

ORDINANCE NO. 2023-8

AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF FOREST ACRES, BE AMENDED BY REVISING CHAPTER 21 (ZONING), PROVIDING FOR ESTABLISHMENT OF THE CREEK ACCESS WEST OVERLAY DISTRICT; AND FURTHER BY REVISING SECTION 21.4.2 (ZONING MAP), PROVIDING FOR A CHANGE IN THE CITY ZONING MAP TO INCLUDE 4831/4825 FOREST DRIVE, 5210 TRENHOLM ROAD, AND 4801 FOREST DRIVE (TMS R16701-02-19, - 20, AND -35) IN THE CREEK ACCESS WEST OVERLAY DISTRICT.

WHEREAS, the Mayor and Council of the City of Forest Acres find that the unique but significant corridor between Trenholm Road and the Forest Lake Place Drive bridge over Gills Creek, which area sits at the northwestern corner of one of the City's major commercial intersections, faces unique development and public access challenges due to existing private improvements and the proximity of floodplain and floodway classifications, and further find that there is a strong public interest in well maintained access from Trenholm Road to the Forest Lake Place Drive bridge; and,

WHEREAS, the Mayor and Council find that the area of the corridor between Trenholm Road and the Forest Lake Place Drive Bridge over Gills Creek, and the special public interest associated with it, does not coincide with the underlying base zoning district boundaries; and,

WHEREAS, the Mayor and Council further find that zoning overlay regulation designed to promote public and private development and improve pedestrian and vehicular access in the corridor between Trenholm Road and the Forest Lake Place Drive bridge over Gills Creek would be in the best interest of the City and its residents; and,

WHEREAS, the Mayor and Council deem it necessary to amend the Zoning Ordinance and Zoning Map of the City of Forest Acres, State of South Carolina, in order to establish the Creek Access West Overlay District to accomplish the purposes set forth above;

NOW, THEREFORE, pursuant to the power vested in the Council of the City of Forest Acres by virtue of Sections 6-29-720 and 6-29-760, Code of Laws of South Carolina, 1976, as amended;

BE IT ORDAINED BY THE CITY COUNCIL, City of Forest Acres:

Section 1. That Chapter 21, Section 21.4.1 (Division of Area into Districts) of the Code of Ordinances of the City of Forest Acres be amended by adding the following language:

In addition to the base zoning districts listed above, areas of the city may be included in the following overlay zoning districts, which encompass one or more underlying zones and that

impose a set of requirements, or relax a set of requirements imposed by the underlying zoning district, based on a special public interest in a particular geographic area that does not coincide with the underlying base zone boundaries:

CAW Creek Access West Overlay District

Section 2. That Chapter 21 of the Code of Ordinances of the City of Forest Acres be amended by adding Article IA, Sections 21.12 and 21.13, and subsections thereof, to read as follows:

ARTICLE IA. USE REQUIREMENTS FOR ZONING OVERLAY DISTRICTS

Sec. 21.12 Purpose. This Article establishes the use requirements for one or more zoning overlay districts, which encompass one or more underlying zones and that impose a set of requirements, or relax a set of requirements imposed by the underlying zoning district, based on a special public interest in a particular geographic area that does not coincide with the underlying base zone boundaries. This article and Zoning Map amendments establishing or extending the boundaries of overlay districts provided for hereunder do not, and shall not be interpreted to, change the base zoning district designations or boundaries underlying overlay districts.

Sec. 21.13. Creek Access West Overlay District

Sec. 21.13.1 Purpose. The purpose of the Creek Access West Overlay District (“CAW Overlay District”) is to promote public and private development and improve pedestrian and vehicular access in the unique but significant corridor between Trenholm Road and the Forest Lake Place Drive bridge over Gills Creek. This area, which sits at the northwestern corner of one of the City’s major commercial intersections, faces unique development and public access challenges due to existing private improvements, the proximity of floodplain and floodway classifications, and the strong public interest in well maintained access from Trenholm Road to the Forest Lake Place Drive bridge.

Sec. 21.13.2 District Boundaries. The provisions in this Section 21.13, and all subsections hereof, apply to the area shown in *Figure 21.13.2-1: Creek Access West Overlay District Map*:

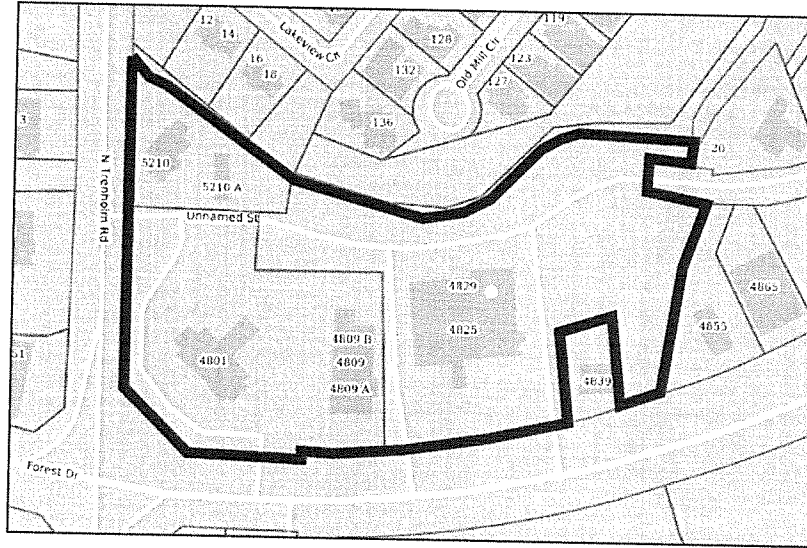


Figure 21.13.2-1: Creek Access West Overlay District Map

Sec. 21.13.3 Off-Street Parking

- (a) Off-Street Parking Configuration. Public and private off-street automobile parking and storage spaces may be arranged in a manner requiring vehicles to back onto a City maintained roadway when leaving the premises, provided that parking spaces arranged in this manner may not be located along the roadway within sixty (60') feet of the outside edge of the travel lane of an intersecting State or County maintained roadway. The City maintained roadway may be used and shall be treated as the necessary maneuvering space for such parking and storage.
- (b) Application of Public Parking to Off-Street Parking Requirements. A public parking space located within a City public parking easement shall be applied toward the minimum off-street parking requirements for the parcel on which the public parking easement is located, subject to the following provisions.
 - (1) The public parking space must be located on the portion of the public parking easement that is on that parcel;
 - (2) If a public parking space sits on more than one parcel, that parking space may only be counted toward the minimum off-street parking requirement for any one parcel on which greater than fifty (50%) percent of the parking space is located, measured from the interior of the marked parking space lines; and
 - (3) A parcel severed by a City right-of-way easement shall be treated as a single parcel for purposes of applying public parking spaces

toward off-street parking requirements as set forth in this Subsection.

Sec. 21.13.4 Landscaping, Buffer Yards, and Setbacks

- (a) Requirements for landscaping, buffer yards, and front and rear setbacks along portions of lots adjacent to public rights-of-way shall not apply along City maintained rights-of-way.
- (b) This Subsection does not affect requirements for landscaping, buffer yards, and setbacks along portions of lots adjacent to State and County maintained roads.

Sec. 21.13.5 Conflicting Regulations

- (a) Planned Development District Regulations. An ordinance establishing regulations for a planned development district located in whole or in part within the CAW Overlay District may provide for greater or lesser requirements than what is set forth in this Section, in which case the specifically conflicting provisions of such planned development district shall control over the provisions of this Section.

Section 3. That the Code of Ordinances of the City of Forest Acres be amended by revising Section 21.4.2 (Zoning Map) Zoning Ordinance, so as to amend the Zoning Map in order to include within the Creek Access West Overlay District (“CAW Overlay District”) the following pieces, parcels, or lots of land:

4801 Forest Drive (Richland County Tax Map No. R16701-02-35)

4831/4825 Forest Drive (Richland County Tax Map No. R16701-02-19)

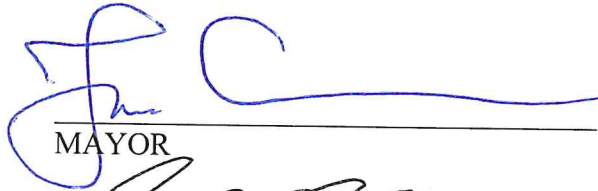
5210 Trenholm Road (Richland County Tax Map No. R16701-02-20)

Section 4. Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

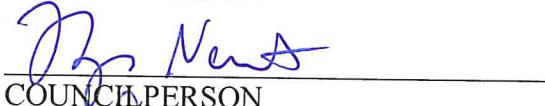
Effective date. The effective date of this ordinance shall be immediately upon its passage.

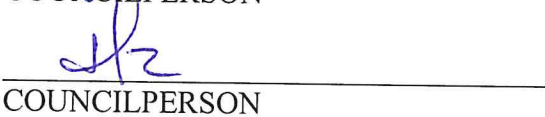
ORDAINED AND ADOPTED under the Corporate Seal of the City of Forest Acres, State of South Carolina, this 8th day of August, 2023.



MAYOR


COUNCILPERSON


COUNCILPERSON


COUNCILPERSON


COUNCILPERSON

ATTEST: , City Clerk

Approval of City Attorney as to form: 

Person Requesting Ordinance: City Administrator

First Reading: June 27, 2023

Public Hearing: July 25, 2023

Second Reading: August 8, 2023

Planning Commission Recommendation: Approval