

ORDINANCE NO. 22-08-63

AN ORDINANCE TO IMPLEMENT A LARGE-SCALE DEVELOPMENT MORATORIUM, SUBJECT TO CONDITIONS, ON DEVELOPMENT AGREEMENTS AND PLANNED DEVELOPMENTS ENCOMPASSING MORE THAN 75 ACRES INCLUDING COMBINED ACRES OF THE PROJECT AREA OR THOSE WITH MORE THAN 75 RESIDENTIAL DWELLING UNITS, AND OTHER MATTERS RELATED THERETO.

WHEREAS, Berkeley County is one of the fastest growing counties in the United States having grown 29.25% in population during the last 10 year census calculation and 51.3% in employment in the last decade; and

WHEREAS, neighboring counties of Charleston and Dorchester also experience rapid employment growth but at rates greatly below that of Berkeley County at 18.30% and 16.57% respectively; and

WHEREAS, rapid employment and residential growth are of benefit to the local economy and quality of life in Berkeley County but also have significant impacts on infrastructure and the provision of critical County services; and

WHEREAS, Berkeley County Council implemented various metrics over the past four years to appropriately assess economic growth opportunities but has yet to similarly address residential growth and now endeavors to do so; and

WHEREAS, a moratorium is, as defined by the American Planning Association, a temporary halting or severe restriction on specified development activities, Berkeley County Council hereby establishes such on all large-scale developments within unincorporated areas of the County; and

WHEREAS, large-scale developments are, for this purpose, defined as Development Agreements, Planned Developments (PDs) or amendments thereto involving 75 or more acres of land or combined acres of the project area or those with more than 75 residential dwelling units; and

WHEREAS, for the purpose of this ordinance Project Area shall be defined as the total acreage or assembly of acreage for proposed development; and

WHEREAS, this moratorium is intended to address public concerns around large-scale developments' impacts on infrastructure and critical County services, including but not limited to: Police, Fire and Emergency Medical Services, schools, water and sewer, and especially roads and traffic; and

WHEREAS, Berkeley County Council recognizes strategic employment growth is important to the local economy and keeping taxes low while increasing services for residents, and that employment growth must be proportionally supported by residential growth; and

WHEREAS, Berkeley County Council seeks to be intentional with large-scale growth to ensure it is comprehensively addressing its impacts; and

WHEREAS, to do so, Berkeley County Council seeks to prohibit any staff consideration of or the expenditure of resources on the planning and permitting of any large-scale development as defined herein, or amendment to the same without a Council vote; and

WHEREAS, applicants must work with staff to ensure impacted properties are posted with conspicuous notice and participate in a public hearing after not less than thirty (30) days' notice of the time and place of the hearing has been given in a newspaper having general circulation in the jurisdiction in advance of any request to lift the moratorium; and

WHEREAS, Council's determination to lift the moratorium will be based upon the development's private resources to address the following:

1. Roads, intersections, and traffic
2. Public Safety including police, fire, and EMS
3. Schools
4. Water and sewer infrastructure
5. Impacts to surrounding communities including but not limited to buffers and setbacks
6. Input from surrounding communities including but not limited to a minimum of two (2) publicly noticed community meetings with record of attendance and provision of information intended to ensure a general awareness of proposed development
7. Consideration of future easements for road and utility expansion and right of way
8. Connectivity to surrounding communities
9. Preservation of green space
10. Traffic calming devices for roads in proposed development
11. Impact on local business
12. Other government provided services

NOW, THEREFORE, BE IT ENACTED by the Berkeley County Council, in meetings duly assembled, after three readings and a public hearing, the following ordinance:

I. PROHIBITED ACTS. Unless approved by Berkeley County Council, staff is prohibited from considering or expending resources on, any application or request for (a) a development agreement; (b) a zoning amendment for a planned development district, as defined in S.C. Code Ann. Sec. 6-29-720, that includes residential uses, or (c) a zoning amendment that would increase the total allowable residential density on the property where the project is located. This moratorium shall apply only to projects consisting of more than 75 acres of land or combined acres of the project area or (ii) more than 75 residential dwelling units.

II. CONFLICTS. Any previously enacted ordinance that is in conflict with the provisions of this ordinance is hereby repealed from and after the effective date of this ordinance.

III. COMMENCEMENT. Should Berkeley County Council authorize an applicant to proceed, the applicant shall coordinate with County staff to develop and prepare for formal consideration the text and any accompanying exhibits necessary for the proposed Planned Development and/or Development Agreement as pursuant to the processes, deadlines and requirements set forth in the Berkeley County Code of Ordinances and relevant County Department(s).

IV. REVISIONS/MODIFICATIONS TO INTENT. Should the proposed Planned Development and/or Development Agreement contemplate substantial deviations in intent, including but not limited to increases in development intensity, from that which was considered by County Council when the initial authorization to proceed was granted, the moratorium shall be reinstated and the applicant shall reapply to lift the moratorium as pursuant to the requirements and processes stated herein.

V. FEES. Any applicant requesting the moratorium be lifted is subject to a one hundred fifty dollar (\$150) fee to be paid in full at the time of application.

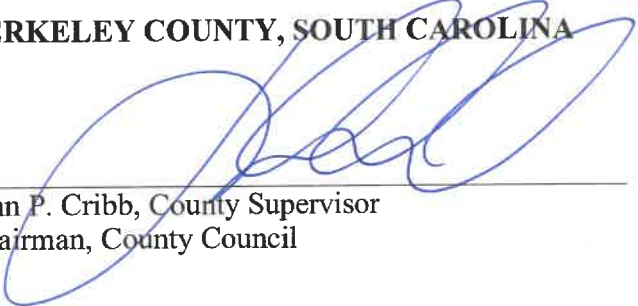
VI. SEVERABILITY. If, for any reason, any part of this ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this ordinance shall remain in effect.

VII. TERM. This moratorium shall begin immediately upon passage at third reading.

ORDAINED this 22nd day of August, 2022.

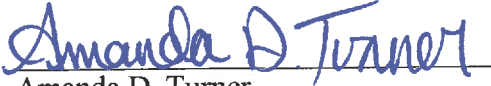
BERKELEY COUNTY, SOUTH CAROLINA

[SEAL]




John P. Cribb, County Supervisor
Chairman, County Council

ATTEST:


Amanda D. Turner
Clerk to Council

Approved as to form:



John O. Williams, II
County Attorney

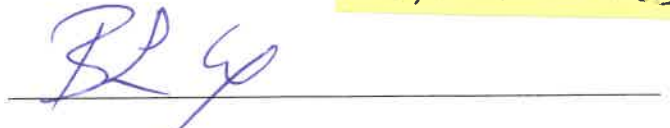
First Reading:	June 27, 2022
Second Reading:	July 25, 2022
Public Hearing:	August 22, 2022
Third Reading:	August 22, 2022

AS AMENDED

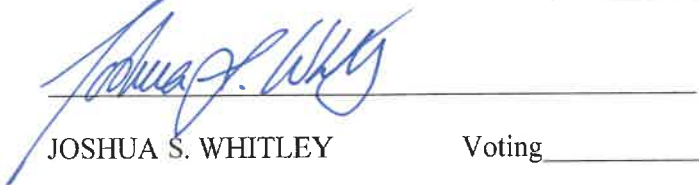
MEMBERS OF COUNTY COUNCIL



THOMAS D. OWENS Voting _____



BRANDON COX Voting _____



JOSHUA S. WHITLEY Voting _____



JACK H. SCHURLKNIGHT Voting _____



PHILLIP OBIE, II Voting _____



CALDWELL PINCKNEY, JR. Voting _____



JOE T. NEWELL Voting _____



STEVE C. DAVIS Voting _____