation and alimony, awards, prizes, government or institutional or eleemosynary loans, grants or subsidies and contributions made by the members' families for medical, personal or educational needs.
- e. Initial maximum allowable sales price: An amount equal to three (3) times one hundred twenty (120%) percent of the area median family income (AMI), as determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors, plus any subsidy available to the buyer.
- f. Owner occupied workforce housing unit: A dwelling unit where at least one occupant is an owner, and where all occupants have, in the aggregate, household income less than or equal to one hundred twenty (120%) percent of the area median income (AMI) for owner occupied units. Area median income (AMI) shall be determined annually by the United

States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.

- g. Qualified household: Households where occupants have, in the aggregate, a household income less than or equal to one hundred twenty (120%) percent of the area median income (AMI) for owner occupied units, or a household income less than or equal to eighty (80%) percent of the area median income (AMI) for rental units. Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.
- h. Rental workforce housing unit: A dwelling unit, where occupants have, in the aggregate, having a household income less than or equal to eighty (80%) percent of the area median family income (AMI) for rental units. Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.
- i. Vegetated green roof: A living roof or eco-roof with a living layer of vegetation grown on a rooftop in a specially engineered growing media on top of a synthetic waterproof membrane.

Section 2. Article 2, Part 3, Table of Permitted Uses of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the following new principal use category in the “Principal Uses” column under “20. Food and Kindred Products”:

“20.1 Microbrewery”

Section 3. Article 2, Part 3, Table of Permitted Uses of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the following new principal use category in the “Principal Uses” column under “51. Wholesale Trade-Nondurable Goods”:

“5148 Fresh fruits and vegetables”

Section 4. Article 2, Part 3, Table of Permitted Uses of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding a new zoning district column to the right of “GB” titled “UP”, and by inserting “●” within the following principle use rows under the “UP” zoning district column: Horticultural Specialties; Dog grooming; Landscape and horticultural services; Landscape counseling and planning; Lawn and garden services; Ornamental shrub and tree services; Office only; Microbrewery; Apparel and Other Finished Products Made From Fabrics and Similar Materials; Printing, Publishing, and Allied Industries; Cut stone and stone products; Local and Suburban Transit and Interurban Highway Passenger Transportation; Water taxis; Marinas; Offices for arrangement of passenger transportation; Offices for arrangement of transportation of freight and cargo; Telephone communications, except towers; Telegraph and other message communications, except towers; Radio and television broadcasting systems, except towers; Cable and other pay television services, except towers; Electric substations and gas regulator station; Water storage tanks; Fresh fruits and vegetables; Lumber and other building materials dealers; Paint, glass, and wallpaper stores; Hardware stores; Retail nurseries, lawn and garden supply stores; Department stores; Variety Stores; Miscellaneous general merchandise stores; Food stores; Produce markets; Auto and home supply stores; Apparel and Accessory Stores; Furniture, Home Furnishings and Equipment Stores; Eating places without drive thru or drive up service; Drinking places (alcoholic

beverages); Drug stores and proprietary stores; Liquor stores; Used merchandise stores; Miscellaneous shopping goods stores; Nonstore retailers; Florists; Tobacco stores and stands; News dealers and newsstands; Optical goods; Art gallery or dealers; Retail stores, not elsewhere classified; Depository institutions w/o drive-thru or ATM facilities; Depository institutions with drive-thru or ATM facilities; Nondepository Credit Institutions; Security and Commodity Brokers, Dealers, Exchanges, and Services; Insurance Carriers; Insurance Agents, Brokers and Service; Real Estate; Cemeteries; Fraternity and sorority houses; Dormitories; Power laundries; Garment pressing, and agents for laundries and dry cleaners; Coin operated laundries and dry cleaning; Dry cleaning plants, except rug cleaning; Photographic studios, portrait; Beauty shops; Barber shops; Shoe repair shops, shoe shine parlors, and hat cleaning shops; Advertising; Consumer credit reporting agencies; Mailing, reproduction, commercial art and photography, and stenographic services; Exterminating services; Cleaning and maintenance services to dwellings and other buildings not elsewhere classified; Computer and data processing services; Research and development labs; Management, consulting, and public relations services; Detective agencies and protective services; Equipment rental and leasing services; Photofinishing laboratories; Trading stamp services; Commercial testing laboratories; Yacht brokering; Business services not elsewhere classified; Automobile rental and leasing without drivers; Automobile parking; Public automobile parking; Community parking lots; Automotive services, except repair; Electrical repair shops; Watch, clock, and jewelry repair; Reupholster and furniture repair; Motion picture production; Theaters, including motion picture; Dance studios and schools; Bowling alleys and billiard and pool establishments; Professional sports clubs and promoters, arenas, stadiums; Coin operated amusement devices; Membership sports and recreation clubs; Offices and clinics of health practitioners; Nursing and personal care facilities; Hospitals; Medical and dental laboratories; Legal Services; Nursery, preschool, kindergarten, elementary and secondary schools; Colleges, universities, professional schools and junior colleges; Libraries; Correspondence schools and vocational schools; Individual and family social services; Job training and vocational rehabilitation services; Museums; Art galleries; Arboreta, botanical and zoological gardens; Labor unions and similar labor organizations; Civic, social and fraternal associations; Political organizations; Religious organizations; Engineering, architectural, and surveying services; Accounting, auditing and bookkeeping services; One family detached dwelling; Two family dwelling; Multi-family dwelling; Affordable housing; Miscellaneous Services, not elsewhere classified; General Government Not Elsewhere Classified; Courts; Police protection; Fire protection

Section 5. Article 2, Part 3, Table of Permitted Uses of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting “†” within the following principle use rows under the “UP” zoning district column: Mining and Quarrying of Nonmetallic Minerals, Except Fuels; Multi-family dwelling for the elderly

Section 6. Article 2, Part 3, Table of Permitted Uses of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting “‡” within the following principle use rows under the “UP” zoning district column: Veterinary services; Lumber and Wood Products, Except Furniture; Rubber and Miscellaneous Plastics Products; Stone, Clay, Glass, and Concrete Products; Fabricated Metal Products, Except Machinery and Transportation Equipment; Industrial and Commercial Machinery and Computer Equipment; Electronic and other Electrical Equipment and Components, Except Electrical Computer Equipment;

Miscellaneous Manufacturing Industries Not Elsewhere Classified; Communications services, not elsewhere classified, including towers; Short-term Lender; Massage parlors, spas; Automotive repair shops; Video tape rental; Amusement and recreation services not elsewhere classified; Day care centers; One family attached dwelling.

Section 7. Article 2, Part 3, Table of Permitted Uses of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting “see 54-220 Accommodations Overlay Zone” within the following principle use rows under the “UP” zoning district column: Hotels, motels and inns; Rooming and boarding house.

Section 8. Article 2, Part 2, Sec. 54-206 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting “UP” within the following special exception uses: l. Homes for the elderly.

Section 9. Article 2, Part 2, Sec. 54-207 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting “UP” within the following conditional uses: q. Veterinary services; i. Manufacturing, parts 2 and 3; c. Communication towers; u. Short term lender; r. Automotive repair shops; f. Day care centers.

Section 10. Article 3, Part 11, Sec. 54-352 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) pertaining to one-family attached dwellings is hereby amended by inserting “UP” within the intent and applicability section.

Section 11. Sec. 54-201, Base zoning districts, of Chapter 54 of the Code of the City of Charleston is hereby amended by adding thereto a new subsection v., which subsection shall to read as follows:

- v. Upper Peninsula, UP, District. The UP District is intended to accommodate a mixture of dense residential and commercial and uses and taller buildings in the upper portion of the peninsula through the use of incentives designed to promote ecology, mobility, energy efficiency, diverse housing and privately maintained outdoor spaces accessible to the public.

Section 12. Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding at the end of Sec. 54-305 (b) thereof the following:

“Notwithstanding anything herein to the contrary, heights of buildings and structures on properties located in the Upper Peninsula (UP) District and the Old City Height District shall be governed by the provisions of Sec. 54-300.”

Section 13. Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by removing the following Class I streets from the Landscape Buffer Requirements of Article 3, Part 8, Sec. 54-349 thereof the following:

“King Street (Mount Pleasant Street to North Charleston)”

“Meeting Street (Mount Pleasant Street to North Charleston)”

“Morrison Drive”



Section 14. Article 3, Part 1, Sec. 54-301 Table 3.1 Height, Area and Setback Regulations of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding a new zoning district row underneath “BP” titled “UP”, and by inserting “NR” within the following columns in the “UP” zoning district row: Front and Rear Setback Minimum Depths Total; Front and Rear Setback Minimum Depths Front; Front and Rear Setback Minimum Depths Rear; Side Setbacks- Minimum Widths Total; Side Setbacks- Minimum Widths South/West; Side Setbacks- Minimum Widths North/East; Maximum Percent of Lot Occupied by Buildings; Max. Height Limits Fences/Walls; Accessory Bldgs. to Residences Setback Required From Front Street; Accessory Bldgs. to Residences Setback Required From Side Street; Accessory Bldgs. to Residences Setback Required Add’t Dwelling Distance from Front Lot Line.

Section 15. Article 3, Part 1, Sec. 54-301 Table 3.1 Height, Area and Setback Regulations of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting “NA” within the following columns in the “UP” zoning district row: Minimum Lot Area per Family in square Feet-Type Dwelling Unit 1-Fam.; Minimum Lot Area per Family in square Feet-Type Dwelling Unit 2-Fam.; Minimum Lot Area per Family in square Feet-Type Dwelling Unit Multi-Fam.; Max Height Limits Structures.

Section 16. Article 3, Part 1, Sec. 54-301 Table 3.1 Height, Area and Setback Regulations of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the following new footnote and adding “24” in the Zone District Designation column in the “UP” zoning district row:

“24. For density and height information, see Sec. 54-300.”

Section 17. Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by changing the zone map, which is a part thereof, so that the properties described in Section 18 be coded as being included in the Upper Peninsula District.

Section 18. The following properties are hereby rezoned to Upper Peninsula, to wit:

All those certain lots and parcels of land bearing Charleston County Tax Map Nos. 4590101001, 006, 007, 009, 010, 012, 013, 014, 079, 082, 083, 084; 4590103048, 051, 054, 055, 056, 057, 058; 4590104002, 003, 005, 006, 007, 008, 009, 010, 025, 026; 4590200002, 005, 006, 009, 010, 011, 013, 024; 4610901002, 003, 004, 005, 007, 008, 010, 011, 012, 014; 4610903002, 003, 004, 005, 006, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 029, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 051, 057, 060, 061, 069, 070, 072, 075, 076, 077; 4611301009, 010, 011, 012, 013, 014, 015, 016, 018, 019, 020, 022, 023, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 036, 037, 039, 040, 042, 043, 044, 045, 046, 047, 048, 051, 052, 053, 054, 055; 4630802001, 003, 004, 006, 007, 011, 012, 078, 079, 080, 081, 082, 083; 4640000033, 043; 4640200091; 4640600001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 012, 013, 014, 015, 018, 019, 020, 021; 4641000001, 004, 005, 008, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 027, 030, 031, 032, 033, 034, 035, 037, 038, 091, 093, 094, 109, 112, 117, 118, 125; 4641400025, 026, 028, 029, 039, 040, 041, 108, 111, 112, 113, 142, 143, 145, 146, 147; 46410000061, and to a portion of the properties bearing the following Charleston County Tax Map Nos. 4610901013, 4610903074, 4611301035, whereas

the zoning district boundary is located one hundred (100) feet east of Meeting Street right of way.

Section 19. This Ordinance shall become effective upon ratification.

Ratified in City Council this 13<sup>th</sup> day of  
October in the Year of Our Lord, 2015,  
and in the 240<sup>th</sup> Year of the Independence of  
the United States of America

ATTEST:

Joseph P. Riley, Jr., Mayor

Vanessa Summer Maybank  
Clerk of Council