

**AN ORDINANCE**

**AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, TO REDUCE PARKING REQUIREMENTS FOR PASSIVE RECREATION AREAS AND IMPLEMENT THE REMOVAL OF DENSITY RANGES FROM THE PLANNED DEVELOPMENT ZONING DISTRICT REQUIREMENTS AND THE CONSERVATION SUBDIVISION REGULATIONS AT THE FOLLOWING DOCUMENT LOCATIONS: CHAPTER 4, BASE ZONING DISTRICTS, CHAPTER 8, SUBDIVISIONS, AND CHAPTER 9, DEVELOPMENT STANDARDS**

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 Chapter 4, Base Zoning Districts, Chapter 8, Subdivisions, and Chapter 9, Development Standards, 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 amendments 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 text amendments 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 amendments 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 29th day of October 2024.



CHARLESTON COUNTY COUNCIL

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

ATTEST:

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

First Reading: September 24, 2024  
Second Reading: October 15, 2024  
Third Reading: October 29, 2024

## EXHIBIT "A"

### CHAPTER 4 | BASE ZONING DISTRICTS

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#### ARTICLE 4.25 PD, PLANNED DEVELOPMENT ZONING DISTRICT

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##### Sec. 4.25.5 Development Standards

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The Development standards listed in this Section, those in the approved PD Guidelines, and any in the approved PD Sketch Plan(s) apply.

###### A. Maximum Density.

1. The maximum allowed Density in a Planned Development Zoning District may not exceed the maximum Density as stated in Tables 3.1.1 of the Charleston County *Comprehensive Plan*, as amended, except as provided in CHAPTER 3.1.7 of the Charleston County *Comprehensive Plan*, as amended, and this Article.
2. Density and Lot Area calculations shall comply with the requirements contained in Article 4.2, *Measurements, Computations, and Exceptions*.
3. In order to achieve the maximum density recommendation for the Rural Residential Future Land Use category as stated in Table 3.1.1 of the Charleston County *Comprehensive Plan*, as amended, through a Planned Development Zoning District, a minimum of 50 percent of the total acreage of the project must be dedicated as Conservation Area pursuant to the requirements of Sec. 8.14.8, Conservation Area Standards, of this Ordinance, in addition to the requirements of Sec. 4.25.6, Common Open Space, of this Ordinance. Where in conflict, the requirements of Sec. 8.14.8 shall control;
4. If the parcel is located in the Urban/Suburban Area, the following standards shall apply:
  - a. Where the Zoning District is Low Density Residential (R-4) and all requirements of this Ordinance are met, a maximum density of eight Principal Dwelling Units per acre may be permitted when 0.05 acres of common Open Space per dwelling unit plus ten percent of the land area designated for office, commercial, and/or industrial uses is provided; and
  - b. Where the Zoning District is UR, Urban Residential and all requirements of this Ordinance are met, a maximum Density of not more than 24 Principal Dwelling Units per acre may be permitted when 0.05 acres of common Open Space per Principal Dwelling Unit plus ten percent of the land area designated for office, commercial, and/or industrial uses is provided.
5. Planned Developments that include a Parcel or Parcels of land that have varying future land use designations and/or varying zoning classifications categories may be deemed consistent with the *Comprehensive Plan* if the total density proposed does not exceed the maximum combined density permitted in the future land use designations pursuant to the *Comprehensive Plan* and/or Zoning Districts pursuant to this Ordinance.

### CHAPTER 8 | SUBDIVISION REGULATIONS

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#### ARTICLE 8.14 CONSERVATION SUBDIVISIONS

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### **Sec. 8.14.1 Purpose and Intent**

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Conservation Subdivisions implement the Charleston County Comprehensive Plan by encouraging residential Development in the Rural Areas to maintain rural character and conserve land, promoting compact Development form, and preserving natural features. The guidelines for site development emphasize setting aside and conserving the most sensitive areas of a site, with the Development of Building Lots on the remaining less sensitive areas.

### **Sec. 8.14.2 Compliance with The Charleston County Comprehensive Plan**

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Conservation Subdivisions implement Land Use Strategy 9 of the Comprehensive Plan, which states “Continue innovative planning and zoning techniques such as Clustering or Conservation Design and Form-based Zoning District regulations” as well as the Future Land Use Residential Density recommendation for the Rural Residential Future Land Use category as contained in Comprehensive Plan Table 3.1.1, Future Land Use Residential Densities. Conservation Subdivisions shall comply with the applicable Rural Area Purpose and Intent contained in Chapter 3 of the Charleston County Comprehensive Plan.

### **Sec. 8.14.3 Applicability**

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Conservation Subdivisions shall be allowed within the RR, Rural Residential Zoning District. In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control. Where no special Conservation Subdivision regulation is stated in this Article, the regulations of the applicable Zoning District and all other applicable provisions of this Ordinance shall apply.

### **Sec. 8.14.4 Procedures**

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The Preliminary Plat and Final Plat Subdivision regulations outlined in Chapter 8, *Subdivision Regulations*, of this Ordinance shall apply to conservation Subdivisions. A pre-application Sketch Plan review meeting with County staff shall be required prior to Preliminary Plat submittal.

### **Sec. 8.14.5 Process**

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The Conservation Subdivision process shall include:

- A. **Resource Analysis/Mapping.** The Applicant shall identify and map significant natural and cultural resources within the Development boundaries. The resource analysis shall identify two categories of resources: primary Conservation Areas and secondary Conservation Areas. Primary Conservation Areas include bodies of water, wetlands, floodplains, wildlife habitat, significant vegetation (particularly Grand Trees and Protected Trees), Historic Buildings, and any historical or archaeological sites. Secondary Conservation Areas include, but are not limited to, areas of active agricultural use(s), scenic vistas, and lands with recreational opportunities. The resource analysis may also show any resources and protected Open Space on neighboring Parcels, through aerial photography and other readily accessible documentation, which may enhance the proposed Conservation Subdivision. All Conservation Subdivision applications shall include a resource analysis map and calculations for the Conservation Area.
- B. **Sketch Plan Review.** The Applicant shall schedule a pre-application sketch plan review meeting with County staff. At that time, the Applicant shall submit a detailed sketch plan delineating Conservation Areas and cluster Lot Development areas based on the resource analysis map. Significant cultural and natural resources identified on the resource analysis map shall be included in Conservation Areas. The sketch plan review is intended to ensure that the property improvements are in compliance with conservation Subdivision requirements of this Ordinance and the Comprehensive Plan.
- C. **Preliminary Plat Review and Approval.** Based on the resource analysis map and sketch plan review, the Applicant shall submit a Plat for Preliminary Plat review and approval, in compliance with the requirements of this Article and with CHAPTER 8, *Subdivision Regulations*, of this

Ordinance. The Preliminary Plat shall identify the Conservation Areas and cluster Lot Development areas.

- D. **Final Plat Review and Approval.** The Applicant shall submit a conservation Subdivision Plat for Final Plat review and approval, in compliance with the requirements of this Article and with Chapter 8, *Subdivision Regulations*, of this Ordinance. The Final Plat shall identify the Conservation Areas and cluster Lot Development areas.

### **Sec. 8.14.6 Density/Intensity and Dimensional Standards**

Conservation subdivisions shall be subject to the following Density/Intensity and Dimensional Standards:

<b>Table 8.14.6 CONSERVATION SUBDIVISION DEVELOPMENT INTENSITY STANDARDS</b>	
	<b>RR Zoning District</b>
<b>MINIMUM CONTIGUOUS SITE AREA</b>	3 acres
<b>MAXIMUM DENSITY</b> Note: Maximum Density shall be calculated based on the total highland acreage and shall not include freshwater wetland or OCRM Critical Line area acreage.	1 Dwelling Unit per 2 acres when 30% to 49.9% of total site area is delineated as a Conservation Area 1 Dwelling Unit per acre when 50% or more of total site area is delineated as a Conservation Area
<b>WATERFRONT DEVELOPMENT STANDARDS</b>	See Sec. 8.14.7 for Lots abutting an OCRM Critical Line
<b>MINIMUM LOT AREA</b>	Variable but must establish min. 1,600 square foot buildable area with a minimum width of 20 feet, and meet all Zoning and Planning, SCDHEC, Building Services, and Fire Department requirements
<b>MINIMUM LOT WIDTH: DEPTH RATIO</b>	Depth of the Lot shall not exceed 5 times the width of the Lot (1:5 ratio)
<b>MINIMUM SETBACKS AND BUFFERS</b>	
Front Yard	25 feet
Side Yard	10 feet
Rear Yards	10 feet
Perimeter Buffers	See Sec. 8.14.9.C
<b>OCRM Critical Line Setbacks and Buffers</b>	See Sec. 8.14.7 for Lots abutting an OCRM Critical Line
<b>MAXIMUM IMPERVIOUS SURFACE COVERAGE</b>	
Lot less than 15,000 square feet in size	25%
Lot 15,000 square feet or greater in size	3,750 square feet or as allowed by the current edition of the Charleston County Stormwater Manual
<b>MAXIMUM HEIGHT</b>	35 feet

### **Sec. 8.14.7 Waterfront Lot Standards**

One of the following standards must be utilized to determine the Lot configuration and number of Lots to be located along an OCRM Critical Line.

- A. When a 50-foot to 74.9-foot Setback from the OCRM Critical Line is utilized on private Lots in a Conservation Subdivision:
1. The total number of waterfront Lots created shall not exceed the total number of waterfront Lots that could be developed based on a 135-foot Lot Width average.
  2. A 35-foot buffer from the OCRM Critical Line must be maintained, as required by Sec. 8.14.9.C below.
  3. A Private Dock or Joint Use Dock may be utilized.
- B. When a minimum 75-foot Setback from the OCRM Critical Line is utilized on private Lots in a Conservation Subdivision:
1. The total number of waterfront Lots created shall not exceed the total number of waterfront Lots that could be developed based on a 100-foot Lot Width average.

2. A 35-foot buffer from the OCRM Critical Line must be maintained, as required by Sec. 8.14.9.C below.
  3. If a Dock is desired, a Joint Use Dock shall be utilized.
- C. When a 100-foot Setback from the OCRM Critical Line is utilized as protected Open Space through a Conservation Area in a Conservation Subdivision:
1. The total number of Lots created shall only have to meet the dimensional standards listed in Sec. 8.14.6, above, and shall not be calculated based on any Lot Width average.
  2. A 35-foot buffer from the OCRM Critical Line must be maintained, as required by Sec. 8.14.9.C below.
  3. If a Dock is desired, a Community Dock must be utilized; however, the Community Dock shall be exempt from the Special Exception requirement.

### **Sec. 8.14.8 Conservation Area Standards**

Conservation Areas shall be located to preserve significant resources and shall comply with the following requirements:

- A. Conservation Areas shall be detailed on each Sketch Plan and recorded with the Final Plat or separate instrument.
- B. Conservation Areas may include unimproved land, agricultural lands, natural landscapes, landscaped areas, improved recreation areas, recreational Buildings, and Structures that are totally accessory to agricultural or recreational uses, as well as Freshwater Wetland areas and surface water pursuant to the requirements of this Article. OCRM Critical Line Area shall not qualify as part of the Conservation Area. Conservation Areas shall not be occupied by Streets, drives, parking areas, or Structures, other than agricultural or recreational Structures.
- C. When a Conservation Area includes existing Freshwater Wetlands, only 75 percent of the area of such Freshwater Wetlands shall qualify as part of the Conservation Area
- D. When a Conservation Area includes existing or proposed water bodies or watercourses, only 50 percent of the area of such water bodies and/or watercourses shall qualify as part of the Conservation Area.
- E. If the Conservation Area is forested at the time of the Resource Analysis/Mapping, then the lesser of (i) at least 75 percent of the Conservation Area; or (ii) the gross acreage of the Conservation Area which is forested at the time of the Resource Analysis/Mapping, shall be maintained in an undisturbed canopy.
- F. To the extent reasonably feasible, the Conservation Area shall be contiguous and not divided into unconnected small Parcels.
- G. Conservation Areas shall be provided within each phase of the conservation Subdivision in sufficient amounts to serve the expected population of that phase.
- H. The Applicant must have proof of commitment from the entity that will be responsible for the Conservation Area prior to the recording of a Plat. Conservation Areas shall be conveyed prior to recording the Final Plat, in accordance with one of the methods listed below:
  1. By Dedication to the County as publicly owned Open Space. Parks, Conservation Areas, and recreation facilities proposed for dedication to the County must be acceptable to the Parks and Recreation Commission, Planning Commission, County Council, and other governmental entities with regard to the size, shape, location, improvement, environmental condition (i.e., the Applicant may be required to provide an environmental assessment), and budgetary and maintenance terms; or
  2. By leasing, conveying, or retaining title to a corporation, homeowner's association or other legal entity. The terms of such lease or other instrument of conveyance must restrict the use of the Conservations Area(s) to Open Space and/or agricultural or recreational uses.

### **Sec. 8.14.9 Conservation Subdivision Design Standards**

Generally, a Conservation Subdivision has three primary characteristics: smaller Building Lots; more Open Space; and protection of cultural and natural features and agricultural lands.

- A. **Vehicular Access.** The requirements of APPENDIX A, *Charleston County Road and Drainage Construction Standards*, of this Ordinance shall apply. Lots shall be configured to minimize the amount of Roadway and driveway length. Shared driveways shall be utilized in order to minimize impervious surfaces. The use of pervious materials for driveway construction is required.
- B. **Pedestrian Access.** Pedestrian access shall be provided from all residential Lots to the Conservation Area(s) through a continuous system of pervious walkways and/or trails. Access corridors in an Easement a minimum of 10 feet in width shall be utilized to separate clusters of contiguous Lots and to connect the Conservation Area(s) to the Right-of-Way and trail system.
- C. **Buffers.** The conservation Subdivision Development shall be designed to preserve existing non-invasive vegetation. A 35-foot minimum natural undeveloped buffer shall be Preserved along the external perimeter and/or property line of the conservation Subdivision Development, as well as along all OCRM Critical Lines, in order to protect natural features and retain the rural community character. The buffer may be included within the Conservation Area(s) or within individual Parcels.

**Sec. 8.14.10 Accessory Dwelling Units Within a Conservation Subdivision**

One maximum 600 square foot detached Accessory Dwelling Unit is allowed on Lots that do not abut an OCRM Critical Line. Accessory Dwelling Units shall not be permitted on waterfront Lots.

**CHAPTER 9 | DEVELOPMENT STANDARDS**

**ARTICLE 9.3 OFF-STREET PARKING AND LOADING**

**Table 9.3.2, Off-Street Parking Schedule**

RECREATION AND ENTERTAINMENT	
Community Recreation	1 per 250 square feet of Floor Area
Fishing, Hunting, or Recreational Guide Service	5 per employee
Golf Course or Country Club	1 per employee plus 4 per golf green and 1 per 75 square feet of indoor seating area plus 1 per 150 square feet of outdoor seating area for accessory restaurant or Bar use
Parks and Recreation	<b>Parks and Recreation:</b> 1 per 5,000 square feet of land area plus outdoor recreation requirements <b>Passive Recreation Area (as determined by the Zoning and Planning Department Director):</b> 1 per highland acre for 1 <sup>st</sup> 15 acres plus 1 per 15 acres for additional highland area up 100 acres plus 1 per 30 acres for remaining highland area

**Sec. 9.3.4 Shared Parking**

- A. Off-street parking facilities for separate uses may be provided collectively if the total number of Shared Parking spaces is adequate to serve all uses in a Development.
- B. All parking spaces that serve Buildings or uses must be located within 600 feet from the primary entrance of the use served, with the exception of Passive Recreation Area uses (as determined by the Zoning and Planning Department Director) which must be located within 1,000 feet, unless shuttle bus service is provided to a remote parking area. Parking Lot use must be permitted on subject Parcel, pursuant to Table 6.1-1, *Use Table*.

- C. An Applicant requesting Shared Parking shall submit a Shared Parking plan analysis to the Zoning and Planning Director that clearly demonstrates the feasibility of Shared Parking. The Shared Parking plan must be approved by the Zoning and Planning Director and made available to the public. It must address, at a minimum, the size and type of the proposed Development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces. Approvals will only pertain to the specific uses addressed in the Shared Parking plan. Any change in use(s) will require a new Shared Parking plan.
- D. Shared Parking areas must be connected by a continuous network of sidewalks and pedestrian crosswalks. Pervious surfaces are preferred for pedestrian accesses, provided such accesses are compliant with Sec. 9.3.6, *Accessible Parking*.

### **Sec. 9.3.5 Location**

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- A. **On-Site Parking.**
  - 1. Except as expressly stated, all required off-street parking spaces must be located on the same Lot as the Principal Use and shall be arranged and laid out so as to ensure that no parked or maneuvering vehicle will encroach upon a sidewalk, public Right-of-Way, or property line. Parking may be designed to cross property lines when accessed by a travelway not dedicated as a Right-of-Way or Easement, as approved by the Zoning and Planning Director. When parking spaces are allowed to cross property lines, a shared access and parking agreement shall be required as described in Sec. 9.3.5.B.4.
  - 2. Parking Lots shall comply with the design standards of this Chapter.
  - 3. The area under Buildings that is used for parking is exempt from maximum Building Height calculations, up to one Story, if the area dedicated to parking under the Building equals 51 percent or more of the Building footprint. This applies only to Multi-Family Dwellings and nonresidential Development.
- B. **Off-Site Parking.** Off-Site Parking is defined as the Required Parking not located on the Parcel which the Principal Use is located. Off-Site Parking is allowed provided it meets the following standards.
  - 1. A maximum of 50 percent of the Required Parking spaces may be located off-site, with the exception of Passive Recreation Area uses (as determined by the Zoning and Planning Department Director) for which all Required Parking may be located Off-Site. Required Parking spaces reserved for Persons with disabilities shall comply with the regulations under the Americans with Disabilities Act (ADA).
  - 2. Off-site parking must be located within 600 feet from the primary entrance of the use served, with the exception of Passive Recreation Area uses (as determined by the Zoning and Planning Department Director) which must be located within 1,000 feet, unless shuttle bus service is provided to a remote parking area. Off-site parking spaces may not be separated from the use that it serves by Street Rights-of-Way with a width of 80 feet or more, unless a grade-separated pedestrian walkway, traffic control, or shuttle bus service is provided to the remote parking area.
  - 3. Off-site parking areas serving uses located in non-residential Zoning Districts must be located in such non-residential Zoning Districts. Off-site parking areas serving uses located in residential or agricultural Zoning Districts may be located in any Zoning District.
  - 4. In the event that an Off-Site Parking area is utilized, a written, recorded agreement is required. An attested copy of such agreement between the owners of record must be submitted to the Zoning and Planning Director for review and approval. Recording of the agreement with the Register of Deeds must take place before issuance of a Zoning Permit, Building Permit, or Certificate of Occupancy for any use to be served by the Off-Site Parking area. An Off-Site Parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this Article.

If any of the above standards cannot be met, a Special Exception approval pursuant to Art. 3.6, *Special Exceptions*, shall be required.