



CHAPTER 1 | INTRODUCTORY PROVISIONS

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ARTICLE 1.1 TITLE

This Ordinance shall be officially known and cited as the Zoning and Land Development Regulations of Charleston County, South Carolina. It may be referred to in this document simply as "this Ordinance."

Effective on: 11/20/2001, as amended

ARTICLE 1.2 AUTHORITY

This Ordinance is adopted pursuant to the statutory authority conferred by Title 4, Chapter 9 and Title 6, Chapter 29 of the Code of Laws of South Carolina, as amended.

Effective on: 11/20/2001, as amended

ARTICLE 1.3 EFFECTIVE DATE

This Ordinance shall take effect on April 21, 1999, as amended.

Effective on: 11/20/2001, as amended

ARTICLE 1.4 APPLICABILITY AND JURISDICTION

Sec. 2.1.1 Review Authority

This Ordinance shall apply to all development, public and private, within the unincorporated areas of Charleston County. All structures and land uses constructed or commenced hereafter, and all enlargements of, additions to, changes in and relocations of existing structures and uses occurring hereafter shall be subject to this Ordinance and all other authorities pursuant to Title 6, Chapter 29 of the Code of Laws of South Carolina, as amended.

[Commentary—These Zoning and Land Development Regulations contain zoning, subdivision and other land development regulations (LDRs) that help implement Charleston County's *Comprehensive Plan*.]

Effective on: 11/20/2001, as amended



Sec.1.4.2 New or Moved Structures

All structures built hereafter shall comply with all of the regulations of this Ordinance. Any structure moved from one site to another site, including movement within a **Z**oning **L**ot, shall be considered to be a structure built hereafter.

Effective on: 11/20/2001, as amended

Sec.1.4.3 Remodeling

If any structure is hereafter remodeled:

- A. The entire structure as remodeled shall comply with the use regulations of this Ordinance.
- B. Any alterations, enlargements, or additions to the structure shall comply with all applicable **D**ensity/**I**ntensity and **D**imensional **S**tandards of the underlying **Z**oning **D**istrict **in which the property is located**.
- C. Off-street parking facilities shall not be reduced below (or if already less than, shall not be further reduced below) the requirements of this Ordinance applicable to a similar new structure or use.

Effective on: 11/20/2001, as amended

Sec.1.4.4 Change in Land Use or Land Classification

If a use of any structure is hereafter changed to another use, then the new use must comply with the use regulations in **CHAPTER 6, Use Regulations**, of this Ordinance, but the mere establishment of the new use does not require the existing structure to comply with the **D**ensity/**I**ntensity and **D**imensional **S**tandards of the **base** underlying **Z**oning **D**istrict.

Effective on: 11/20/2001, as amended

ARTICLE 1.5 PURPOSE AND INTENT

This Ordinance is intended to protect the health, safety, and general welfare of existing and future **R**esidents of Charleston County by:

- A. Implementing the goals, objectives and policies of the *Comprehensive Plan*;
- B. Providing for adequate light, air, and **O**pen **S**pace;
- C. Preventing overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the **S**treets;
- D. Protecting and preserving scenic, historic, or ecologically sensitive areas;
- E. Regulating the **D**ensity and distributions of populations and the uses of **B**uildings, **S**tructures and land for trade, industry, residence, recreation, **A**griculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes;
- F. Facilitating the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks and other recreational facilities, **A**ffordable **H**ousing, disaster evacuation, and other public services and requirements;
- G. Securing from fire, flood, and other dangers;
- H. Furthering the public welfare in any other regard specified by a local governing body;
- I. Facilitating the creation of a convenient, attractive and harmonious community;
- J. Encouraging the **D**evelopment of economically sound and stable municipalities and counties;
- K. Assuring the timely provision of required **S**treets, **U**tilities, and other facilities and services to new **L**and **D**evelopments;
- L. Assuring the provision of needed public **O**pen **S**paces, **B**uilding sites and new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and



- M. Assuring, in general, the wise and timely **D**evelopment of new areas, and redevelopment of previously developed areas in harmony with the *Comprehensive Plan*; and
- N. Fostering growth and **D**evelopment, and preserving our natural and cultural resources, always respecting the rights of the individual, including private property rights.

Effective on: 11/20/2001, as amended

ARTICLE 1.6 COMMENTARY

Commentaries may be included in this Ordinance whenever a provision requires additional explanation to clarify its intent. Commentaries have no regulatory effect, but rather are intended solely as a guide for administrative officials and the public to use in understanding and interpreting provisions of the Zoning and Land Development Regulations.

[Commentary—"Commentaries" are used as a guide for administrative officials and the public to use in interpreting and understanding the rationale behind this Ordinance's regulations.]

Effective on: 11/20/2001, as amended

ARTICLE 1.7 WORD USAGE AND CONSTRUCTION OF LANGUAGE

Sec.1.7.1 Meanings and Intent

All provisions, terms, phrases and expressions contained in this Ordinance shall be construed according to the Purpose and Intent set out in [ARTICLE 1.5, Purpose and Intent](#).

Effective on: 11/20/2001, as amended

Sec.1.7.2 Headings, Illustrations and Text

In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure, or illustration, the text shall control.

Effective on: 11/20/2001, as amended

Sec.1.7.3 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "including," "such as," or similar language are intended to provide examples; not to be exhaustive lists of all possibilities.

Effective on: 11/20/2001, as amended

Sec.1.7.4 Computation of Time

All references to "days" are to Charleston County Government work days unless otherwise expressly stated. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by Charleston County Government, that day shall be excluded.

Effective on: 11/20/2001, as amended

Sec.1.7.5 References to Other Regulations, Publications and Documents

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent editions of such regulation (as amended), resolution, ordinance, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

Effective on: 11/20/2001, as amended



Sec.1.7.6 Delegation of Authority

Authority to enforce the provisions of this Ordinance falls to the Director of the *Zoning and* Planning Department or the designee of the Director, or to the head of the department (or that department head's designee) to which the responsibility of executing the provision falls. Any reference to the "*Zoning and* Planning Department" shall mean the Director of the Charleston County *Zoning and* Planning Department or their designee.

Effective on: 11/20/2001, as amended

Sec.1.7.7 Technical and Nontechnical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. Certain words and phrases are defined in CHAPTER 12, *Definitions*, of this Ordinance; those words and phrases shall be construed in accordance with their definitions in CHAPTER 12, *Definitions*.

Effective on: 11/20/2001, as amended

Sec.1.7.8 Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Charleston County, unless otherwise expressly provided. Whenever reference is made to a public official's title or name of a public agency, that reference shall be construed as referring to the most up-to-date title or agency name, or to the relevant successor official or agency.

Effective on: 11/20/2001, as amended

Sec.1.7.9 Mandatory and Discretionary Terms

The words "shall," "will," and "must" are mandatory. The words "may" and "should" are advisory and discretionary terms.

Effective on: 11/20/2001, as amended

Sec.1.7.10 Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. "And" indicates that all connected items, conditions, provisions, or events apply; and
- B. "Or" indicates that one or more of the connected items, conditions, provisions, or events ~~may~~ apply.

Effective on: 11/20/2001, as amended

Sec.1.7.11 Tenses and Plurals

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

Effective on: 11/20/2001, as amended

ARTICLE 1.8 MINIMUM REQUIREMENTS

The standards of this Ordinance are minimum requirements. The issuance of any permit, certificate, or approval in accordance with the standards and requirements of this Ordinance shall not relieve the recipient of responsibility for complying with all other applicable requirements of any other county, state, or federal agency.

Effective on: 11/20/2001, as amended



ARTICLE 1.9 CONFLICTING PROVISIONS

Sec.1.9.1 Conflict with State or Federal Regulations

If the provisions of this Ordinance are inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

Effective on: 11/20/2001, as amended

Sec.1.9.2 Conflict with Other County Regulations

If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the County, the more restrictive provision will control. No text amendment, zoning **V**ariance, or condition of approval attached to any form of **D**evelopment approval under this Ordinance shall have the effect of nullifying, abrogating, or diminishing the provisions of any other County ordinance.

Effective on: 11/20/2001, as amended

Sec.1.9.3 Conflict with Private Easements, Agreements, or Covenants

This Ordinance is not intended to abrogate, annul, or otherwise interfere with any private **E**asement, agreement, covenant, restriction or other private legal relationship. The County is responsible for enforcing this Ordinance; it does not enforce private agreements, **E**asements, covenants, or restrictions to which the County is not a party. Restrictive covenants affidavit(s) shall be signed by the **A**pplicant or current property owner(s) for all permit applications including, but not limited to, zoning **V**ariance applications, applications for rezoning, **S**pecial **E**xception applications, **S**ite **P**lan **R**eview applications, subdivision applications and **H**ome **O**ccupation permits in compliance with State law, "Section 6-29-1145 *et. seq. of the code of laws of South Carolina (1976), as amended.* that states:

- A. ~~In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.~~
- B. ~~If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:~~
 - 1. ~~In the application for the permit;~~
 - 2. ~~From materials or information submitted by the person or persons requesting the permit; or~~
 - 3. ~~From any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.~~
- C. ~~As used in this section:~~
 - 1. ~~'actual notice' is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;~~
 - 2. ~~'permit' does not mean an authorization to build or place a structure on a tract or parcel of land; and~~
 - 3. ~~'restrictive covenant' does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land."~~

Effective on: 3/4/2008, as amended



ARTICLE 1.10 ZONING MAP

Sec.1.10.1 Adoption

Charleston County is hereby divided into **Z**oning **D**istricts as shown on the Charleston County Official Zoning Map (also known as the Digital Zoning Database or Zoning Map) which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

Effective on: 11/20/2001, as amended

Sec.1.10.2 Format

The Official Zoning Map is maintained in the form of a machine-readable representation of a geographic phenomenon stored for display or analysis by a digital computer. The digital zoning database stored in the Geographical Information System (GIS) is hereby designated, established, and incorporated as a part of these regulations and the originals thereof, which are on file at the offices of the **Zoning and** Planning Department, shall be as much a part of these regulations as if they were fully described in these regulations. Upon adoption of this Ordinance and any amendment thereto, the **Zoning and** Planning Department may produce a paper version of the Official Zoning Map.

Effective on: 11/20/2001, as amended

Sec.1.10.3 Amendments

If amendments are made in **Z**oning **D**istrict boundaries in accordance with the procedures of Article 3.4, **Zoning Map Amendments [Rezoning]**, or **Article 4.25, Planned Development Zoning District**, such amendments shall be effective upon final approval of the Ordinance by County Council and shall be updated by the **Zoning and** Planning Department on the Zoning Database promptly after the amendment has been approved by County Council.

Effective on: 11/20/2001, as amended

Sec.1.10.4 Location

The original paper version of the Official Zoning Map shall be stored in the office of the **Zoning and** Planning Department. The official Zoning Map shall be updated at least annually. In case of any dispute regarding the zoning classification of property subject to this Ordinance, the Official Zoning Map maintained by the **Zoning and** Planning Department shall control.

Effective on: 11/20/2001, as amended

Sec.1.10.5 Corrections and Replacement

In the event that the Official Zoning Map becomes damaged, destroyed, or lost, the County Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting and other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map, as amended. The new Official Zoning Map shall be marked, "This Official Zoning Map, adopted by resolution of The County Council of The County of Charleston, S.C., on (date) supersedes the Official Zoning Map adopted (date) of the Charleston County," which statement shall be signed by the Chairman of County Council, attested by The County Clerk, and bear the seal of Charleston County, S.C. Unless the prior Official Zoning Map is lost or has been totally destroyed, the map or any significant parts thereof remaining after partial destruction shall be preserved, together with all records of Charleston County regarding its adoption and amendment.

Effective on: 11/20/2001, as amended



Sec.1.10.6 Interpretation of Zoning District Boundaries

Where uncertainty exists with respect to the boundary of any **Z**oning **D**istrict shown on the **Z**oning **M**ap the following rules shall apply:

- A. Unless otherwise indicated, district boundaries follow **L**ot **L**ines; center lines of **S**treets, highways, **A**lleys or railroads; center lines of water courses or impoundments of streams, reservoirs, or other bodies of water.
- B. Where so indicated, district boundaries are parallel to the center lines of **S**treets, highways, or railroads, or **R**ights-of-**W**ay of same, or the center lines of streams, reservoirs, or other bodies of water, or said lines extended as such distances therefrom as indicated on the **Z**oning **M**ap. If no distance is given, distance shall be determined by the use of the scale on the **Z**oning **M**ap.
- C. Where any district boundary is indicated on the **Z**oning **M**ap as approximately following the Charleston County boundary line or the corporate limits line of any incorporated place within Charleston County, then such County boundary line or corporate limits line shall be construed to be the actual district boundary.

Effective on: 11/20/2001, as amended

Sec.1.10.7 Marsh Boundaries

With the exception of lands within the ownership of national forests, swampland, wildlife refuges, and any other **P**ublicly **D**esignated **A**reas, the Office of **O**cean and Coastal Resource Management shall determine the boundaries and have jurisdiction over critical areas. Freshwater **W**etlands shall have boundaries set by the Army Corps of Engineers.

Effective on: 11/20/2001, as amended

Sec.1.10.8 Zoning of Additional Land Areas

It is the intent of this Ordinance that every part of the land area of unincorporated Charleston County be included in one of the **Z**oning **D**istricts established by this Ordinance. Any land area that comes under the jurisdiction of this Ordinance or does not appear to be included in a **Z**oning **D**istrict shall be classified in the RM district unless an alternative classification is approved by the Charleston County Council in accordance with the Zoning Map Amendment procedures of **CHAPTER 3, Development Review Procedures**.

Effective on: 11/20/2001, as amended

ARTICLE 1.11 TRANSITIONAL PROVISIONS

Sec.1.11.1 Violations Continue

Any violation of the previous Zoning Ordinance or Subdivision Ordinance will continue to be a violation under this Ordinance and be subject to penalties and enforcement under **CHAPTER 11, Violations, Penalties, and Enforcement**, unless the use, **D**evelopment, construction, or other activity complies with the provisions of this Ordinance, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before April 21, 1999.

Effective on: 11/20/2001, as amended

Sec.1.11.2 Legal Nonconformities Under Prior Ordinance

Any legal nonconformity under the previous Zoning Ordinance will also be a legal nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status under the previous Zoning Ordinance continues to exist. If a nonconformity under the previous Zoning Ordinance becomes conforming because of the adoption of this Ordinance, then the situation will no longer be considered a nonconformity.

Effective on: 11/20/2001, as amended



Sec.1.11.3 Approved Projects

- A. Variances and preliminary **S**ubdivision **P**lats that have received approval by April 20, 1999, shall remain valid until their expiration date. Construction pursuant to such approval may be carried out in accordance with the **D**evelopment standards in effect at the time that approval was granted, provided that the permit or approval remains valid and has not lapsed. Construction pursuant to **C**onditional **U**se **P**ermits, **V**ariances, preliminary **S**ubdivision **P**lats, and **P**lanned **D**evelopments that were approved without an expiration date may be carried out in accordance with the **D**evelopment standards in effect at the time that approval was granted, provided that permits for such construction are issued prior to April 20, 2001. As of April 20, 2001, all construction shall be subject to strict compliance with the regulations of this Ordinance.
- B. No provision of this Ordinance shall require any change in the plans, construction, or designated use of any **S**tructure for which a **Z**oning **P**ermit or **B**uilding **P**ermit has been issued prior to April 21, 1999, provided that permit does not lapse and remains valid.
- C. No previously approved **L**ot shall be deemed an unusable **L**ot under the provisions of this Ordinance.

Effective on: 11/20/2001, as amended

Sec.1.11.4 Special Exception Uses

- A. Any use that was legally established before April 21, 1999, without Special Exception approval and which after April 21, 1999, is located in a **Z**oning **D**istrict that requires Special Exception approval for the subject use and which presently continues as an allowable use, shall not be considered a **N**onconforming **U**se and shall not require a Special Exception. Such uses shall be deemed **u**ses **p**ermitted by **r**ight, as defined in **CHAPTER 12, Definitions**, of this Ordinance.
- B. Any use that was legally established before April 21, 1999, with a Conditional Use Permit and which after April 21, 1999, is located in a **Z**oning **D**istrict that requires Special Exception approval for the subject use and which presently continues as an allowable use, shall not be considered a **N**onconforming **U**se and shall not require a Special Exception. Such uses shall be deemed **u**ses **p**ermitted by **r**ight, as defined in **CHAPTER 12, Definitions**, of this Ordinance.

Effective on: 8/11/2009, as amended

ARTICLE 1.12 SEVERABILITY

If any Court of competent jurisdiction rules any provision of this Ordinance invalid, that ruling shall not affect any not specifically included in the judgment. If any Court of competent jurisdiction rules invalid the application of any provision of this Ordinance to a particular property, **B**uilding, or other **S**tructure, or use, that ruling shall not affect the application of the Ordinance provisions to any property, **B**uilding, other **S**tructure, or use not specifically included in the judgment.

The provisions of this Ordinance are hereby declared to be valid and enforceable, notwithstanding inadvertent and/or clerical error(s); such error(s) as may exist shall not affect the validity or intent of the associated provisions, nor that of the remainder of the Ordinance provisions hereunder.

Effective on: 11/20/2001, as amended