



Public Hearing Agenda
November 14, 2023 at 6:30 PM
4045 Bridge View Drive, North Charleston, SC 29405

1 PUBLIC HEARING NOTICES

- 1A Golden Grove Development Agreement
Second Amendment - 1st Public Hearing**
- 1B Amendments to the Zoning and Land
Development Regulations Ordinance (ZLDR)**

Post & Courier

**CHARLESTON COUNTY COUNCIL PUBLIC HEARINGS:
GOLDEN GROVE DEVELOPMENT AGREEMENT SECOND AMENDMENT**

Tuesday, November 14, 2023 at 6:30 PM

Thursday, November 30, 2023 at 5:00 PM

Charleston County Council will hold two public hearings on a proposed second amendment to the Golden Grove Development Agreement by and between Golden Grove, LLC, the Town of Ravenel, and Charleston County to allow for private road and drainage systems and incorporate the process and requirements for dedications of roads and drainage systems to the public. The first public hearing will be held on Tuesday, November 14, 2023, beginning at 6:30 p.m., and the second public hearing will be held on Thursday, November 30, 2023, beginning at 5:00 p.m. Both public hearings will be held in Council Chambers (second floor of the Lonnie Hamilton, III, Public Services Building, located at: 4045 Bridge View Drive, North Charleston, SC 29405). The public hearings will be livestreamed at: <https://www.charlestoncounty.org/departments/county-council/cctv.php>. Public comments may be made in person, or written public comments may be emailed to CCPC@charlestoncounty.org or mailed to the address listed above by 5:00 p.m. on Friday, November 10, 2023. Contact the Zoning and Planning Department at (843)202-7200 or CCPC@charlestoncounty.org for additional information.

This Public Notice is in accordance with Section 6-31-60(B) of the Code of Laws of South Carolina.

Kristen L. Salisbury
Clerk of Council

Post & Courier

CHARLESTON COUNTY COUNCIL PUBLIC HEARING
Tuesday, November 14, 2023 at 6:30 PM

Charleston County Council will hold a public hearing on the matter listed below beginning at 6:30 p.m., Tuesday, November 14, 2023, in Council Chambers (second floor of the Lonnie Hamilton, III, Public Services Building, located at: 4045 Bridge View Drive, North Charleston, SC 29405). Packet information can be found online at: <https://www.charlestoncounty.org/departments/zoning-planning/>. The meeting will be livestreamed at: <https://www.charlestoncounty.org/departments/county-council/cctv.php>. Public comments may be made in person or written public comments may be emailed to CCPC@charlestoncounty.org or mailed to the address listed above by noon on Tuesday, November 14, 2023. Contact the Zoning and Planning Department at (843)202-7200 or CCPC@charlestoncounty.org for additional information.

a. Amendments to the Zoning and Land Development Regulations Ordinance (ZLDR).

This Public Notice is in accordance with Section 6-29-760 of the Code of Laws of South Carolina.

Kristen L. Salisbury
Clerk of Council

PROPOSED TEXT AMENDMENTS TO THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR)

Planning Commission Meeting: October 9, 2023

Public Hearing: November 14, 2023

Planning and Public Works Committee: November 30, 2023

1st Reading: November 30, 2023

2nd Reading: December 12, 2023

3rd Reading: December 21, 2023

Summary of Proposed Amendments:

On October 26, 2021, County Council adopted amendments to the ZLDR that were developed through the ZLDR Review Project. The project began in March 2017 with the execution of the contract with Kendig Keast Collaborative (KKC), the consultant for the project, and included the update, overhaul, and reorganization of the ZLDR.

Following the adoption of the ZLDR amendments in October 2021, staff brought forth several clarifications that needed to be made in order to assist with administration of the ZLDR. Those amendments were approved by County Council in October of 2022. Since that time, additional amendments have been identified. This packet includes a list of the proposed amendments, the full text of each individual proposed amendment, and a presentation summarizing the proposed amendments.

Staff Recommendation:

Consideration of the proposed amendments to the Zoning and Land Development Regulations Ordinance (ZLDR).

Planning Commission Review and Recommendation – October 9, 2023:

Recommendation:

- **County Initiated Public Works Projects Exemptions (Art. 3.7 and Article 9.2):** Disapproval (7-0; Commissioners Logan Davis and Pete Paulatos were absent)
 - The Planning Commission also voted to direct Staff to research information regarding mitigation for tree removal for CCPW projects to present at the November 13 Planning Commission meeting (7-0).
- **Tree Mitigation Fees and Fines (Art. 3.10, Art 9.2 and Art.11.6):** Postponement with the directive for Staff to provide further research regarding the fee and mitigation inches for unpermitted clearing/grubbing for discussion at the November 13 Planning Commission meeting (7-0).
- **Boarding Stables in the Rural Area (Table 6.1-1, Sec. 6.4.20, and Chapter 12):** Approval (7-0; Commissioners Logan Davis and Pete Paulatos were absent).
- **Small Scale Mining Operations (Sec. 6.4.14.D):** Approval (6-1; Commissioner Prause dissented, Commissioners Logan Davis and Pete Paulatos were absent).
- **Bicycle Parking (Art. 9.3):** Approval (6-1; Commissioner Kent dissented, Commissioners Logan Davis and Pete Paulatos were absent).
- **Scenic Road Rights-of-Way Trees Clarification (Art. 8.8, Art. 9.2 and Chapter 12):** Approval (7-0; Commissioners Logan Davis and Pete Paulatos were absent).
- **Parking Clarification (Sec. 9.3.5.A):** Approval (7-0; Commissioners Logan Davis and Pete Paulatos were absent).
- **Traffic Study Requirements (Sec. 9.6.2):** Disapproval (6-1; Chair Floyd dissented, Commissioners Logan Davis and Pete Paulatos were absent).

Speakers: 17 people spoke in opposition to the proposed amendments regarding Public Works Project Exemptions. Two of the 17 people also spoke in opposition to the amendment regarding traffic study exemptions by the Public Works Director.

Public Input:

116 letters in opposition to the CCPW Exemption and/or traffic study amendments were received prior to the meeting.

Notifications:

The Planning Commission meeting was noticed in the *Post & Courier* on September 22, 2023 and the same day, notifications were sent to 475 people on the ZLDR/Comprehensive Plan Interested Parties' List.

Public Hearing – November 14, 2023:

Public Input:

No additional public input beyond that received for/at the October 9, 2023 Planning Commission meeting was received prior to the posting of this packet on October 13, 2023.

Notifications:

The Public Hearing advertisement ran on October 13, 2023 and 475 notifications were sent to people on the ZLDR/Comprehensive Plan Interested Parties List on October 27, 2023.

PROPOSED AMENDMENTS TO THE ZONING & LAND DEVELOPMENT REGULATIONS

Planning Commission Meeting: October 9, 2023

Public Hearing: November 14, 2023

Planning and Public Works Committee: November 30,
2023

1st Reading: November 30, 2023

2nd Reading: December 12, 2023

3rd Reading: December 21, 2023

CHARLESTON
■ COUNTY ■

SOUTH CAROLINA

HISTORY AND OVERVIEW

- On October 26, 2021, County Council adopted amendments to the ZLDR that were developed through the ZLDR Review Project.
- The project began in March 2017 with the execution of the contract with Kendig Keast Collaborative (KKC), the consultant for the project, and included the update, overhaul, and reorganization of the ZLDR.
- Following the adoption of the ZLDR amendments in October 2021, staff brought forth several clarifications that needed to be made in order to assist with administration of the ZLDR. Those amendments were approved by County Council in October of 2022.
- Since that time, additional amendments have been identified. This packet includes a list of the proposed amendments, the full text of each individual proposed amendment, and a presentation summarizing the proposed amendments.

COUNTY INITIATED PUBLIC WORKS PROJECTS EXEMPTIONS

- **Reason:**
 - As requested by Charleston County Public Works.
- **Proposed amendments**
 - Art. 3.7: Add clause exempting all Charleston County Public Works (CCPW) Department initiated public easement and right-of-way projects from the Site Plan Review procedures.
- **Reason:**
 - As directed by County Council and requested by Public Works.
- **Proposed amendments**
 - Art. 9.2: Exempt Charleston County Public Works (CCPW) from the requirements of tree protections except Sec. 9.2.3, Tree Plans and Surveys, when the requested trees are presented and approved from removal by the Charleston County Council for CCPW initiated projects.

COUNTY INITIATED PUBLIC WORKS PROJECTS EXEMPTIONS

- **Planning Commission Recommendation:**
 - Disapproval (7-0)
 - The Planning Commission also voted to direct Staff to research information regarding mitigation for tree removal for CCPW projects to present at to the November 13 Planning Commission meeting (7-0).

STABLES IN THE RURAL AREA

Reason:

- The ZLDR currently lists and defines two types of stables:
 - Private Stables: A Building or land where horse(s) are kept for the private use of the owner(s) or resident(s) of the property.
 - Commercial Stables: A site consisting of, but not limited to, Animal enclosures, riding arenas, corrals, paddocks, pens, Barns, and/or other Structures used for the boarding, breeding, raising, rehabilitation, riding, training and/or performing of horses, by the owners, occupants or Persons other than the owners or occupants of the premises.
- Within the rural area, Private Stables are allowed by-right in RM, AG-15, AG-10 and AG-8 and conditionally allowed in AGR and RR. Private Stables are limited in use to the owners or residents of the subject property and do not permit boarding.
- Within the rural area, Commercial Stables are conditionally allowed in RM, AG-15, AG-10, AG-8 and AGR and include not only boarding, but breeding, training and rehabilitation operations.
- A need for an intermediate option has been identified; a Stable that allows boarding, but is not open for training or other commercial uses.

STABLES IN THE RURAL AREA

Proposed Amendments

- Table 6.1-1 Use Table: Create a new use, “Stables, Boarding” to be conditionally allowed in the RM, AG-15, AG-10, AG-8, AGR and RC zoning districts and allowed by-right in the CC, RI, and IN zoning districts.
- Sec. 6.4.20 Conditions for Stables: Add conditions for the newly created Boarding Stable use, including but not limited to:
 - Boarding ratio of one horse per one-half acre.
 - Minimum lot area of 5 acres, otherwise shall follow Special Exception procedure.
 - Limited Site Plan Review Procedures shall apply.
- Chapter 12, Definitions:
 - Clarify the definitions of Stable, Private and Stable, Commercial to include horses or other members of the horse family.
 - Add a definition for Stable, Boarding.

STABLES IN THE RURAL AREA

- **Planning Commission Recommendation:**
 - Approval (7-0)

SMALL SCALE MINING OPERATIONS

Reason:

- Small scale excavation and grading activities related to development are subject to the same conditions as large scale resource extraction operations. This amendment allows flexibility for small scale excavation and grading activities.

Proposed Amendments:

- Sec. 6.4.14.D, Use Conditions: Update to exempt small scale excavation and grading activities for Residential and Bona Fide Agricultural uses from the conditions for large scale resource extraction and add signage requirements and limited hours of operation.

SMALL SCALE MINING OPERATIONS

- **Planning Commission Recommendation:**
 - Approval (6-1; Commissioner Prause dissented)

BICYCLE PARKING

Reason:

- Charleston RISES, a program to incentivize sustainable development through the Sustainability Institute, provides suggestions on site design elements that promote high performing sustainable commercial and multi-family development, including bicycle parking.
- This amendment accommodates alternative transportation options and promote resilience and sustainability.

Proposed Amendments:

- Add Subsection 9.3.13 section to require bicycle parking be provided within 50-feet of the primary building entrance at a ratio of one per every 10 off-street required parking spaces, rounding up when the number is not a multiple of 10.

BICYCLE PARKING

- **Planning Commission Recommendation:**
 - Approval (6-1; Commissioner Kent dissented)

CLARIFICATIONS

- **Tree Protection and Preservation:**
 - Add Subsection 8.8.1.E to clarify that all trees 6-inches DBH and greater located within designated Scenic Road Rights-of-Way must be shown on tree surveys for proposed subdivisions
 - Create 9.2.1.A.4 to clarify that trees 6-inches DBH and greater located within Scenic Road rights-of-way are protected.
 - Revise Sec. 9.2.3.C.2 to require trees 6-inches DBH and greater located within Scenic Road rights-of-way on tree surveys and revise Sec. 9.2.3.C.3 to match.
 - Chapter 12: Revise the definition of Protected Tree to incorporate trees within designated Scenic Road rights-of-way that are 6-inches and greater.
- **Off-Street Parking and Loading:**
 - Sec. 9.3.5.A: Clarify parking requirements by removing redundant language and aligning with how ordinance is currently administered.
- **Traffic Impact Studies:**
 - Sec. 9.6.2: Clarify that the Zoning and Planning Director may require traffic impact studies for projects that do not meet the thresholds included in the ZLDR and allow the Public Works Director flexibility in determining when a traffic impact study may not be required.

CLARIFICATIONS

- **Tree Protection and Preservation for Scenic Road trees:**
 - Planning Commission Recommendation:
 - Approval (7-0)
- **Off-Street Parking and Loading:**
 - Planning Commission Recommendation:
 - Approval (7-0)
- **Traffic Impact Studies:**
 - Planning Commission Recommendation:
 - Approval (6-1; Chair Floyd dissented)

PUBLIC INPUT AND SPEAKERS

- October 9 Planning Commission:
 - Four letters of support were received.
 - One general comment was received.
 - 116 letters in opposition to the proposed amendments pertaining to Public Works Project Exemptions to Tree Protection and Traffic Studies.
 - 17 people spoke in opposition to the proposed amendments regarding Public Works Project Exemptions. Two of the 17 people also spoke in opposition to the amendment regarding traffic study exemptions by the Public Works director.
- November 14 Public Hearing
 - No additional public input beyond that received for/at the October 9, 2023 Planning Commission meeting was received prior to the posting of this packet on October 13, 2023.

NOTIFICATIONS

- October 9, 2023 Planning Commission Meeting:
 - Post and Courier advertisement ran September 22, 2023; and
 - 475 notifications were sent to people on the ZLDR/Comprehensive Plan Interested Parties List on September 22, 2023.
- November 14, 2023 Public Hearing:
 - Post and Courier advertisement ran on October 13, 2023; and
 - 475 notifications were sent to people on the ZLDR/Comprehensive Plan Interested Parties List on October 27, 2023.

**PROPOSED AMENDMENTS TO THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE:
NOVEMBER 14, 2023 PUBLIC HEARING**

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<u>#</u>	<u>Chapter/ Article/ Section</u>	<u>Description & Reason</u>	<u>Planning Commission Recommendation</u>
COUNTY INITIATED PUBLIC WORKS PROJECTS			
1.	Art. 3.7, Site Plan Review	<p>Exempt Charleston County Public Works projects within all existing and proposed easements and rights-of-way dedicated to public use from the requirements of the Site Plan Review process.</p> <p><i>Reason: As requested by Charleston County Public Works.</i></p>	<ul style="list-style-type: none"> October 9, 2023 Planning Commission Recommendation: Disapproval (7-0)
2.	Art. 9.2, Tree Protection and Preservation	<p>Exempt SCDOT from the requirements of tree protection for work initiated by SCDOT in their rights-of way.</p> <p><i>Reason: To be consistent with State Law.</i></p> <p>Exempt Charleston County Public Works (CCPW) from the tree protection requirements except Sec. 9.2.3, Tree Plans and Surveys, when the requested trees are presented and approved for removal by Charleston County Council for CCPW initiated projects.</p> <p><i>Reason: As directed by County Council and requested by Charleston County Public Works.</i></p>	<ul style="list-style-type: none"> October 9, 2023 Planning Commission Recommendation: Disapproval (7-0) Note: The Planning Commission also voted to direct Staff to research information regarding mitigation for tree removal for CCPW projects to present at the November 13 Planning Commission meeting (7-0).
BOARDING STABLES			
3.	Chapter 6, Use Regulations	<p>Table 6.1-1: Create a new class of stables in the use table, Stable, Boarding.</p> <p>Sec. 6.4.20: Create conditions for the newly created Boarding Stable use.</p> <p><i>Reason: There are two types of Stables as listed in the ZLDR, Private and Commercial; a need for an intermediate option has been identified.</i></p>	<ul style="list-style-type: none"> October 9, 2023 Planning Commission Recommendation: Approval (7-0)

**PROPOSED AMENDMENTS TO THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE:
NOVEMBER 14, 2023 PUBLIC HEARING**

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<u>#</u>	<u>Chapter/ Article/ Section</u>	<u>Description & Reason</u>	<u>Planning Commission Recommendation</u>
4.	Chapter 12, Definitions	<p>Revise the definitions of Stable, Private and Stable, Commercial to specify that it relates to horses and other members of the horse family.</p> <p>Add a definition for the newly created Stable, Boarding use.</p> <p><i>Reason: Clarify the definitions of Private and Commercial Stables and incorporate a definition for Boarding Stables.</i></p>	<ul style="list-style-type: none"> October 9, 2023 Planning Commission Recommendation: Approval (7-0)
SMALL SCALE RESOURCE EXTRACTION			
5.	Art. 6.4, Use Conditions	<p>Exempt small-scale residential, recreational, and agricultural resource extraction operations from Special Exception requirements, except when the total accumulated resource extraction is greater than 5 acres.</p> <p>Add sign and hours of operation requirements for small scale resource extraction operations.</p> <p><i>Reason: To allow flexibility for small scale excavation and grading activities.</i></p>	<ul style="list-style-type: none"> October 9, 2023 Planning Commission Recommendation: Approval (6-1; Commissioner Prause dissented)
BICYCLE PARKING			
6.	Art. 9.3, Off-Street Parking and Loading	<p>Add Subsection 9.3.13 section to require bicycle parking be provided within 50-feet of the primary building entrance at a ratio of one per every 10 off-street required parking spaces, rounding up when the number is not a multiple of 10.</p> <p><i>Reason: To accommodate alternative transportation options and promote resilience and sustainability.</i></p>	<ul style="list-style-type: none"> October 9, 2023 Planning Commission Recommendation: Approval (6-1; Commissioner Kent dissented)

**PROPOSED AMENDMENTS TO THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE:
NOVEMBER 14, 2023 PUBLIC HEARING**

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#	<u>Chapter/ Article/ Section</u>	<u>Description & Reason</u>	<u>Planning Commission Recommendation</u>
CLARIFICATIONS			
7.	Art. 8.8 Tree Preservation	<p>Add Subsection 8.8.1.E to clarify that all trees 6-inches DBH and greater located within designated Scenic Road Rights-of-Way must be shown on tree surveys for proposed subdivisions.</p> <p><i>Reason: Currently, the only place the requirements for trees in Scenic Road rights-of-way are mentioned in the ZLDR is in note 1 at the bottom of Table 9.4.4-1, Buffer Types by Roadway. This amendment will make the requirements more prominent and understandable.</i></p>	<ul style="list-style-type: none"> • October 9, 2023 • Planning Commission Recommendation: Approval (7-0)
8.	Art. 9.2, Tree Protection and Preservation and Chapter 12 Definitions	<p>Sec. 9.2.1.A.4 and Sec. 9.2.3.C.2: Revise to clarify that within designated Scenic Road rights-of-way, trees 6-inches or greater are protected.</p> <p>Chapter 12: Revise the definition of Protected Tree to incorporate trees within designated Scenic Road rights-of way that are 6-inches or greater.</p> <p><i>Reason: Currently, the only place the requirements for trees in Scenic Road rights-of-way are mentioned in the ZLDR is in note 1 at the bottom of Table 9.4.4-1, Buffer Types by Roadway. This amendment will make the requirements more prominent and understandable.</i></p>	<ul style="list-style-type: none"> • October 9, 2023 • Planning Commission Recommendation: Approval (7-0)
9.	Art. 9.3, Off Street Parking and Loading	<p>Sec. 9.3.5.A.2: Remove redundant language regarding parking requirements in Office and Commercial zoning districts.</p> <p><i>Reason: Remove redundant language that is addressed elsewhere in Article 9.3.</i></p>	<ul style="list-style-type: none"> • October 9, 2023 • Planning Commission Recommendation: Approval (7-0)

PROPOSED AMENDMENTS TO THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE:
NOVEMBER 14, 2023 PUBLIC HEARING

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<u>#</u>	<u>Chapter/ Article/ Section</u>	<u>Description & Reason</u>	<u>Planning Commission Recommendation</u>
10.	Art. 9.6, Traffic Impact Studies	<p>Clarify that the Zoning and Planning Director may require traffic impact studies for projects that do not meet the thresholds included in the ZLDR and allow the Public Works Director flexibility in determining when a traffic impact study may not be required.</p> <p><i>Reason: To allow for more flexibility in determining when a Traffic Impact Study may be required.</i></p>	<ul style="list-style-type: none">• October 9, 2023• Planning Commission Recommendation: Disapproval (6-1; Chair Floyd dissented)

County Initiated Public Works Projects Exemptions

ARTICLE 3.7 SITE PLAN REVIEW

Sec. 3.7.4 Exemptions

Applications for placement of Manufactured Housing Units, ~~and~~ proposals for Single-Family Dwellings on existing Approved and Recorded Plats, **and Charleston County Public Works projects within all existing and proposed Charleston County easements and Rights-of-Way** shall be expressly exempt from the Site Plan Review procedures of this Section.

ARTICLE 9.2 TREE PROTECTION AND PRESERVATION

Sec. 9.2.1 General

- A. Trees are essential natural, invaluable economic, and priceless aesthetic resources. They play a critical role in purifying air and water, providing wildlife habitat, enhancing natural drainage, and managing stormwater and sediment. They also help conserve energy by providing shade and shield against noise and glare. Trees promote commerce and tourism by buffering different land uses and beautifying the landscape. For these and other reasons, this Article is intended to enhance the health, safety and welfare of Charleston County and its citizens and visitors.
- B. **Applicability and Exemptions.**
 1. The provisions of this Article apply to all real property in unincorporated Charleston County, except as otherwise expressly exempted.
 2. The following are exempt from the provisions of this Article:
 - a. Single family detached residential Lots of record are exempt except for those relating to Grand Tree documentation, protection and replacement. This does not exempt applications for Major or Minor Subdivisions from the requirements of Sec. 9.4.4, Landscape Buffers.
 - b. This Article shall not restrict public utilities and electric suppliers from maintaining safe clearance around existing utility lines, and existing Easements in accordance with applicable state laws. Siting and construction of future gas, telephone, communications, electrical lines, or other Easements shall not be exempt from the provisions of this Article.
 - c. Removal of Trees for “bona fide forestry operations” shall comply with state law.
 - d. Removal of Trees for Bona Fide Agricultural Uses pursuant to Sec. 3.8.2, Exemptions, Sub-Paragraph A, provided this exemption does not apply to the Grand Tree documentation, protection, and replacement requirements of this Ordinance.
 - e. Removal of trees associated with relocating the OCRM Critical Line pursuant to 4.24.4.C, except Grand Tree removal, shall be mitigated inch per inch pursuant to section 9.2.6 of this Ordinance.
 - f. Removal of trees for safe clearance of aircraft as required by federal law or the establishment of facilities exclusively dedicated to Aviation operations are exempt.
 - g. Removal of Trees on properties in the Industrial (IN) District pursuant to the following conditions:
 - i. Tree removal shall not occur prior to Site Plan Review approval;
 - ii. This exemption does not apply to Live Oak species of Grand Trees or any Protected Trees within required buffers and Parking Lots; and

- iii. A mitigation plan for Grand Trees, Protected Trees, and any Trees removed in violation of this Ordinance is required pursuant to Sec. 9.2.6, Tree Replacement, prior to Site Plan Review approval.
- ~~3. The South Carolina Department of Transportation (SCDOT) and Charleston County Public Works (CCPW) are hereby exempt from the provisions of this Article with the following exceptions:~~
- ~~a. All Tree species measuring six inches or greater Diameter at Breast Height (DBH) that are located in Rights-of-Way along Scenic Highways shall be protected and where necessary, may require a variance from the BZA for removal pursuant to Sec. 9.2.5, Tree Removal, Sub-Paragraph B and Sec. 9.2.6, Tree Replacement.~~
 - ~~b. Grand Tree Live Oak species in all present and proposed Rights-of-Way and Easements shall be protected and where necessary, may require a variance from the BZA.~~
 - ~~c. All Grand Trees other than Live Oak species in all present and proposed Rights-of-Way and Easements not located on a Scenic Highway are protected but may be permitted administratively for removal when mitigated pursuant to Sec. 9.3.5, Tree Replacement.~~
- 3. The South Carolina Department of Transportation (SCDOT) shall be exempt from all provisions of this Article for work initiated by SCDOT within their Rights-of-Way.**
- 4. The Charleston County Public Works Department (CCPW) shall be exempt from all provisions of this Article except Section 9.2.3, Tree Plans and Surveys, Subsections A.1. and A.2, when the requested trees are presented to and approved for removal by Charleston County Council as part of a CCPW initiated project.**

Boarding Stables

CHAPTER 6 | USE REGULATIONS

ARTICLE 6.1 USE TYPES AND USE TABLE

Table 6.1-1 Use Table																							
A=Use Allowed By Right; C=Use Subject to Conditions; S=Special Exception Use (must also comply with applicable conditions); Blank cells indicated prohibited land uses																							
Land Uses	ZONING DISTRICTS																						Condition
	NR	OS	RM	AG-15	AG-10	AG-8	AGR	RR	S-3	R-4	UR	MH S	MH P	CI	RO	GO	NC	RC	CC	RI	IN		
ANIMAL SERVICES																							
	Stable, Commercial			C	C	C	C	C										C	A	A	A	Sec. 6.4.20	
	Stable, Private			A	A	A	A	C	C	S								C	A	A	A	Sec. 6.4.20	
	Stable, Boarding			C	C	C	C	C	C									C	A	A	A	Sec. 6.4.20	

ARTICLE 6.4 USE CONDITIONS

Sec. 6.4.20 Stable, Commercial; Stable, Private; *Stable, Boarding*

Stables (Commercial, *Boarding*, or Private) may be established as primary or accessory uses provided they meet all applicable standards of this Ordinance and the following requirements. *The term horse shall include horse(s) or other members of the horse family. Horses shall be boarded at a maximum ratio of one horse per one-half acre.*

A. Commercial Stables:

1. A minimum Lot Area of five acres shall be required; otherwise, this use shall comply with the Special Exception procedures contained in this Ordinance.
2. Riding areas and trails shall be limited to the subject Parcel upon which the stable is located unless documentation is provided granting access onto other lands. Such documentation shall be provided through written and recorded documents.
3. If the subject site is less than or equal to five acres, a 25-foot vegetated buffer from any equestrian activity areas is required to adjoining Parcels. In lieu of a 25-foot vegetated buffer, a 75-foot Setback to equestrian activity areas from the side and rear property boundaries shall be provided.
4. If the subject site is greater than five acres, a 50-foot vegetated buffer from any equestrian activity areas is required to adjoining Parcels. In lieu of a 50-foot vegetated buffer, a 150-foot Setback to equestrian activity areas from the side and rear property boundaries shall be provided.

- B. Private Stables in the AGR and RR-3 Zoning Districts **subject to conditions** shall require a minimum Lot Area of one acre; otherwise, this use shall comply with the Special Exception procedures contained in this Ordinance.

C. Boarding Stables:

1. **A minimum Lot Area of five acres shall be required; otherwise, this use shall comply with the Special Exception procedures contained in this Ordinance.**
2. **Riding areas and trails shall be limited to the subject Parcel upon which the stable is located unless documentation is provided granting access onto other lands. Such documentation shall be provided through written and recorded documents.**
3. **Activities and access shall be limited to horses, their owners and caregivers, residents, and supporting services for maintenance of the property.**
4. **Boarding Stables shall be exempt from Art. 9.3, Off-Street Parking and Loading, with the exception of Sec. 9.3.6, Accessible Parking, and from Article 9.4, Landscaping, Screening, and Buffers.**
5. **Boarding Stables shall be limited to a maximum of 10 horses; otherwise, this use shall be considered a Commercial Stable.**
6. **The Limited Site Plan Review procedures of this Ordinance shall apply.**
7. **All Special Events shall follow Article 6.7, Special Events Use.**

CHAPTER 12 | DEFINITIONS

ARTICLE 12.1 TERMS AND USES DEFINED

Stable, Private A Building or land where horse(s) **or other members of the horse family** are kept for the private use of the owner(s) or resident(s) of the property.

Stable, Commercial A Building **or land** consisting of, but not limited to, Animal enclosures, riding arenas, corrals, paddocks, pens, Barns, and/or other Structures used for the boarding, breeding, raising, rehabilitation, riding, training and/or performing of horses **or other members of the horse family**, ~~by the owners, occupants or Persons other than the owners or occupants of the premises.~~

Stable, Boarding – **Buildings or land where horses or other members of the horse family are kept for a fee. Activities and access are limited to owners of horses or other members of the horse family that are boarded onsite and caregivers.**

Small Scale Resource Extraction

CHAPTER 6 | USE REGULATIONS

ARTICLE 6.4 USE CONDITIONS

The following use conditions shall apply to Principal Uses in any Zoning District where these uses are allowed as "Conditional Uses" or "Special Exceptions" as shown in Table 6.1-1, *Use Table*.

Sec. 6.4.14 Resource Extraction

- A. **Applications.** All uses involving Resource Extraction shall complete the Site Plan Review process and obtain a Zoning Permit. Prior to Site Plan Review approval, the applicant shall receive approval or written documentation of exemption from the South Carolina Department of Health and Environmental Control (SCDHEC).
- B. **Requirements.**
 - 1. A Resource Extraction use shall not be allowed on a Lot located within 2.5 miles of another Lot for which a Site Plan Review or Zoning Permit application for a Resource Extraction use has been submitted or approved, or for which a Resource Extraction use has been permitted or is currently in operation, whether located in the unincorporated County or within a municipality. Distances shall be measured as a radius from the nearest property line of the subject Lot to the nearest property line of a Lot containing another Resource Extraction use as described above. Subdivision-related Resource Extraction uses required for compliance with Charleston County Stormwater regulations shall be exempt from this requirement provided that only the minimum amount of material required for compliance with the County's Stormwater regulations is removed. Removal of material beyond the minimum amount required for compliance with the County's Stormwater regulations shall be subject to the 2.5-mile radius requirement described above and all other applicable requirements of this Ordinance.
 - 2. There shall be direct access to a public Arterial Street.
 - 3. A sign listing the name and phone number of a local contact for the Resource Extraction use shall be posted at the haul road entrance.
 - 4. The Resource Extraction operation shall not be located within 50 feet of any property boundary, within 250 feet of a public Street, and/or within 250 feet of any Building intended for human occupancy existing at the time of permit application.
 - 5. A berm located within the required buffer may be required to mitigate noise at the discretion of the Zoning and Planning Director.
 - 6. The hours of operation for Resource Extraction operations shall be limited to Mondays through Saturdays from 7:00 am to 6:00 pm. The Board of Zoning Appeals shall have the authority to modify the days and hours of operation to make them either more or less restrictive on a case-by-case basis.
- C. **Special Exceptions.** Resource Extraction uses that do not meet the conditions of Sec. 6.4.14.D below shall comply with the Special Exception procedures of this Ordinance and all requirements of sub-sections A and B above. The Applicant shall receive Special Exception approval and approval from SCDHEC, prior to Site Plan Review approval. The Board of Zoning Appeals may, on a case-by-case basis, also require conditions of approval, including but not limited to: restricting

days and hours of operation; requiring documentation from a South Carolina Registered Professional Geologist regarding potential impacts on wells, groundwater, and surface water; and requiring that the excavation area be screened and that a drainage plan be submitted and approved for the restoration of the site when excavation has been completed. All owners of property located within 500 feet of the Subject Property shall be notified of Special Exception applications in accordance with the “Neighbor Notice” requirements of Sec. 3.1.6.B of this Ordinance.

- D. **Special Exception Exemptions for Residential and Bona Fide Agricultural Uses.** Excavation or grading activities solely for residential use, recreational use, or Bona Fide Agricultural Use shall be exempt from the Special Exception procedures *and Sec. 6.4.14.B.* of this Ordinance if the use complies with all of the following conditions:

1. The Resource Extraction operation shall be limited to one year;
2. The Resource Extraction operation shall not be located within 50 feet of any property boundary and/or within 250 feet of any Building intended for human occupancy existing at the time of permit application. No vegetated buffers are required;
3. The Resource Extraction operation shall be two acres or less, provided that the total accumulated area(s) dedicated to Resource Extraction uses on a Parcel is less than five acres. The Special Exception procedures *and Sec. 6.4.14.B.* of this Ordinance shall apply if the total accumulated Resource Extraction area is greater than five acres; ~~and~~
4. No more than one Resource Extraction use shall be permitted on the same property within one year from the date of Zoning Permit approval for a previous Resource Extraction use;
5. *A sign listing the name and phone number of a local contact for the Resource Extraction use shall be posted at the haul road entrance; and*
6. *The hours of operation for Resource Extraction operations shall be limited to Mondays through Saturdays from 7:00 am to 6:00 pm.*

Bicycle Parking

CHAPTER 9 | DEVELOPMENT STANDARDS

ARTICLE 9.3 OFF-STREET PARKING AND LOADING

Sec. 9.3.13 Bicycle Parking

- 1. In the Urban/Suburban Area, one bicycle parking space shall be required per every 10 off-street Required Parking spaces, rounding bicycle parking spaces up when the number is not a multiple of 10. (six automobile parking spots required = one bicycle parking space; 12 automobile parking spots required = two bicycle parking spaces).***
- 2. Required bicycle parking must meet the following standards:***
 - a. Bicycle parking must be:***
 - 1. Outside a Building and within 50 feet of the main entrance to the Building as measured along the most direct pedestrian access route, or no further from the Building's main entrance than the closest automobile parking space, whichever is closer;***
 - 2. At the same Grade as the sidewalk or at a location that can be reached by an accessible route; and***
 - 3. If required bicycle parking is not visible from the street or main Building entrance, a sign must be posted at the main Building entrance or in a highly visible and used location indicating the location of the parking.***
 - b. Bicycle parking must meet the following standards:***
 - 1. Where required bicycle parking is provided in lockers, the lockers must be securely anchored.***
 - 2. Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks must meet the following standards:***
 - a. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle;***
 - b. A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components;***
 - c. The rack must be securely anchored and coated in a material that will not damage the bicycle;***
 - d. Each required bicycle parking space must be accessible without moving another bicycle; and***
 - e. There must be an aisle at least five feet wide in front and behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the Right-of-Way.***

Clarification: Scenic Road Right-of-Way Trees

ARTICLE 8.8 TREE PRESERVATION

Sec. 8.8.1 Tree Surveys

Tree surveys shall comply with the following:

- A. Lots within subdivisions shall be laid out and designed to provide a buildable area on each Lot that does not require the removal of Grand Trees.
- B. Tree protection standards are described in Chapter 9, Development Standards, of this Ordinance.
- C. Tree Surveys on Lots of one acre or less shall include Grand Trees on the entire Lot. Tree Surveys of Grand Trees may be requested upon site inspection if Lots greater than one acre appear to be unbuildable due to the presence of Grand trees. Tree surveys must include all Grand Trees on the Subject Parcel and within 40 feet of the property line.
- D. Tree Surveys of all Grand Trees and Grand Tree canopies must be shown within access Easements, Drainage Easements, and Rights-of-Way.
- E. When the subject property has frontage along a designated Scenic Road, the tree survey must show the location, number, size, and species of all Trees six inches DBH and greater in areas proposed to be disturbed within the Right-of-Way of the designated Scenic Road.***

ARTICLE 9.2 TREE PROTECTION AND PRESERVATION

Sec. 9.2.1 General

D. Measurements and Definitions.

1. If a tree trunk splits at ground level and the trunks do not share a common base (separated by earth at natural grade), then each trunk shall be measured as a separate Tree. If a multi-trunk Tree splits below the four and one half foot mark and the trunks share a common base, all trunks shall be measured separately, added together, and counted as one tree, unless the trunks are of different species. Any trunk measuring less than eight inches DBH is not included in the calculation.
2. For trees between a four-inch and 12-inch caliper, the trunk is measured 12 inches above the ground.
3. All Grand Trees are prohibited from removal unless otherwise exempted by this Ordinance, a Grand Tree Removal Permit is issued, or if the removal is part of an approved Bona Fide Forestry Operation.
4. Limited removal is allowed only when specified in this Article.
- 5. All Trees six inches DBH and greater located within a designated Scenic Road Right-of-Way shall require protection as Protected Trees pursuant to the Protected Tree requirements of this Ordinance.***

Sec. 9.2.3 Tree Plans and Surveys

A. General.

1. Tree plans of the same scale as, and superimposed on, a Development site plan or Preliminary Plat shall include location, number, size (DBH), and species with a scaled graphic representation of each Grand Tree, along with the canopy size and shape, and trunk location.
2. Tree surveys shall include the name, phone number, address, signature, and seal of a licensed surveyor, civil engineer, forester, arborist, or landscape architect registered in the State of South Carolina.
3. The survey shall include all Trees to be protected or preserved, and those scheduled to be

removed, including dead and damaged Trees. In cases where a previously approved recorded Plat is utilized for the purpose of Tree plans, the name, address, phone number, signature, and seal of the licensed surveyor, civil engineer, or landscape architect registered in the State of South Carolina shall be provided. A scaled infrared or high resolution black-and-white aerial photograph or print of equal quality may be substituted in cases where the Director determines that it would provide the same information as a Tree plan. However, all Grand Trees within 40 feet of proposed construction and land disturbance areas and Trees within required buffers must be surveyed and mapped.

B. Subdivision Plats refer to the Subdivision Regulations of **CHAPTER 8** of this Ordinance.

C. Commercial, Industrial, and Multi-Family, Civic/Institutional, and Other Uses.

1. All Tree surveys must show the location, number, size, and species of all Trees with eight or more inches DBH, including those scheduled to be removed.
 2. *When the subject property has frontage along a designated Scenic Road, the tree survey must show the location, number, size, and species of all Trees six inches DBH and greater in areas proposed to be disturbed within the Right-of-Way of the designated Scenic Road.*
 3. When there are no Trees that *meet the above listed criteria* ~~are eight or more inches DBH~~, documentation to that effect shall be provided from a licensed surveyor, civil engineer, forester, arborist, or registered landscape architect.
- D. **Agricultural and Single-Family Detached Residential Uses** must show all Grand Trees within 40 feet of the area of construction land disturbance, Rights-of-Way, and Easements, and in conjunction with the Subdivision regulations at the time a Zoning or Building Permit application is made.

ARTICLE 12.1 TERMS AND USES DEFINED

TERM DEFINITION

P

Protected Tree Any Tree on a Parcel with a Diameter Breast Height of eight inches or greater prior to Development, and all Trees within required buffers or required landscape areas *or any Tree within a Scenic Road Right-of-Way with a Diameter Breast Height of six inches or greater prior to Development.*

Clarification: Parking

CHAPTER 9 | DEVELOPMENT STANDARDS

ARTICLE 9.3 OFF-STREET PARKING AND LOADING

Sec. 9.3.5 Location

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.*** ~~in Office (O) and Commercial (C) districts containing more than ten parking spaces shall be located to the side or rear of the Principal Structure's front Facade or within a courtyard surrounded by a Structure on at least three sides.~~

Clarification: Parking

CHAPTER 9 | DEVELOPMENT STANDARDS

ARTICLE 9.3 OFF-STREET PARKING AND LOADING

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Traffic Study Exemption

ARTICLE 9.6 TRAFFIC IMPACT STUDIES

Sec. 9.6.2 General

- A. All Traffic Impact Studies shall be signed by a Professional Engineer (PE) registered to work in South Carolina, unless exempted from this requirement by the Public Works Director.
- B. Traffic Impact Studies are required if the proposed Development contains one or more of the following. ***Traffic Impact Studies may also be required at the discretion of the Zoning and Planning Director.***
 - 1. 100 or more vehicle trips;
 - 2. Drive-through service;
 - 3. More than 6 fuel dispensing units;
 - 4. Existing and/or new non-residential Development that includes more than 10,000 square feet of heated and/or cooled space;
 - 5. Five or more acres;
 - 6. Restaurants with more than 4,000 square feet of gross Floor Area;
 - 7. 45 or more Dwelling Units; or
 - 8. Resource Extraction uses.

A Traffic Impact Study for ***a*** proposed Developments ~~that do not meet the above requirements~~ may be required ***waived***, at the discretion of the ***Public Works Director***.

- C. The completion date of any Traffic Impact Study submitted to satisfy the requirements of this Article shall be no more than six months prior to the date the application is submitted to the County.