

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, AT CHAPTER 8, SUBDIVISION REGULATIONS, AND CHAPTER 21 OF THE CODE OF ORDINANCES OF THE COUNTY OF CHARLESTON, AT SECTION 21-6, SUBDIVISION PLAT APPLICATION REPORTS, TO PROVIDE FOR A TEMPORARY MORATORIUM FOR TWENTY-FOUR MONTHS, ON THE ACCEPTANCE AND PROCESSING OF MAJOR SUBDIVISION APPLICATIONS IN CHARLESTON COUNTY HISTORIC DISTRICTS WITH THE RIGHT TO AMEND UP TO THIRD READING

WHEREAS, Charleston County Council is empowered pursuant to Title 4, Chapter 9, Section 4-9-25 of the South Carolina Code of Laws, 1976, as amended, to adopt ordinances as may appear to be necessary and proper for the security, general welfare and convenience of the County of Charleston and for preserving health, peace, order and good government, to include providing for land use regulations pursuant to Section 4-9-30 of the South Carolina Code of Laws, 1976, as amended; and

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 to enact or amend its zoning and land development regulations to guide development in accordance with existing and future needs and to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, County Council adopted Ordinance Number 2028 on August 21, 2018, establishing a historic preservation commission to preserve the historic properties, districts, sites, buildings, structures, and objects within Charleston County, and setting forth a process to identify and designate properties, districts, sites, buildings, structures, and objects to safeguard their integrity and foster their preservation, restoration, and rehabilitation, and other matters related thereto; and

WHEREAS, Ordinance Number 2028, which has been amended multiple times since adoption, (the "Historic Preservation Ordinance") empowers the Historic Preservation Commission pursuant to Section 21-3(B) to "nominate Historic Properties and/or Historic Districts within the unincorporated area of Charleston County for designation ... pursuant to this Section, provided such nominations comply with the Designation of Historic Property process and requirements contain in this Section;" and

WHEREAS, the Historic Preservation Commission, pursuant to Section 21-3(F) of the Historic Preservation Ordinance shall review the Designation of Historic Property application at a meeting open to the public and adopt a resolution, by majority vote of the entire membership, recommending that County Council approve or deny the application; and

WHEREAS, multiple areas designated as Historic Districts exist within the unincorporated areas of Charleston County; and

WHEREAS, Charleston County has experienced unprecedented growth in population and construction of residential units which places increased demands upon Charleston County residents and landowners in areas designated as Historic Districts; and

WHEREAS, in order to balance the unprecedented growth while maintaining Charleston County's natural landscapes and character of the Historic Districts, County Council has adopted guidelines in the Charleston County Comprehensive Plan ("Comprehensive Plan") for cultural resources as defined in Section 3.4.4 Cultural Resources Element Strategies and Time Frames to promote historic preservation, work with the historical communities to preserve the unique settlement patterns and community character and protect rural historic landscapes by ensuring development is in character with inherent rural attributes; and

WHEREAS, the American Planning Association defines a moratorium as a temporary halting or severe restriction on specified development activities, and County Council hereby seeks to adopt the definition and establish a moratorium on all zoning requests seeking to support new or expanded *Major Subdivisions* within the Historic Districts located in the unincorporated areas of the County; and

WHEREAS, a *Major Subdivision* for purposes of this Ordinance is defined in the Zoning and Land Development Regulations Ordinance, Article 8.3, Section 8.3.3 as "any land division that is not a Minor Subdivision," provided that applicants participate in a pre-application conference; and

WHEREAS, a Minor Subdivision for purposes of this Ordinance is defined in the Zoning and Land Development Regulations Ordinance, Article 8.3, Section 8.3.1 as a "division of any tract of land into four or fewer Lots," provided that it meets the conditions stated in Section 8.3.1(A)-(G); and

WHEREAS, County Council seeks to impose a moratorium of twenty-four (24) months from the adoption of this Ordinance to study and analyze the impacts of *Major Subdivisions* to properties within Historic Districts and to review what revisions or amendments to the County's existing ordinances and regulations are necessary and desirable in order to protect the public's best interests, health, safety and welfare.

NOW, THEREFORE, be it ordained by the County Council of Charleston County, South Carolina, in meeting duly assembled, County Council adopts the above-stated recitals as findings of fact and enacts the following Ordinance:

SECTION ONE: PURPOSE AND INTENT

This purpose and intent of this Ordinance is to issue a moratorium on *Major Subdivisions* in the areas designated as Historic Districts. Charleston County has experienced unprecedented growth in the past few years and the County has seen an increase in the amount of applications for subdivision plat and residential development approvals. The amount of applications has the potential to alter the character of the Historic Districts. The moratorium shall allow the Zoning and Planning Department, in coordination with other appropriate departments and staff, and consultants, sufficient time to research, review, and analyze the Comprehensive Plan, Historic Preservation Ordinance, and Zoning and Land Development Regulations Ordinance in order to assure the provisions of such regulations promote development that is consistent with the character of the Historic Districts and meets the needs of Charleston County and make such recommendations to County Council as may be necessary.

SECTION TWO: MORATORIUM

County Council hereby implements a moratorium on accepting and processing of *Major Subdivision* applications in the Historic Districts. The moratorium shall allow the Zoning and Planning Department time to strategically evaluate the County's ability to promote development

consistent with the character of its Historic Districts and identify any recommendations that may be necessary to achieve such goals. The moratorium shall not affect any other types of permits from the County, including but not limited to, zoning permits, building permits, demolition permits, business licenses, or Minor Subdivisions.

SECTION THREE: DURATION

The moratorium set forth in this Ordinance shall become effective upon final adoption by third reading of the Ordinance and shall terminate in twenty-four (24) months after third reading. The moratorium shall automatically expire at the end of this period, unless it is terminated earlier or extended longer by County Council.

SECTION FOUR: LEGISLATIVE ADOPTIONS

During the period of the moratorium, the County shall act promptly to review the Comprehensive Plan, Historic Preservation Ordinance, and Zoning and Land Development Regulations Ordinance. The Zoning and Planning Department shall work with the Historic Districts, community stakeholders, and other necessary individuals to propose amendments, including but not limited to, overlay zoning districts, rezonings, and historic property designations and historic district designations, to the Comprehensive Plan, Historic Preservation Ordinance, or Zoning and Land Development Regulations Ordinance. County Council shall promptly review all proposals and adopt any amendments deemed necessary.

SECTION FIVE: EXEMPTIONS

This moratorium shall not apply to 1) applications for Minor Subdivisions, 2) applications for *Major Subdivisions* that have been deemed complete and accepted by the County prior to the adoption of this Ordinance, and 3) any other rights that have vested prior to the adoption of this Ordinance.

SECTION SIX: SEVERABILITY

If for any reason any portion or section of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions or sections of this Ordinance shall remain in full force and effect.

SECTION SEVEN: EFFECTIVE DATE

This Ordinance shall take effect immediately following third reading by County Council.

ADOPTED and APPROVED in meeting duly assembled this 23rd day of July 2024.

CHARLESTON COUNTY COUNCIL



By: Herbert R. Sass, III
Herbert R. Sass, III
Chairman of County Council

ATTEST:

By: 
Kristen L. Salisbury
Clerk to Charleston County Council

First Reading: June 4, 2024
Second Reading: June 18, 2024
Third Reading: July 23, 2024