

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, AT THE FOLLOWING DOCUMENT LOCATIONS: ARTICLE 3.1, *GENERAL*; ARTICLE 3.6, *SPECIAL EXCEPTIONS*; ARTICLE 3.7, *SITE PLAN REVIEW*; ARTICLE 3.10, *ZONING VARIANCES*; AND ARTICLE 8.1, *GENERAL*

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Section 6-29-310 et seq., of the South Carolina Code of Laws, 1976, as amended, authorizes the County of Charleston to enact or amend its zoning and land development regulations to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, the Charleston County Planning Commission ("Planning Commission") has reviewed the proposed amendments to Article 3.1, *General*; Article 3.6, *Special Exceptions*; Article 3.7, *Site Plan Review*; Article 3.10, *Zoning Variances*; and Article 8.1, *General*, of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), in accordance with the procedures established in South Carolina law and the ZLDR and has recommended that the Charleston County Council ("County Council") adopt the proposed amendment of the ZLDR as set forth herein; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least one public hearing, and after close of the public hearing, County Council approved the proposed amendment based on the Approval Criteria of Section 3.3.6 of Article 3.3 of the ZLDR; and

WHEREAS, County Council has determined the proposed ZLDR amendment meets the following criteria:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition; and
- B. The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5; and
- C. The proposed amendment is to further the public welfare in any other regard specified by County Council.

NOW, THEREFORE, be ordained it by the Charleston County Council of Charleston, in meeting duly assembled, as follows:

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. AMENDMENT OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

The Charleston County Zoning and Land Development Regulations Ordinance is hereby amended to include the amendments attached hereto as Exhibit "A" and made part of this Ordinance by reference.

SECTION III. 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 full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately following third reading by County Council.

ADOPTED and APPROVED in meeting duly assembled this 7th day of May 2024.

CHARLESTON COUNTY COUNCIL



By: Herbert Ravenel Sass, III
Herbert Ravenel Sass, III
Chairman of Charleston County Council

ATTEST

By: Kristen L. Salisbury
Kristen L. Salisbury
Clerk to Charleston County Council

- Public Hearing: September 12, 2023
- First Reading: October 10, 2023
- Second Reading: January 30, 2024
- Public Hearing: February 27, 2024
- Third Reading: May 7, 2024

Appeals of Zoning-Related Administrative Decisions					DM	✓	✓	✓	✓
Appeals of Subdivision-Related Administrative Decisions		DM				✓			✓

Notes:

In cases where no Appeal Body is shown or where the County Council is shown as final Decision-Making Body, appeals shall be taken to the Circuit Court of Charleston County, as provided by law.

R = Review Body [Responsible for Review and Recommendation]

DM = Decision-Making Body [Responsible for Final Decision to Approve or Deny]

A = Authority to hear and decide appeals of Decision-Making Body's action

Neighbor and Community Interest notice is a courtesy notice; failure to provide will not invalidate any action taken.

ARTICLE 3.6 SPECIAL EXCEPTIONS

Sec. 3.6.1 Application Filing

- A. Applications for Special Exceptions shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department.
- B. Upon submission of a Special Exception application, no additional Special Exception applications shall be accepted for the Subject Property until the original application has been withdrawn or the Decision-Making Body has rendered its final decision and all applicable time limits on refiling have expired.
- C. Special Exception applications shall comply with Sec. 3.1.4, *Application Completeness and Submission Deadlines*, of this Ordinance.
- D. No application for a Special Exception shall be accepted as complete unless it includes the required fee and the following information:
 - 1. Completed Special Exception application signed by the current Property Owner(s);
 - 2. Applicant's letter of intent explaining the proposed use and how it meets all of the Approval Criteria of Sec. 3.6.5, *Approval Criteria*;
 - 3. Site plan drawn to an engineer's scale showing the property dimensions, dimensions and locations of existing and proposed Structures and improvements, driveways, parking areas, Grand Trees, wetlands (properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on the site plan or Plat), holding basins and buffers when applicable. However, if the property was developed before April 21, 1999, no site improvements have been made since April 21, 1999, and the proposed use does not require site improvements, as determined by the Zoning and Planning Director, the Applicant may submit an aerial photograph printed to engineer's scale showing the property lines, locations of existing Structures and improvements, parking areas, etc. as the site plan. At least one copy drawn and printed to an engineer's scale, and 18 reduced (8 1/2" x 11" or 11" x 17") legible copies shall be submitted;
 - 4. A copy of a legible Approved and Recorded Plat showing the current boundaries of the property;
 - 5. A copy of the current, recorded deed of the property;
 - 6. Restrictive Covenants Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law;
 - 7. Posted Notice Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law; and
 - 8. Any other information that the Zoning and Planning Director determines is necessary to make an informed decision as to whether the application complies

with the standards required by Article 3.6, *Special Exceptions*.

- E. All proposed Special Exception uses, except the placement of Manufactured Housing Units not located within a Manufactured Housing Park, shall satisfy the Site Plan Review process. Applicants shall attend at least one Site Plan Review meeting (not including a pre-application meeting). Special Exception applications shall only be reviewed after the Site Plan Review application is in an approvable state, as determined by the Zoning and Planning Director.
- F. When decisions from both the Board of Zoning Appeals and the Historic Preservation Commission are required, the Board of Zoning Appeals decision must occur prior to the Historic Preservation Commission decision.

ARTICLE 3.7 SITE PLAN REVIEW

Sec. 3.7.1 Applicability

Except as expressly exempted in Sec. 3.7.4, *Site Plan Review*, the Site Plan Review procedures shall apply to any of the following:

- A. New Development, redevelopment, and property improvements that increase by more than 25 percent the area devoted to vehicular use or the gross Floor Area of Buildings;
- B. Any change in use to a more intensive use, as determined by the Zoning and Planning Director; and
- C. Any earth disturbing activity greater than or equal to 5,000 square feet.
- D. The entire site shall be brought into compliance with all applicable Ordinance standards at the time of Site Plan Review.

Prior to final Site Plan Review approval for properties located within 300 feet of a National Register of Historic Places (NRHP) listed Historic Property or Historic District, or a locally designated Historic Property or Historic District, a Certificate of Historic Appropriateness must be obtained pursuant to the procedures of Chapter 21 of the County Code of Ordinances, as amended. The proposed site plan must be in an approvable state, per the Zoning and Planning Director, prior to placement on a Historic Preservation Commission agenda. This requirement shall also apply to Site Plan Review approval for the following pursuant to the procedures Chapter 21 of the County Code of Ordinances, as amended: NRHP listed Historic Properties; properties within NRHP listed Historic Districts; locally designated Historic Properties; and properties located within locally designated Historic Districts.

ARTICLE 3.10 ZONING VARIANCES

Sec. 3.10.2 Application Filing

- A. Applications for Zoning Variances shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department.
- B. Zoning Variance applications shall comply with Sec. 3.1.4, *Application Completeness and Submission Deadlines*, of this Ordinance.
- C. No Application for a Zoning Variance shall be accepted as complete unless it includes the required fee and the following information:
 - a. Completed Zoning Variance Application signed by the current Property Owner(s);
 - b. Applicant's letter of intent explaining the requested Zoning Variance and how it meets all of requirements of Sec. 3.10.6, *Approval Criteria*;
 - c. Site plan drawn to engineer's scale showing the property dimensions, dimensions and locations of existing and proposed Structures and improvements, driveways, parking areas, Grand Trees, wetlands (properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on the site plan or

Plat), holding basins, and buffers when applicable. At least one copy drawn to an engineer's scale and 18 reduced (8 1/2" x 11" or 11" x 17") legible copies shall be submitted;

- d. A copy of a legible Approved and Recorded Plat showing the current boundaries of the property;
 - e. Copy of the current recorded deed of the property.
 - f. Restrictive Covenants Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law;
 - g. Posted Notice Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law; and
 - h. Any other information that the Zoning and Planning Director determines is necessary to make an informed decision as to whether the application complies with the standards required by Art. 3.10, *Zoning Variances*.
- D. All proposed Zoning Variances, except Single-Family Dwellings, shall satisfy the Site Plan Review process. Applicants shall attend at least one Site Plan Review meeting (not including a pre-application meeting). Variance applications shall only be reviewed after the Site Plan Review application is in an approvable state, as determined by the Zoning and Planning Director.
- E. Separate applications and fees shall be filed for more than one Variance request to each requirement of this Ordinance. If an Applicant requests a Variance for removal of more than one Protected/Grand Tree, each additional Protected/Grand Tree shall require an additional fee.
- F. When decisions from both the Board of Zoning Appeals and the Historic Preservation Commission are required, the Board of Zoning Appeals decision must occur prior to the Historic Preservation Commission decision.

ARTICLE 8.1 GENERAL

Sec. 8.1.2 Applicability

Unless expressly exempted, no Subdivision shall be made, platted, or recorded for any purpose nor shall Parcels resulting from such Subdivisions be sold, unless such Subdivision meets all applicable standards of this Ordinance and has been approved in accordance with the procedures of this Ordinance.

- A. All Lots shown on Plats whether subdivided or not, shall have the Planning Commission Stamp of either approval or exemption on said Plat; the Register of Deeds shall not record any Plat without such stamp. The Plat for an individual Lot exempted by virtue of pre-existence must be accompanied by a surveyor's statement on the Plat that the Lot is a single, individual Lot, and not newly created.
- B. Parcels that were recorded by deed or plat prior to the adoption of the County's original Subdivision Regulations on January 1, 1955, will receive automatic approval under a Grandfather Clause, provided the Parcel involved is still in the same size and shape as when recorded prior to 1955 and is properly platted in accordance with present standards. The recorded information must be provided and attested to by the surveyor or attorney involved.
- C. Preliminary Plats submitted for approval shall expire two years from the date of preliminary approval if all conditions for Preliminary Plat approval have not been met. The Zoning and Planning Director shall be authorized to grant a one-time extension of this time frame if a written request is submitted by the Applicant prior to the expiration date. The time period of the extension shall not exceed one year.
- D. Upon submission of a Subdivision application, no additional Subdivision applications shall

be accepted for the Subject Property until the original application has been withdrawn or the Decision-Making Body has rendered its final decision and all applicable time limits on refilling have expired.