



ARTICLE 3.1 GENERAL

Sec. 3.1.6 Notices

- A. **Content.** All notices with the exception of Posted Notices required under this Ordinance shall:
1. Indicate the date, time, and place of the public hearing or date of action that is the subject of the notice;
 2. Describe the property involved in the application by Street address and, if required, by legal description;
 3. Describe the nature, scope, and purpose of the application or proposal; and
 4. Indicate where additional information on the matter can be obtained.

Posted Notices under this Ordinance shall indicate time and place and indicate where any additional information on the subject of the notice can be obtained.

[Commentary—References to "days" are to Charleston County Government work days, unless otherwise indicated.]

Table 3.1.6, Notices									
Procedure	Review [R], Decision-Making [DM] And Appeal [A] Bodies					Notices See Sec. 3.1.6			
	Staff	PC	CC	HPC	BZA	News	Post	Neighbor	Parties in Interest & Community Interest
Comprehensive Plan Amendments	R	R	DM			✓			✓
Ordinance Text Amendments	R	R	DM			✓			✓
Zoning Map Amendments	R	R	DM			✓	✓	✓	✓
Planned Development (PD) Zoning Map Amendment	R	R	DM			✓	✓	✓	✓
Special Exceptions	R				DM	✓	✓	✓	✓
Site Plan Review	DM				A				
Variances	R				DM	✓	✓	✓	✓
Written Interpretations	DM				A				
Public Project Review	R	DM				✓			✓
Subdivision Plat Applications	R	DM							
Zoning Permit	DM								
Appeals of Zoning-Related Administrative Decisions					DM	✓	✓	✓	✓
Appeals of Subdivision-Related Administrative Decisions		DM				✓			✓
Certificate of Historic Appropriateness	R			DM		✓		✓	✓
Designation of Historic Property/District	R		DM	R		✓		✓	✓
Removal of Designation of Historic Property/District	R		DM	R		✓		✓	✓

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.

B. Types.

1. *Newspaper Notice.* When the provisions of this Ordinance require that "Newspaper Notice" be provided, the

official responsible for accepting the application shall ensure that notice is published in a newspaper of general circulation in the County. Unless otherwise expressly provided in state statutes or this Ordinance, the first required newspaper notice shall be published at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Newspaper Notice shall indicate the time and place or date of action that is the subject of the notice, describe the property involved in the application by street address and, if required, by legal description, describe the nature, scope, and purpose of the application or proposal.

2. *Posted Notice.* When the provisions of this Ordinance state that "Posted Notice" should be provided, the official responsible for accepting the application shall post the notice on the Subject Property in a manner that makes the notice clearly visible to neighboring residents and passers-by from each public street bordering the Subject Property. Unless otherwise expressly provided in state statutes or this Ordinance, Posted Notice shall be in place at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Once the notice has been posted, the owner(s) of the Subject Property are responsible for notifying the Zoning and Planning Department in writing if the Posted Notice is removed or damaged prior to the public hearing, meeting, or date of action that is the subject of the notice. Failure to notify the Zoning and Planning Department in writing of removed or damaged Posted Notice may result in rescheduling of the public hearing and a delay in decision from the Decision-Making Body.
3. *Neighbor Notice.* When the provisions of this Ordinance require that "Neighbor Notice" be provided, the official responsible for accepting the application shall mail notice to the Applicant and all property owners within 300 feet of the subject property. Ownership information shall be obtained from the County Assessor's Office. Unless otherwise expressly provided in state statutes or this Ordinance, required Neighbor Notices shall be deposited in the U.S. mail at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Failure to provide this notice will not invalidate any action taken.
4. *Parties in Interest.* When the provisions of this Ordinance require that notice be sent, the following "Parties in Interest" shall be notified: the Applicant and the owner of the property (if other than Applicant). Parties in Interest shall mean any individual, associations, corporations, or others who have expressed an interest in writing in an application pending before the Zoning and Planning Department and that has been received by the Zoning and Planning Director. It is the responsibility of the Parties in Interest to provide updated contact information to the Zoning and Planning Department. The Zoning and Planning Department will keep the Parties in Interest contact information on file for one year from the initial date received.
5. *Community Interest Notice.* When the provisions of this Ordinance require that "Community Interest Notice" be provided, the official responsible for accepting the application shall provide written notice to any individual, group, or organization that has submitted a written statement of interest to the Zoning and Planning Director. When Community Interest Notice is required, courtesy notice will be provided to the Zoning and Planning Director of any municipality within the Planning Area of the subject tract. Community Interest Notice is a courtesy notice; failure to provide this notice will not invalidate any action taken.

- C. **Constructive Notice.** Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. In all cases, however, the requirements for the timing of the notice and for specifying the date, time, and place of a hearing and the location of the subject property shall be strictly construed. If questions arise regarding the adequacy of notice, Review and Decision-Making Bodies shall make formal findings regarding whether there was substantial compliance with the notice requirements of this Ordinance.

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 refileing 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.

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.

Effective on: 11/8/2017, as amended

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:
 1. Completed Zoning Variance Application signed by the current Property Owner(s);
 2. Applicant's letter of intent explaining the requested Zoning Variance and how it meets all of requirements of Sec. 3.10.6, *Approval Criteria*;
 3. 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;

4. A copy of a legible Approved and Recorded Plat showing the current boundaries of the property;
 5. 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 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.*



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.
- ~~E. Prior to Subdivision Plat 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, *Historic Preservation*, of the Charleston County Code of Ordinances. This requirement shall also apply to Subdivision Plat approval for: NRHP listed Historic Properties; properties within NRHP listed Historic Districts; locally designated Historic Properties; and properties located within locally designated Historic Districts. The following types of Subdivision Plats are exempt from this requirement:
 - 1. Subdivision Plats submitted for sole purpose of creating an Easement(s), delineating OCRM Critical Line Areas, and/or delineating the location(s) of Freshwater Wetlands;
 - 2. The combination or recombination of portions of previously platted Lots where the total number of Lots is not increased;
 - 3. Boundary Plats;
 - 4. Property line adjustments where no new Lots are created; and
 - 5. Subdivision Plats that are the result of a court order.~~

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