



CHAPTER 3 | DEVELOPMENT REVIEW PROCEDURES

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ARTICLE 3.1 GENERAL

The general provisions of this Section apply to all **D**evelopment applications and procedures under this Chapter unless otherwise stated.

Sec. 3.1.1 Authority to File Applications

Applications for review and approval under this Chapter may be initiated by:

- A. Petition of all the owners of the property that is the subject of the application;
- B. The owners' authorized agents; or
- C. Review and Decision-Making Bodies.

Sec. 3.1.2 Form of Application

Applications required under this Chapter shall be submitted in a format and in such numbers as required by the official responsible for accepting the application. Application submittal requirements and format information shall be available to the public in the **Zoning and** Planning Department.

Sec. 3.1.3 Filing Fees

Applications shall be accompanied by the fee amount that has been established by the County Council for the respective type of application. Fees shall not be required for applications initiated by authorized Review or Decision-Making Bodies.



Sec. 3.1.4 Application Completeness and Submission Deadlines

- A. Applications required under this Ordinance shall be considered complete only if they are submitted in the required format, include all mandatory information and are accompanied by the established fee *as outlined in the Charleston County Fee Ordinance*.
- B. Applications for consideration by the Board of Zoning Appeals shall be submitted no later than 12:00 p.m. on the Friday, six ~~(6)~~ weeks prior to the regularly scheduled Board of Zoning Appeals meeting, unless otherwise provided in this Ordinance or as directed by the Chair~~man~~ of the Board of Zoning Appeals. Application filing deadlines and Board of Zoning Appeals meeting dates are available at the *Zoning and Planning* Department. Within 15 days of submittal of the application, staff will determine if the application is complete and can be scheduled for the next available Board of Zoning Appeals meeting. The requirements for applications deemed incomplete by the *Zoning and Planning* Director are listed in Sec. 3.1.4(D), *Incomplete Applications* below.
- C. Applications for consideration by the Planning Commission shall be submitted no later than 12:00 p.m. on the Friday, six ~~(6)~~ weeks prior to the regularly scheduled Planning Commission meeting, unless otherwise provided in this Ordinance or as directed by the Chair~~man~~ of the Planning Commission. Application filing deadlines and Planning Commission meeting dates are available at the *Zoning and Planning* Department. Within 15 days of submittal of the application, staff will determine if the application is complete and can be scheduled for the next available Planning Commission meeting. The requirements for applications deemed incomplete by the *Zoning and Planning* Director are listed in Sec. 3.1.4(D), *Incomplete Applications* below.
- D. Any application that is determined to be incomplete shall, within 15 days of its submittal, be returned to the *A*applicant along with an explanation of the application's deficiencies. Fees shall not be refunded. No further processing of the application shall occur until the deficiencies are corrected. Once the deficiencies are corrected, the application may be resubmitted without the payment of additional fees, provided that it is resubmitted within six ~~(6)~~ months of the date that the application was returned to the *A*applicant. Applications resubmitted more than six months after the date that the application was returned as incomplete shall require repayment of applicable fees, provided, however, that the *Zoning and Planning* Director may approve extensions of up to one ~~(1)~~ year from the date that any Development of County Significance application was returned as incomplete without requiring repayment of applicable fees.

Sec. 3.1.5 Application Submittal

- A. Whenever the procedures of this Ordinance expressly state that applications are to be submitted after a "pre-application conference," *A*applicants shall be responsible for scheduling and attending such meetings. When pre-application conferences are required, an application shall not be accepted until the pre-application conference has been conducted, and any errors or omissions noted in review of the application for completeness have been addressed by the *A*applicant.
- B. Until an application is deemed complete pursuant to this Article, all related materials shall be treated as proprietary information.
- C. *Once an application is deemed complete and submitted for consideration by the Planning Commission or Board of Zoning Appeals pursuant to this Article, it shall not be altered by the Applicant. Should the Applicant alter, modify, or change the application after it has been deemed complete, the application shall be considered withdrawn and the Applicant must submit a new application in compliance with this Article, and all applicable fees must be paid unless the change is requested by a Review or Decision-Making Body.*

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 *S*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				✓			✓
<i>Subdivision Plat Applications</i>	<i>R</i>	<i>DM</i>							
<i>Zoning Permit</i>	<i>DM</i>								
Appeals of Zoning-Related Administrative Decisions					DM	✓	✓	✓	✓
Appeals of Subdivision-Related Administrative Decisions		DM				✓			✓
<i>Certificate of Historic Appropriateness</i>	<i>R</i>			<i>DM</i>		✓		✓	✓
<i>Designation of Historic Property/District</i>	<i>R</i>		<i>DM</i>	<i>R</i>		✓		✓	✓
<i>Removal of Designation of Historic Property/District</i>	<i>R</i>		<i>DM</i>	<i>R</i>		✓		✓	✓

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-making by 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.



Sec. 3.1.7 Action by Decision-Making Bodies

Unless otherwise expressly stated, Decision-Making Bodies shall be authorized to approve, approve with conditions, or **disapprove** deny applications and permit requests based on compliance with the applicable review and approval criteria. Decision-Making Bodies shall also be authorized to refer an application back to a **Review Body** or to defer action while additional information is being obtained.

Sec. 3.1.8 Inaction by Review and Decision-Making Bodies

When a Review or Decision-Making Body fails to take action on an application within the time required, such inaction shall be interpreted as a recommendation of approval of the application, respectively. Time frames for action may be extended **by the Review or Decision-Making Body** if the **Applicant** consents to the extension. When a Review Body fails to take action on an application within the time required, the Decision-Making Body shall be free to proceed with its own action on the matter, without further awaiting the recommendation of the Review Body. **Delays in action by Review or Decision-Making Bodies due to an official declaration of a state of emergency shall not be subject to these requirements.**

Sec. 3.1.9 Conditions of Approval

Unless otherwise expressly stated, Decision-Making Bodies shall be authorized to impose conditions of approval as allowed by law. Conditions may be those deemed necessary to reduce or minimize any potential adverse impact upon other property in the area or to carry out the general purpose and intent of this Ordinance. All conditions must relate to a situation created or aggravated by the proposed use and be roughly proportional to the impact of the approved use or activity.

Sec. 3.1.10 Approval Criteria: Burden of Persuasion

In all cases, the **Applicant** shall have the burden of establishing that an application complies with applicable approval criteria.

Sec. 3.1.11 Public Hearings

A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Ordinance, provided that the continuance is set for a certain date and time and the date and time is announced at the public hearing.

Sec. 3.1.12 Successive Applications

- A. **Time Limit.** If a final Decision-Making Body denies an application for a Zoning Map Amendment, Planned Development, or Special Exception use, an application for the same or more intensive zoning, **Development**, or use on the subject **Parcel**, whether the **Parcel** is in its original configuration, expanded, or reduced in area, shall not be accepted for 12 months from the date that the Decision-Making Body acted to deny the application, **unless a waiver is obtained in compliance with this Ordinance.**
- B. **Waivers.** The time limit of Sec. 3.1.12(A), **Time Limit**, notwithstanding, Decision-Making Bodies may, after receipt of written petition by the **Property Owner**, waive the waiting period requirement by a **2/3 two-thirds** vote of members present and voting. If the time limit is waived, the Decision-Making Body shall give **Written Notice** to the **Zoning and Planning Director**, directing staff to process the application. All resubmissions shall be processed as new applications, with prescribed fees. All documents and fees required for the respective type of application shall be included with the new application. **Disapproval** of the application shall be final and the 12-month waiting period shall be met before further consideration of a similar application on the **Subject Property**.
- C. **Applications Withdrawn Before Public Hearing Notice.** Withdrawal of an application by the **Applicant** before advertisement of any public hearing and before any required **Signs** have been posted on the **Subject Property** shall be considered a termination of the application. Although no fees shall be refunded, reapplication in such cases shall not be subject to the 12-month waiting period.
- D. **Applications Withdrawn After Public Hearing Notice.** Withdrawals of applications that occur after advertisement of any public hearing or after any required **Signs** have been posted on the **Subject Property** shall be treated the same as a **disapproved** denied application. Application processing shall terminate upon receipt of **Written Notice** from the



Applicant or owner. Reapplication shall be subject to a 12-month waiting period unless a waiver is granted in accordance with Sec. 3.1.12(B), *Waivers* of this Chapter.

- E. **Requests for Postponements of Applications, Reconsiderations of Applications, and Reconsiderations of Conditions of Approval to the Board of Zoning Appeals.** Requests for postponements of applications from Board of Zoning Appeals Public Hearings must be made in writing by the Applicant. Such requests received after advertisement of any public hearing or after any postings on the subject property shall be subject to all applicable fees as listed in the fee schedule approved by County Council. An application is deemed withdrawn if it is postponed for more than one (1) year from the date it was scheduled to be heard. If an application is deemed withdrawn, the Applicant must submit a new application in compliance with Sec. 3.1.4, *Application Completeness and Submission Deadlines*, of this Ordinance, and all applicable fees must be paid. For requests for reconsiderations of applications or reconsiderations of conditions of approval to the Board of Zoning Appeals, the Applicant must file a reconsideration request. If the BZA decides to reconsider an application or conditions of approval, the Applicant shall file the applicable Appeal, Special Exception, or Zoning Variance application fee prior to being scheduled for a BZA Public Hearing.
- F. **Requests for Postponements of Applications to the Planning Commission.** Requests for postponements of all applications from Planning Commission meetings, with the exception of subdivision applications, must be made in writing and the letter must be signed by both the property owner(s) and the Applicant(s). Postponement requests received within ten (10) calendar days of the Planning Commission meeting for which the application is scheduled shall be considered withdrawn. An application that is postponed for more than one (1) year from the date it was scheduled to be heard is deemed withdrawn. If an application is deemed withdrawn, the Applicant must submit a new application in compliance with Sec. 3.1.4, *Application Completeness and Submission Deadlines*, of this Ordinance, and all applicable fees must be paid. The Planning Commission may waive the required fees when the request for postponement is made due to extenuating circumstances, as determined in the sole discretion of the Planning Commission.

Sec. 3.1.13 Vested Rights

The provisions of the Charleston County Vested Rights Ordinance, Ordinance Number 1393, shall apply.

ARTICLE 3.2 COMPREHENSIVE PLAN AMENDMENTS

Sec. 3.2.1 Pre-application Conference and Application Filing

- A. Prior to the submittal of an application for a *Comprehensive Plan* amendment, Applicants shall participate in a pre-application conference scheduled with the *Zoning and Planning* Director. A pre-application conference is not required for applications submitted by the County.
- B. Applications for amendments to the *Comprehensive Plan* shall be submitted by individuals or groups of individuals to the *Zoning and Planning* Director on forms available in the *Zoning and Planning* Department.
- C. No application for a *Comprehensive Plan* Amendment shall be accepted as complete unless it includes the required fee and the following information:
1. Completed *Comprehensive Plan* Amendment application signed by the current Property Owner(s) or Applicant(s);
 2. One (1) paper copy and one (1) digital copy of the Applicant's letter of intent explaining the objective of the proposed amendment(s) and how the criteria listed in Sec. 3.2.6, *Approval Criteria*, are met;
 3. One (1) paper copy and one (1) digital copy of the proposed changes to the *Comprehensive Plan* based on the current *Comprehensive Plan* in effect and showing proposed text deletions as strike-through text and proposed text additions in bold, italic text. Proposed changes to any *Comprehensive Plan* map shall be illustrated in a map format similar to the existing *Comprehensive Plan* maps and shall be labeled as "proposed amendment"; ~~and~~
 4. **One copy of the current, recorded deed for the property (if applicable);**
 5. **Restricted Covenants Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law (if applicable);**



6. **Posted Notice Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law (if applicable);**
 7. **One copy of the current, recorded Plat showing the current boundaries of the property (if applicable); and**
 8. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Article.
- D. Applications for *Comprehensive Plan* Amendments shall comply with Sec. 3.1.4, *Application Completeness and Submission Deadlines*, of this Ordinance.
- E. The Applicant may hold a community workshop for the proposed *Comprehensive Plan* amendment. The purpose of a community workshop is to ensure early citizen participation in an informal forum, in conjunction with *Development* applications and to provide an Applicant the opportunity to understand and try to mitigate any impacts an application may have on an affected community. The workshop shall ensure that citizens and property owners have an adequate opportunity to learn about applications that may affect them and to work with the Applicant to resolve any concerns at this stage of the process. A community workshop is not intended to produce complete consensus on all applications, but to encourage Applicants to be good neighbors. If the Applicant chooses to hold a community workshop, a summary of the workshop may be submitted with the application for the *Comprehensive Plan* amendment.

Sec. 3.2.2 Zoning and Planning Director Review and Report

The *Zoning and Planning* Director shall review each proposed *Comprehensive Plan* amendment and **may** distribute the application to other agencies and reviewers. Based on the results of those reviews, the *Zoning and Planning* Director shall provide a report on the proposed amendment to the Planning Commission. The *Zoning and Planning* Director shall have at least 30 calendar days to conduct required reviews.

Sec. 3.2.3 Planning Commission Review and Recommendation

Newspaper notice of Planning Commission meeting on *Comprehensive Plan* amendments shall be provided at least 15 calendar days before the hearing. Newspaper and Parties in Interest notice shall be provided in accordance with Sec. 3.1.6, *Notices*, of this Chapter. The Planning Commission shall review the proposed amendment and adopt a resolution, by majority vote of the entire membership, recommending that the County Council approve, **disapprove**, or approve with conditions the proposed amendment. Planning Commission may hold a special meeting to gather community input as outlined in Sec. 3.2.1(E), *Community Workshop*, of this Ordinance prior to making a recommendation to County Council.

Sec. 3.2.4 Public Hearing Notice

Newspaper Notice of public hearings on *Comprehensive Plan* amendments shall be provided at least 30 calendar days before the hearing. Newspaper and Parties in Interest notice shall be provided in accordance with Sec. 3.1.6, *Notices*, of this Chapter.

Sec. 3.2.5 County Council Hearing and Decision

- A. After receiving the recommendations of the Planning Commission, the County Council shall take action to approve, approve with conditions, or **disapprove** the proposed *Comprehensive Plan* amendment based on the Approval Criteria of Sec. 3.2.6, *Approval Criteria*. County Council shall hold a public hearing prior to giving second reading to *Comprehensive Plan* amendment applications.
- B. A majority vote of the entire membership of County Council shall be required to approve, approve with conditions, or disapprove the amendment.
- C. *Comprehensive Plan* Amendments shall be adopted by **O**rdinance.

Sec. 3.2.6 Approval Criteria

Comprehensive Plan Amendments may be approved by the County Council only if they determine that the proposed amendment is consistent with the overall purpose and intent of the *Comprehensive Plan* and that any one of the following criteria has been met:



- A. There was a significant error in the original *Comprehensive Plan* adoption;
- B. In adopting the *Comprehensive Plan*, the County Council failed to take into account facts, projections, or trends that were reasonably foreseeable to exist in the future;
- C. Events, trends, or facts after adoption of the *Comprehensive Plan* have changed the County Council's original findings made upon plan adoption;
- D. Events, trends, or facts after adoption of the *Comprehensive Plan* have changed the character or condition of an area, making the proposed amendment necessary;
- E. The proposed *Comprehensive Plan* Amendment is requested pursuant to and complies with Article 3.17, *Developments of County Significance*; or
- F. The proposed *Comprehensive Plan* Amendment is consistent with the *Comprehensive Plan* Future Land Use recommendations of adjacent municipalities that have adopted extra-territorial jurisdiction for the subject parcel(s).

Sec. 3.2.7 Notice of Decision

Following final action by the County Council, the *Zoning and Planning* Director shall be responsible for providing the Applicant with *Written* Notice of the decision.

ARTICLE 3.3 ZONING AND LAND DEVELOPMENT REGULATIONS TEXT AMENDMENTS

Sec. 3.3.1 Application Filing

- A. Applications for amendments to the text of this Ordinance shall be submitted to the *Zoning and Planning* Director on forms available in the *Zoning and Planning* Department.
- B. No application for a Zoning and Land Development Regulations Text Amendment shall be accepted as complete unless it includes the required fee and the following information:
 - 1. Completed Zoning and Land Development Regulations Text Amendment application signed by the current *Property Owner(s)* or *Applicant(s)*;
 - 2. One ~~(1)~~ paper copy and one ~~(1)~~ digital copy of the Applicant's letter of intent explaining the proposed amendment(s) and how it meets the criteria listed in Sec. 3.3.6, *Approval Criteria*;
 - 3. One ~~(1)~~ paper copy and one ~~(1)~~ digital copy of the proposed text amendment based on the current Ordinance in effect and showing proposed deletions as strike-through text and proposed additions in bold, italic text;
 - 4. ***One copy of the current, recorded deed of the property (if applicable);***
 - 5. ***One copy of the current recorded Plat showing the current boundaries of the property (if applicable);***
 - 6. ***Posted Notice Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law (if applicable);***
 - 7. Restrictive *Covenants* Affidavit(s) signed by the Applicant or current *Property Owner(s)* in compliance with *State law, (if applicable)*; and
 - 8. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Article.
- C. Applications for Zoning and Land Development Regulations Text Amendments shall comply with Sec. 3.1.4, *Application Completeness and Submission Deadlines*, of this Ordinance.

Sec. 3.3.2 Public Hearing Notice

Newspaper and Party in Interest notice of the County Council's public hearing shall be provided in accordance with the requirements of Sec. 3.1.6, *Notices*. Newspaper Notice of a public hearing regarding any proposed amendments to Chapter 8,



Subdivision Regulations, shall be made at least ~~thirty (30)~~ calendar days prior to a public hearing on any proposed amendments.

Sec. 3.3.3 Zoning and Planning Director Review and Report

The **Zoning and Planning** Director shall review each proposed text amendment in light of ~~the Approval Criteria of Sec. 3.3.6, Approval Criteria~~, and provide a report to the Planning Commission. The **Zoning and Planning** Director shall have at least 30 calendar days to conduct required reviews.

Sec. 3.3.4 Planning Commission Review and Recommendation

The Planning Commission shall review the proposed amendment and take action by majority vote of the entire membership, recommending that the County Council approve, **approve with conditions**, or **disapprove** the proposed amendment. The Planning Commission's recommendation shall be based on ~~the Approval Criteria of Sec.3.3.6, Approval Criteria~~. The Planning Commission shall submit its recommendation to the County Council within ~~thirty (30)~~ calendar days of the Planning Commission meeting at which the amendment was introduced.

Sec. 3.3.5 County Council Hearing and Decision

After receiving the recommendation of the Planning Commission, the County Council shall take action to approve, approve with conditions or **disapprove** the proposed text amendment based on ~~the Approval Criteria of Sec. 3.3.6, Approval Criteria~~. County Council shall hold a public hearing prior to giving second reading to ZLDR text amendment applications. A simple majority vote of County Council members present and voting shall be required to approve the amendment.

Sec. 3.3.6 Approval Criteria

Text amendments to this Ordinance may be approved if the following approval criteria have been met:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;
- B. The proposed amendment is consistent with the adopted Charleston County *Comprehensive Plan* and goals as stated in Article 1.5, **Purpose and Intent**; and
- C. The proposed amendment is to further the public welfare in any other regard specified by County Council.

Sec. 3.3.7 Final Action

Text amendments shall be adopted by ~~O~~rdinance.

Sec. 3.3.8 Notice of Decision

Following final action by the County Council, the **Zoning and Planning** Director shall be responsible for providing the ~~A~~applicant with ~~W~~written ~~N~~notice of the decision.

Sec. 3.3.9 Pending Text Amendments

No application for a Zoning Permit, Building Permit, or Certificate of Occupancy shall be accepted for property within any area involved in or affected by a pending Ordinance text amendment if the Zoning Permit, Building Permit, or Certificate of Occupancy would allow uses or activities that would be forbidden under the proposed amendment. This prohibition on acceptance of applications shall apply from the date that the application is filed until action on the amendment is taken by County Council.

ARTICLE 3.4 ZONING MAP AMENDMENTS [REZONINGS]



Sec. 3.4.1 Application Filing

- A. Applications for amendments to the Official Zoning Map (rezonings) shall be submitted to the **Zoning and** Planning Director on forms available in the **Zoning and** Planning Department.
- B. Upon submission of a ~~rezoning~~ rezoning application, no additional rezoning applications shall be accepted for the ~~subject~~ **Subject** ~~property~~ **Property** until the original application has been withdrawn or the County Council has rendered its final decision and all applicable time limits on refileing have expired.
- C. No application for a Zoning Map Amendment shall be accepted as complete unless it includes the required fee and the following information:
 1. Completed Zoning Map Amendment application signed by the current ~~property~~ **Property** ~~owner(s)~~ **Owner(s)**;
 2. A copy of a legible ~~approved and recorded~~ **Approved and Recorded** ~~plat~~ **Plat** showing current property boundaries;
 3. A copy of the current, recorded deed;
 4. **Posted Notice Affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law;**
 5. Restrictive ~~covenants~~ **Covenants** ~~affidavit(s)~~ **Affidavit(s)** signed by the ~~applicant or current~~ **Applicant or current** ~~property~~ **Property** ~~owner(s)~~ **Owner(s)** in compliance with ~~state law~~ **State law**; and
 6. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Article.
- D. Applications for Zoning Map Amendments shall comply with Sec. 3.1.4, *Application Completeness and Submission Deadlines*, of this Ordinance.

Sec. 3.4.2 Public Hearing Notice

Newspaper, Neighbor, Parties in Interest, and Posted Notice of the County Council's public hearing shall be provided in accordance with the requirements of Sec. 3.1.6, **Notices**, of this Chapter.

Sec. 3.4.3 **Zoning and** Planning Director Review and Report

The **Zoning and** Planning Director shall review each proposed zoning map amendment ~~based on~~ **based on** ~~in light of the Approval Criteria of Sec. 3.4.6, Approval Criteria,~~ and if deemed necessary, distribute the application to other agencies and reviewers. Based on the results of those reviews, the **Zoning and** Planning Director shall provide a report on the proposed amendment to the Planning Commission. The **Zoning and** Planning Director shall have at least ~~thirty (30)~~ **thirty (30)** working days to conduct required reviews.

Sec. 3.4.4 Planning Commission Review and Recommendation

The Planning Commission shall review the proposed zoning map amendment and adopt a resolution, by majority vote of the entire membership, recommending that the County Council approve or ~~disapprove~~ **disapprove** ~~enly~~ the proposed zoning map amendment. The Planning Commission's recommendation shall be based on ~~the Approval Criteria of Sec. 3.4.6, Approval Criteria,~~ of this Chapter. The Planning Commission shall submit its recommendation to the County Council within ~~thirty (30)~~ **thirty (30)** calendar days of the Planning Commission meeting at which the zoning map amendment was introduced.

Sec. 3.4.5 County Council Hearing and Decision

After receiving the recommendation of the Planning Commission, the County Council shall take action to approve or ~~disapprove~~ **disapprove** ~~enly~~ the proposed zoning map amendment based on ~~the Approval Criteria of Sec. 3.4.6, Approval Criteria.~~ County Council shall hold a public hearing prior to giving second reading to zoning map amendment applications. A simple majority vote of County Council members present and voting shall be required to approve the amendment. Zoning map amendments shall not be approved "with conditions" except Planned Developments or property ~~Developments~~ **Developments** under the South Carolina Local Government Development Agreement Act (1993), as amended.



Sec. 3.4.6 Approval Criteria

Zoning map amendments may be approved by County Council only if the proposed amendment meets one or more of the following criteria:

- A. The proposed amendment is consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance;
- B. The proposed amendment will allow **D**evelopment that is compatible with existing uses, recommended **D**ensity, established **D**imensional **S**tandards, and zoning of nearby properties that will benefit the public good while avoiding an arbitrary change that primarily benefits a singular or solitary interest;
- C. The proposed amendment corrects a zoning map error or inconsistency; **or**
- D. The proposed amendment addresses events, trends, or facts that have significantly changed the character or condition of an area.

[Commentary-This provision does not require that the Applicant submit a special study in every instance of a zoning map amendment request.]

Sec. 3.4.7 Final Action

Zoning map amendments shall be adopted by **O**rdinance.

Sec. 3.4.8 Notice of Decision

Following final action by the County Council, the **Zoning and** Planning Director shall be responsible for providing the **A**pplicant with **W**ritten **N**otice of the decision and for revising the Official Zoning Map, if the amendment was adopted.

ARTICLE 3.5 PD, PLANNED DEVELOPMENT ZONING DISTRICT

Sec. 3.5.1 General

Planned Developments shall adhere to the procedures and guidelines contained in Article 4.23**5**, *PD, Planned Development Zoning District, of this Ordinance*, and shall be considered zoning text and map amendments.

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 **S**ubject **P**roperty until the original application has been withdrawn or the Decision-Making Body has rendered its final decision and all applicable time limits on refile 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 **P**roperty **O**wner(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 **S**tructures 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 ~~Pplat~~ 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 **A**pplicant may submit an aerial photograph printed to engineer's scale showing the property lines, locations of existing **S**tructures and improvements, parking areas, etc. as the site plan. ~~One 24 x 36 copy and twenty (20) reduced 11 x 17 copies shall be submitted.~~ **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 **A**pproved and **R**ecorded **P**lat **showing the current boundaries of the property;**
 5. **A copy of the current, recorded deed of the property;**
 6. Restrictive **C**ovenants **A**ffidavit(s) signed by the **A**pplicant 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 ~~(1)~~ 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.** ~~prior to submitting the application for Special Exception~~

Sec. 3.6.2 Public Hearing Notice

Newspaper, Neighbor, Parties in Interest and Posted notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with the requirements of Sec. 3.1.6, **Notices**, of this Chapter.

Sec. 3.6.3 Zoning and Planning Director Review and Report

The **Zoning and Planning Director** shall review each proposed Special Exception **based on** ~~in light of the Approval Criteria of~~ Sec. 3.6.5, **Approval Criteria**, of this Chapter, and if deemed necessary, distribute the application to other agencies and reviewers. Based on the results of those reviews, the **Zoning and Planning Director** shall provide a report on the proposed Special Exception to the Board of Zoning Appeals.

Sec. 3.6.4 Board of Zoning Appeals Hearing and Decision

- A. The Board of Zoning Appeals shall hold at least one ~~(1)~~ public hearing on the proposed Special Exception. Within a reasonable time after the close of the public hearing, the Board of Zoning Appeals shall approve, approve with conditions, or **disapprove** ~~deny~~ the proposed Special Exception based on ~~the Approval Criteria of~~ Sec. 3.6.5, **Approval Criteria**. **The Board of Zoning Appeals may defer action for a period of time not to exceed 90 days from the date of deferral.**
- B. A majority of the Board of Zoning Appeals constitutes a quorum.
- C. A majority of the members present and voting are required to approve a Special Exception.

Sec. 3.6.5 Approval Criteria

- A. Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use:
 1. Is consistent with the recommendations contained in the Charleston County *Comprehensive Plan* and the character of the ~~base underlying~~ **Zoning District** "Purpose and Intent";
 2. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;



3. Adequate provision is made for such items as: ~~S~~setbacks, ~~and~~ buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, ~~V~~vibration, dust, glare, odor, traffic congestion, and similar factors;
 4. Where applicable, will be developed in a way that will preserve and incorporate any important natural features;
 5. Complies with all applicable rules, regulations, laws, and standards of this Ordinance, including but not limited to, any use conditions, ~~Z~~zoning ~~D~~district standards, or Site Plan Review requirements of this Ordinance; and
 6. ~~Does not hinder or endanger v~~ Vehicular traffic and pedestrian movement on adjacent roads ~~shall not be hindered or endangered.~~
- B. In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed ~~B~~building or ~~S~~structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Sec. 3.6.6 Final Decision and Orders

Final decisions and orders of the Board must be in writing and be filed in the Office of the **Zoning and Planning Director** as a public record. Final decisions shall be available for public inspection during regular office hours. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to ~~P~~parties in ~~I~~nterest by certified mail. As a courtesy notice, the orders of the Board may be sent via U.S. mail to persons on the Neighborhood notice list.

Sec. 3.6.7 Notice of Decision

The written final decision shall be mailed to all ~~P~~parties in ~~I~~nterest by certified mail and published once in a newspaper of general circulation in the County.

Sec. 3.6.8 Appeals

Any ~~P~~person with a substantial interest in a decision of the Board of Zoning Appeals or any officer, board, or bureau of the county may appeal a final decision of the Board of Zoning Appeals to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

Sec. 3.6.9 Lapse of Approval

An approved Special Exception shall lapse and be of no further effect ~~twelve (12) months~~ after the date that the Special Exception was approved by the Board of Zoning Appeals unless a ~~C~~complete ~~A~~application ~~for~~ of a Zoning Permit **to establish the Special Exception use** is submitted in accordance with Article 3.8, **Zoning Permits, of this Ordinance**, ~~or if no Zoning Permit is required, unless construction or development has commenced and is being diligently pursued.~~

One one-year extension of a Special Exception approval may be **granted by the Zoning and Planning Director** ~~allowed if the Applicant/Property Owner can demonstrate that a Complete Application for a Zoning Permit~~ **construction or development has commenced and is being diligently pursued.** Applications for extensions of Special Exception approvals shall be submitted to the **Zoning and Planning Director** on forms available in the **Zoning and Planning Department** at least ~~fifteen (15) days~~ prior to the expiration of the Special Exception approval.

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 ~~D~~development, redevelopment, and property improvements that increase by more than 25 percent the area devoted to vehicular use; or the gross ~~F~~floor ~~A~~area of ~~B~~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 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. This requirement shall also apply to Site Plan Review approval for: NRHP listed Historic Properties; properties within NRHP listed Historic Districts; locally designated Historic Properties; and properties located within locally designated Historic Districts.

Sec. 3.7.2 Definitions

For the purposes of this Section, a change in use to a more intensive use shall include any occupancy of a ~~Building~~ that has not been occupied by a business for more than ~~three~~ **two (2)** years, as determined by County records ~~or other reasonable investigation.~~

Sec. 3.7.3 Limited Site Plan Review

The Limited Site Plan Review Procedure applies to all property improvements that are not listed in Sec. 3.7.1, **Applicability**, ~~above~~, as determined by the **Zoning and** Planning Director. The Limited Site Plan Review Procedure is intended to ensure that these property improvements are in compliance with all applicable sections of this Ordinance. The Limited Site Plan Review Procedure ~~does not require~~ **payment of a fee and a** formal Site Plan Review application.

Sec. 3.7.4 Exemptions

Applications for placement of ~~M~~ **manufactured H**ousing ~~U~~nits and proposals for ~~S~~ingle--~~F~~family **Dwellings** residential development on existing ~~A~~pproved and ~~R~~ecorded ~~P~~lots shall be expressly exempt from the Site Plan Review procedures of this Section.

Sec. 3.7.5 Applications

Applications for Site Plan Review shall be submitted to the **Zoning and** Planning Director on forms available in the **Zoning and** Planning Department. Upon submission of an application for Site Plan Review, no additional applications for Site Plan Review 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 refiling have expired.

Sec. 3.7.6 Review and Action Site Plan Review Committee

The Site Plan Review Committee shall review each Site Plan application in light of the applicable Approval Criteria of Sec. 3.7.7, **Approval Criteria**. The Site Plan Review Committee consists of representatives from the **Zoning and** Planning Department, Department of Public Works **Department**, South Carolina Department of Health and Environmental Control (DHEC), Department of Transportation, Corps of Engineers, and Office of Coastal Resource Management and other departmental representatives as deemed necessary by the **Zoning and** Planning Director, each of whom addresses the issues relevant to their respective department's responsibilities. The Site Plan Review Committee provides a recommendation to the Zoning and Planning Director to approve or ~~disapprove~~ **deny** the Site Plan application.

Sec. 3.7.7 Approval Criteria

A Site Plan **Review** application may not be approved unless the **Zoning and** Planning Director finds that the proposed project complies with all applicable provisions of this Ordinance.



Sec. 3.7.8 Appeals

Appeals shall be processed in accordance with the procedures of Article 3.13, *Appeals of Zoning-Related Administrative Decisions*, of this Chapter. Applications for Appeals of approved site plans shall clearly state the error in any order, requirement, decision, or determination that was made by the administrative official when approving the site plan.

Sec. 3.7.9 Amendments

The procedure for amending an *approved* Site Plan *Review application* shall be the same as required for the original approval.

Sec. 3.7.10 Lapse of Approval

An approved Site Plan Review shall lapse and be of no further effect one year after the date that the Site Plan Review application was approved by the Zoning and Planning Director, unless a Zoning Permit is issued in accordance with Article 3.8, Zoning Permits, or, if no Zoning Permit is required, unless construction or development has commenced and has not been suspended or abandoned for a period of more than one year.

A one-time one-year extension of Site Plan Review approval may be allowed if construction or development has not commenced but is being diligently pursued. The burden of proof for diligent pursuit of the completion of the project shall be upon the Applicant. The Applicant shall submit documentation demonstrating such pursuit to the Zoning and Planning Director for review and final determination. Applications for extensions of Site Plan Review approvals shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department at least 15 days prior to the expiration of the Site Plan Review approval.

ARTICLE 3.8 ZONING PERMITS

Sec. 3.8.1 Applicability

Except as expressly exempted in Sec. 3.8.2, *Exemptions*, of this Chapter, a Zoning Permit shall be required before any of the following activities:

- A. The issuance of a *B*uilding *P*ermit under the Charleston County Building Code;
- B. Excavation preparatory to constructing a *S*tructure for which a *B*uilding *P*ermit is required;
- C. Improving any *Z*oning *L*ot by grading, filling, or surfacing, or by constructing a driveway in conjunction with the construction of a *S*ingle-*F*amily *D*welling residence, or by constructing or enlarging parking areas containing more than six parking spaces. *This includes all new impervious surfaces greater than 120 square feet in cumulative total on properties located in the Urban/Suburban Area with the exception of properties located in the S-3 Zoning District;*
- D. Change in the use classification of any part of a *S*tructure or *L*ot, including any increase in the number of *F*amilies or *D*welling *U*nits occupying a *B*uilding or *L*ot;
- E. Installation of any *S*ign (*O*n-*P*remises or *O*ff-*P*remises);
- F. Moving of any *D*welling *U*nit house or *Manufactured Housing Unit* mobile home;
- G. Prior to obtaining a business license;
- H. Any earth disturbing activity; ~~or~~
- I. Clearing and *G*rubbing, including ~~and~~ grading, drainage, or the construction of roads or *U*tilities in a *S*ubdivision;
- J. Prior to issuance of a Zoning Permit, a pre-construction planning conference for *T*ree preservation, as specified in Article 9.43, *Tree Protection and Preservation*, *shall be required and shall include, at a minimum*, ~~shall be held with the~~ *Zoning and Planning Director's representative, the Applicants, and any parties deemed appropriate for the purpose of determining if there is a need for additional T*ree protection techniques and for designating placement of *T*ree barricades, construction employee parking, temporary construction *O*ffices, and *D*umpsters; *and/or*;
- K. *Redirecting or altering in any way a pre-existing stormwater conveyance feature on-site.*



L. ~~Agricultural uses shall be subject to the applicable provisions of Article 9.4, *Tree Protection and Preservation*.~~

Sec. 3.8.2 Exemptions

- A. **Agriculture.** A Zoning Permit shall not be required with respect to any parcel of land being used for a ~~B~~ona ~~F~~ide, principal ~~A~~gricultural ~~U~~se as of April 21, 1999, including: farming, dairying, pasturage, ~~A~~griculture, horticulture, floriculture, venticulture, ~~A~~nimal and poultry husbandry, forestry, and other uses or enterprises customarily carried on in the field of general ~~A~~griculture, including the necessary ~~A~~ccessory ~~U~~ses for packing, treating, or storing of produce, in any ~~z~~Zoning ~~D~~istrict. The operation of any ~~A~~ccessory ~~U~~se shall be secondary to that of the normal agricultural activity.
- B. **Utility Lines.** A Zoning Permit shall not be required for a service connection with established electric distribution or transmission lines, ~~W~~water lines, ~~S~~sewer, gas, or other pipelines, provided that such facilities shall comply with all other applicable standards of this Ordinance. Installation of new main or distribution trunk lines for ~~W~~water, ~~S~~sewer, or gas shall not be exempt.
- C. **Fences.** A Zoning Permit shall not be required for the installation of any ~~F~~fence that is less than six (~~6~~) feet in height and exempt from Charleston County Building Code requirements, as amended, except those made of brick, stone, or concrete. Fence installation must also comply with the vision clearance requirements of Sec. 4.2.3, *Setbacks*, of this Ordinance.
- D. **Accessory Structures.** A Zoning Permit shall not be required for the placement of one, one-story detached ~~A~~ccessory ~~S~~tructure used as a tool or storage shed, playhouse, or similar ~~A~~ccessory ~~S~~tructure, provided the ~~B~~uilding footprint does not exceed 120 square feet. In the event that one detached ~~A~~ccessory ~~S~~tructure already exists on the ~~S~~ubject ~~P~~roperty, a Zoning Permit is required for any additional detached ~~A~~ccessory ~~S~~tructure. Detached ~~A~~ccessory ~~S~~tructures must also comply with all applicable standards of the Zoning and Land Development Regulations Ordinance.

Sec. 3.8.3 Application Filing

Applications for Zoning Permits shall be filed with the *Zoning and Planning* Director on forms available in the *Zoning and Planning* Department. Zoning Permit applications shall include the following information:

- A. For all new construction or changes in ~~B~~uilding footprint, applications shall include a site plan drawn to engineer's scale that shows proper dimensions, dimensions and locations of all existing and all proposed: ~~S~~tructures and accessories; ~~S~~etbacks; driveways; access(es) to public ~~R~~ights-of-~~W~~ay; private ~~R~~ights-of-~~W~~ay and/or ingress/egress ~~E~~asements; public ~~E~~asements that exist on the property; and ~~current~~ wetlands/OCRM Critical Line ~~delineation~~, if applicable;
- B. Applications shall include an approved, recorded ~~P~~lat indicating ~~new~~ *the* County Parcel *Identification* ID Number or if an approved, recorded ~~P~~lat is not available, the application shall include a Charleston County Parcel Boundary Map showing the subject ~~P~~arcel, surrounding properties, and County Parcel ID Number;
- C. Proposed construction, including ~~A~~ccessory ~~U~~ses and ~~S~~tructures, if occurring on more than one abutting ~~L~~ot of record, shall not be placed on property lines and must meet all ~~S~~etback requirements;
- D. Applications shall include paid receipt(s) from local providers for public ~~W~~water and/or ~~S~~sewer, or a letter from the ~~U~~tility company stating the fee(s) have been paid. ~~For new construction, if~~ ~~W~~water and/or ~~S~~sewer service is not available, a well and/or septic tank permit final approval from SC DHEC shall be required;
- E. Applications shall include an approved ~~T~~ree survey showing Grand ~~T~~rees (~~24" DBH or greater, except pine trees~~) in ~~Building and Structure~~ the footprints, or within ~~420~~ feet, of any proposed construction, as required by this Ordinance, ~~unless~~ ~~and~~ the ~~A~~pplicant provides a signed statement indicating no ~~protected~~ Grand ~~T~~rees will be affected;
- F. For all ~~S~~tructures requiring a new address (e.g., new ~~B~~uilding construction, power poles, irrigation systems, or ~~A~~ccessory ~~S~~tructures with electrical service), written address confirmation must be obtained from the ~~applicable County department~~ *Planning Department*. A site plan showing the location of all proposed and all existing: ~~S~~tructure(s); access(es) to public ~~R~~ights-of-~~W~~ay; private ~~R~~ights-of-~~W~~ay and/or ingress/egress ~~E~~asements; and public ~~E~~asements that exist on the property, is required for address confirmation; ~~and~~
- G. Commercial, Multi-~~F~~amily, Office, Industrial, and other nonresidential uses require Site Plan Review approval prior to an application for a Zoning Permit;



- H. The requirements listed below apply to all Zoning Permit applications for new construction of **S**tructures, with the exception of **A**dditions/renovations to existing **S**tructures that are legally permitted and new construction of **A**ccessory **S**tructures, located on properties which access from an existing or proposed ingress/egress **E**asement or private **R**ight-of-**W**ay as shown on an approved, recorded **P**lat.
1. Prior to issuance of Zoning Permits for land **D**evelopment activities other than construction of ingress/egress **E**asements or private **R**ight-of-**W**ay and installation of required **S**treet **S**igns, all ingress/egress **E**asements and private **R**ight-of-**W**ay shall be: constructed in the location shown on the approved, recorded **P**lat; constructed to comply with the International Fire Code, as adopted by County Council, from their point of connection to an existing publicly owned and maintained **R**ight-of-**W**ay to **L**ot(s) proposed for **D**evelopment; and inspected pursuant to Sec. A.2.7, **County Inspection**, of this Ordinance.
 2. The ~~Director of the Zoning and Planning~~ **Director** Department may allow use of a portion of an ingress/egress **E**asement or private **R**ight-of-**W**ay that was constructed prior to July 18, 2017 that cannot comply with the width clearance requirements of the International Fire Code when:
 - a. The **Zoning and Planning** Director determines that moving the ingress/egress **E**asement or private **R**ight-of-**W**ay to a different location is not possible due to site constraints, property size, Grand Trees, wetlands, etc.;
 - b. The **A**pplicant submits letters from the providers of emergency services for the **S**ubject **P**roperties stating they can access all properties utilizing the ingress/egress **E**asement or private **R**ight-of-**W**ay; and
 - c. All future portions of the ingress/egress **E**asement or private **R**ight-of-**W**ay comply with the International Fire Code.
 3. The landowner/**D**eveloper shall submit construction plans to the Public Works Department demonstrating compliance with the requirements of this Ordinance.
 4. If any portion of an ingress/egress **E**asement or private **R**ight-of-**W**ay was constructed prior to submittal of Zoning Permit applications for **D**evelopment of any **P**arcel(s) that use the ingress/egress **E**asement or private **R**ight-of-**W**ay for access, the landowner/**D**eveloper shall submit documentation to the Public Works Department to verify that the previously constructed ingress/egress **E**asement or private **R**ight-of-**W**ay exists in the location shown on the approved, recorded **P**lat and shall coordinate with the Public Works Department to have the ingress/egress **E**asement, private **R**ight-of-**W**ay, and any required **S**treet **S**igns inspected prior to submittal of applications for Zoning Permits. If any portion of an ingress/egress **E**asement or private **R**ight-of-**W**ay was not constructed in the location shown on the approved, recorded **P**lat, a new **P**lat showing the existing location of the ingress/egress **E**asement or private **R**ight-of-**W**ay must be submitted to the Zoning and Planning Department for approval and recording pursuant to Chapter 8, **Subdivision Regulations**, of this Ordinance, and the inspection process described above shall apply. Alternatively, the ingress/egress **E**asement or private **R**ight-of-**W**ay may be constructed in the location shown on the approved, recorded **P**lat that exists at the time of **D**evelopment plan submittal. Any portion(s) of the ingress/egress **E**asement or private **R**ight-of-**W**ay that has not been constructed as required by this Ordinance must comply with the applicable sections of this Ordinance.
 5. Upon approval of **R**oadway and/or drainage construction plans by the Public Works Department, the landowner/**D**eveloper may submit a Zoning Permit application for construction of the ingress/egress **E**asement, private **R**ight-of-**W**ay, and/or drainage, as well as installation of required **S**treet **S**igns, if applicable, to the Zoning and Planning Department. The landowner/**D**eveloper must submit written documentation of the approval of the **R**oadway construction plans by the Public Works Department as part of the Zoning Permit application submittal.
 6. Upon issuance of a Zoning Permit for construction of the ingress/egress **E**asement, private **R**ight-of-**W**ay, and/or drainage, as well as for installation of required **S**treet **S**igns, such work may commence. Upon completion, the landowner/**D**eveloper must coordinate with the Public Works Department to have the **R**oadway and/or drainage construction inspected pursuant to Sec. A.2.7, **County Inspection**, of this Ordinance.
 7. No other Zoning Permits shall be issued for the property until the ingress/egress **E**asement, private **R**ight-of-**W**ay, and/or drainage, and any required street signs, have been inspected and approved by the Public Works Department, pursuant to Sec. A.2.7, **County Inspection**, of this Ordinance. After the County inspection and approval, the



landowner/developer may submit a Zoning Permit application(s) for subsequent **L**and **D**evelopment activities to the Zoning and Planning Department. The landowner/**D**eveloper must submit written documentation of the approval of the **R**oadway and/or drainage inspection by the Public Works Department as part of the first Zoning Permit application submittal, following approval of the **R**oadway construction inspection.

- I. **A Building Safety Inspection shall be carried out by the Building Inspection Services Department and the Building deemed safe for the proposed use before a Zoning Permit is issued for a change in Building use.**

Sec. 3.8.4 Zoning and Planning Director Review and Action

- A. When an **complete** application, **pursuant to this Ordinance**, is made for a Zoning Permit for improvements and uses that comply with all requirements of this Ordinance, the **Zoning and Planning Director** shall issue a Zoning Permit ~~and return a signed copy of the application, including plan, to the Applicant~~ within ~~ten (1510) working~~ days of receipt of the application.
- B. When the **Zoning and Planning Director** receives a Zoning Permit application for improvements or uses that do not comply with all requirements of this Ordinance, the **Zoning and Planning Director** shall **disapprove** the Zoning Permit application, **and notify the Applicant of the deficiencies** within ~~ten~~ **15** days of receipt of the application, ~~return the application, including plan, to the applicant along with provide written notice of the denial. The written notice shall state the reasons for the denial and cite the sections of this Ordinance with which the application does not comply.~~
- C. ~~When a Zoning Permit application includes a request for a Variance or an Appeal of an Administrative Decision, the Planning Director shall transmit such application, together with all supporting information, within 30 working days of receipt of the application, to the Board of Zoning Appeals for their review. Upon receipt of a written order from the Board of Zoning Appeals, the Planning Director shall complete the ordered action within 10 ten working days of receipt of the order.~~

Sec. 3.8.5 Effect of Permit Issuance

- A. After a Zoning Permit is issued for construction requiring a **B**uilding **P**ermit, the Building Inspection Services Director shall issue a **B**uilding **P**ermit when the requirements of the Building Codes have been met.
- B. After a Zoning Permit is issued for a use or construction not requiring a **B**uilding **P**ermit, the **A**pplicant may proceed to carry out the improvement described in the approved Zoning Permit application.

Sec. 3.8.6 Lapse of Approval

- A. A Zoning Permit issued for construction that requires a **B**uilding **P**ermit shall lapse and be of no further effect if a **B**uilding **P**ermit is not issued within six months of the date of issuance of the Zoning Permit.
- B. A Zoning Permit issued for use or construction that does not require a **B**uilding **P**ermit shall lapse and be of no further effect if the authorized **D**evelopment has not commenced within six months, or if after the **D**evelopment has commenced, the work is suspended or abandoned for a period of more than one year.
- C. Zoning Permit extensions, for periods of up to ~~90 days~~ **six months**, shall be approved by the **Zoning and Planning Director**. No more than **three additional** ~~six six month~~ ~~90-day~~ extensions will be allowed. An application for a Zoning Permit extension shall be submitted to the **Zoning and Planning Director** prior to the expiration of the Zoning Permit.

Sec. 3.8.7 Administrative Permits

- A. **Temporary Zoning Permits.** The **Zoning and Planning Director** may issue a Temporary Zoning Permit not to exceed a one-year period, provided such uses are in compliance with and are authorized by this Ordinance. Permits for permanent installation shall be obtained simultaneously with the Temporary Zoning Permit.
 - 1. Temporary Zoning Permits may be issued for temporary installation of the following if located on the same **Z**oning **L**ot as the permanent installation:
 - a. Manufactured **H**ousing **U**nit installation to be used as a residence while the permanent **D**welling residential structure is being built, **renovated, or remodeled;**



- b. Temporary office for construction office or security guard quarters;
 - c. Temporary **S**structure for commercial use while construction of the permanent **S**structure is in progress; and
 - d. Temporary power permits for construction of permitted uses.
2. A Temporary Zoning Permit may be issued by the **Zoning and Planning** Director to move a **S**single-**F**family **D**etached **Dwelling** home, **M**an modular **H**ome, or **M**an manufactured **Housing Unit** home to a **L**ot of record, subject to the following:
- a. The **L**ot on which the home is placed must be zoned for **R**esidential **U**se;
 - b. The **L**ot on which the home is placed must comply with all requirements for the applicable **Z**oning **D**istrict;
 - c. An application for a Temporary Zoning Permit shall be completed by the owner of the property on a form established by the **Zoning and Planning** Director prior to movement of the home;
 - d. The home will not be occupied until a Certificate of **O**ccupancy is issued after a complete Zoning and Building permit application has been approved and is in **compliance with all of the requirements of this Ordinance** ~~all requirements of this Ordinance have been complied with;~~ **and**
 - e. The Temporary Zoning Permit is valid for a period not to exceed ~~thirty (30)~~ days from the date the permit is issued.
3. The Temporary Zoning Permit may be renewed by the **Zoning and Planning** Director if the **A**pplicant provides documentation indicating they have submitted a **C**omplete **A**pplication for a Zoning Permit and Building Permit.
4. The **use or Structure** home must be removed within ~~fifteen (15)~~ days after the Temporary Zoning Permit expires. Failure to comply is a violation of this Ordinance and is subject to the provisions of Article 11, *Violations, Penalties and Enforcement*.
5. All regulatory agencies may inspect at any time for safety and non-movement of the temporary placement and require further installation safeguards in compliance with these regulations.

B. Renewal of Temporary Zoning Permits.

1. Renewal of Temporary Zoning Permits may be granted for one additional year when construction is being diligently pursued, and it is evident that progress is being made in construction. Extensions beyond the renewal shall be processed as a Special Exception.
2. The temporary use of a **M**anufactured **H**ousing **U**nit as an **A**ccessory **D**welling **U**nit as per Chapter 6, **Use Regulations**, of this Ordinance may be renewed annually subject to the criteria listed in Sec. 6.6.1, *Accessory Uses and Structures Allowed*, ~~of Article 6.6 Temporary Uses~~.
3. Administrative review and renewal of a Special Exception for an **A**ccessory **D**welling **U**nit shall occur every five years and will be contingent upon confirmation by the **Zoning and Planning** Director that the **S**tructure complies with the **A**ccessory **D**welling **U**nit provisions of this Ordinance.

C. Minor Repair Permits. If an application for a Zoning Permit is to effect only minor repairs, the **Zoning and Planning** Director shall be authorized to waive the requirement for an approved **P**lat, site plan, and/or septic tank approval. The work to be performed shall be clearly defined in the Zoning Permit.

D. Emergency Permits.

1. *Individual.* When a use, **S**tructure, or **B**uilding has been damaged or destroyed by fire, flood, wind, or other act of God, and strict compliance with Zoning Permit requirements will impair the health and safety of the affected individuals or the security of the premises, the **Zoning and Planning** Director may declare an emergency condition and grant a **T**emporary Administrative Permit in accordance with the following requirements:
 - a. If the use, **S**tructure, or **B**uilding complies with all applicable requirements of this Ordinance, a nonrenewable, ~~€~~**T**emporary Administrative Permit shall be issued for a period not to exceed one year;
 - b. If the use, **S**tructure, or **B**uilding is a legal nonconformity, and less than 50 percent of the appraised value has been damaged or destroyed, a nonrenewable, ~~€~~**T**emporary Administrative Permit shall be issued for a period not to exceed one year; **or**



- c. If the use, **S**tructure, or **B**uilding is a legal nonconformity, and 50 percent or more of the appraised value has been damaged or destroyed, only emergency housing or the use of **a M**anufactured **H**ousing **U**nits for the conduct of emergency business operations while relocation efforts are in progress shall be allowed. The nonrenewable, **T**emporary Administrative Permit shall be issued for a period not to exceed six ~~(6)~~ months.
2. *Community.* Where a major disaster affects the health, safety, or welfare of the general public and compliance with Zoning Permit requirements will delay remedial action, the **Zoning and** Planning Director shall be authorized, upon approval of the County Administrator, to waive Zoning Permit requirements for a specified period of time.

ARTICLE 3.9 CERTIFICATES OF OCCUPANCY

Sec. 3.9.1 Applicability

No **S**tructure or **Z**oning **L**ot or part thereof for which a Zoning Permit has been issued shall be used or occupied until the Building Inspection Services Director has, after final inspection, issued a Certificate of Occupancy indicating that the use or **S**tructure complies with all applicable requirements of the Zoning Permit and this Ordinance. This Certificate of Occupancy may be combined with or made a part of the Certificate of Occupancy required under the Building Code. The issuance of a Certificate of Occupancy shall not be construed as waiving any provision of this Ordinance or the applicable Zoning Permit.

Sec. 3.9.2 Utility Connections

- A. Electric or gas **U**tility companies or cooperatives shall not provide their respective **U**tility until receipt of an approved Certificate of Occupancy.
- B. Temporary electrical power permits shall require authorization from the **Zoning and** Planning Director prior to such services being provided by the **U**tility companies.

ARTICLE 3.10 ZONING VARIANCES

Sec. 3.10.1 Applicability; Limitations

The Board of Zoning Appeals shall be authorized to approve Zoning Variances to any zoning-related dimensional, design, or performance standard set forth in this Ordinance, provided that the Approval Criteria of Sec. 3.10.6, **Approval Criteria**, are met and provided that such Zoning Variance does not have the effect of:

- A. Permitting a use, activity, business, or operation that is not otherwise allowed by the Use Regulations of the underlying **Z**oning **D**istrict **in which the property is located**;
- B. Allowing the physical extension of a Nonconforming Use, except as expressly allowed in **Chapter**~~HAPTER~~ **10, Nonconformities, of this Ordinance**;
- C. Increasing the **D**ensity of a **R**esidential **U**se above that permitted by the underlying **Z**oning **D**istrict **in which the property is located**;
- D. Varying the **S**ign regulations of this Ordinance;
- E. Varying or waiving the Subdivision Regulations contained in **Chapter**~~HAPTER~~ **8, Subdivision Regulations, of this Ordinance**; or
- F. ~~Varying or waiving any other standard of this Ordinance that is expressly stated as being ineligible for a Zoning Variance.~~
- G. Varying from the requirements of Sec. 6.8.3.A, **Use Limitations and Standards, of this Ordinance**.

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 ~~P~~property ~~O~~wner(s);
 2. Applicant's letter of intent explaining the requested Zoning Variance and how it meets **all of the requirements Approval Criteria** 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 ~~S~~structures and improvements, *driveways*, parking areas, Grand ~~T~~rees, wetlands (properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on the site plan or ~~P~~lat), holding basins, and buffers when applicable. ~~One 24 x 36 copy and twenty (20) reduced 11 x 17 copies shall be submitted. 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 ~~A~~pproved and ~~R~~ecorded ~~P~~lat **showing the current boundaries of the property;**
 5. **Copy of the current, recorded deed of the property;**
 6. Restrictive ~~C~~ovenants ~~A~~ffidavit(s) signed by the ~~A~~pplicant or current ~~P~~property ~~O~~wner(s) in compliance with ~~S~~tate 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 3.10, *Zoning Variances*.
- D. All proposed Zoning Variances, except ~~S~~single-~~F~~family ~~D~~wellings residential development, shall satisfy the Site Plan Review process. Applicants shall attend at least one ~~(1)~~ 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.** ~~prior to submitting an application for a Zoning Variance.~~
- E. Separate applications and fees shall be filed ~~d~~ for more than one Variance request to each requirement of this Ordinance. If an ~~A~~pplicant requests a Variance for removal of more than one Protected/Grand ~~T~~ree, each additional Protected/Grand Tree shall require an additional fee.

Sec. 3.10.3 Public Hearing Notice

Newspaper, Neighbor, Parties in Interest, and Posted notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with the requirements of Sec. 3.1.6, *Notices*, of this Chapter.

Sec. 3.10.4 Zoning and Planning Director Review and Report

The *Zoning and Planning Director* shall review each proposed Zoning Variance in light of the **requirements Approval Criteria** of Sec. 3.10.6, *Approval Criteria*, and if deemed necessary, distribute the application to other agencies and reviewers. The *Zoning and Planning Director* shall provide a report on the proposed Zoning Variance to the Board of Zoning Appeals.

Sec. 3.10.5 Board of Zoning Appeals Hearing and Decision

- A. The Board of Zoning Appeals shall hold at least one ~~(1)~~ public hearing on the proposed Zoning Variance. Within a reasonable time after the close of the public hearing, the Board of Zoning Appeals shall approve, approve with conditions, or **disapprove** the proposed Zoning Variance based on the **Approval Criteria** of Sec. 3.10.6, *Approval Criteria*. **The Board of Zoning Appeals may defer action for up to 90 calendar days.**
- B. A majority of the Board of Zoning Appeals constitutes a quorum.
- C. A **majority** ~~least 2/3~~ of the members present and voting are required to approve a Zoning Variance.



Sec. 3.10.6 Approval Criteria

- A. The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance, when strict application of the provisions of this Ordinance would result in unnecessary hardship.
- B. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing the following findings:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 2. These conditions do not generally apply to other property in the vicinity;
 3. Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
 4. The authorization of a Variance will not be of substantial detriment to adjacent property, or to the public good, and the character of the Zoning District will not be harmed by the granting of the Variance;
 5. The Board of Zoning Appeals shall not grant a Variance the effect of which would be to allow the establishment of a use not otherwise permitted in a Zoning District, to extend physically a Nonconforming Use of land, or to change the Zoning District boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance;
 6. The need for the Variance is not the result of the Applicant's own actions; and
 7. Granting of the Variance does not substantially conflict with the *Comprehensive Plan* or the purposes of this Ordinance.
- C. In granting a Variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed Building or Structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Sec. 3.10.7 Final Decisions and Orders

Final decisions and orders of the Board must be in writing and be filed in the Office of the Zoning and Planning Director as a public record. Final decisions shall be available for public inspection during regular office hours. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board, which must be delivered to Parties in Interest by certified mail. As a courtesy notice, the orders of the Board may be sent via U.S. mail to Neighborhood notice lists.

Sec. 3.10.8 Notice Of Decision

The written final decision shall be mailed to all Parties in Interest by certified mail and published once in a newspaper of general circulation in the County.

Sec. 3.10.9 Appeals

Any Person with a substantial interest in a decision of the Board of Zoning Appeals or any officer, board, or bureau of the county may appeal a final decision of the Board of Zoning Appeals to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

Sec. 3.10.10 Lapse of Approval

An approved Zoning Variance shall lapse and be of no further effect twelve (12) months after the date that the Zoning Variance was approved by the Board of Zoning Appeals, unless a Complete Application of a Zoning Permit **utilizing the approved Variance** is submitted in accordance with Article 3.8, **Zoning Permits**, of this **Ordinance** Chapter, or if no Zoning Permit is required, unless construction or development has commenced and is being diligently pursued.

A one-time one-year extension of a Zoning Variance approval may be **granted by the Zoning and Planning Director** allowed if **the Applicant/Property Owner can demonstrate that a Complete Application for a Zoning Permit** construction or



development has commenced and is being diligently pursued. Applications for extensions of Zoning Variance approvals shall be submitted to the **Zoning and** Planning Director on forms available in the **Zoning and** Planning Department at least ~~fifteen (15)~~ days prior to the expiration of the Zoning Variance approval.

ARTICLE 3.11 WRITTEN INTERPRETATIONS

Sec. 3.11.1 Application Filing

Applications for Written Interpretations of this Ordinance shall be submitted to the **Zoning and** Planning Director on forms available in the **Zoning and** Planning Department.

Sec. 3.11.2 **Zoning and** Planning Director Review and Decision

Within 30 working days of receipt of a **C**omplete **A**pplication for a Written Interpretation, the **Zoning and** Planning Director shall:

- A.** Review and evaluate the application in light of this Ordinance, the *Comprehensive Plan*, and any other relevant documents;
- B.** Consult with other staff as necessary; and
- C.** Render a **W**ritten **I**nterpretation.

Sec. 3.11.3 Form

The **W**ritten **I**nterpretation shall be provided to the **A**pplicant in writing and shall be filed in the official record of **W**ritten **I**nterpretations.

Sec. 3.11.4 Official Record of Interpretations

An official record of **W**ritten **I**nterpretations shall be kept on file in the **Zoning and** Planning Department. The record of **W**ritten **I**nterpretations shall be available for public inspection in the **Zoning and** Planning Department during normal business hours.

Sec. 3.11.5 Appeals

Appeals of the **Zoning and** Planning Director's **W**ritten **I**nterpretation shall be taken to the Board of Zoning Appeals in accordance with procedures of Article 3.13, *Appeals of Zoning-Related Administrative Decisions, of this Ordinance*. If the appeal results in a change of interpretation, the new interpretation shall be filed in the official record of **W**ritten **I**nterpretations.

ARTICLE 3.12 PUBLIC PROJECT REVIEW

Sec. 3.12.1 Applicability

Public Project Review shall apply to all **P**ublic **P**rojects except those expressly exempt under S. C. Code Sec. 6-29-540.

Sec. 3.12.2 Application Filing

- A.** Applications for Public Project Review shall be submitted to the **Zoning and** Planning Director on forms available in the **Zoning and** Planning Department.
- B.** No application for a Public Project Review shall be accepted as complete unless it includes the required fee and the following information:
 - 1. Completed Public Project Review application signed by the current **P**roperty **O**wner(s);
 - 2. A copy of a legible **A**pproved and **R**ecorded **P**lat showing current property boundaries;
 - 3. A copy of the current, recorded deed;



4. **Posted Notice affidavit(s) signed by the Applicant or current Property Owner(s) in compliance with State law, as applicable;**
 5. Restrictive **C**eovenants **A**ffidavit(s) signed by the **A**pplicant or current **P**roperty **O**wner(s) in compliance with **S**tate law; and
 6. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Article.
- C. Applications for Public Project Reviews shall comply with Sec. 3.1.4, *Application Completeness and Submission Deadlines*, of this Ordinance.

Sec. 3.12.3 Public Hearing Notice

Newspaper and Parties in Interest notice of the Planning Commission meeting shall be provided in accordance with the requirements of Sec. 3.1.6, *Notices*, of this Chapter.

Sec. 3.12.4 Zoning and Planning Director Review and Report

The *Zoning and Planning* Director shall review each proposed Public Project in light of the *Comprehensive Plan*. Based on the results of that review, the *Zoning and Planning* Director shall provide a report on the proposed Public Project to the Planning Commission.

Sec. 3.12.5 Planning Commission Review and Decision

- A. The Planning Commission shall review the Public Project to determine whether it is consistent with the *Comprehensive Plan*. This determination shall include written findings. The Planning Commission may hold one or more public hearings in accordance with the requirements of Sec. 3.1.6, *Notices*, prior to completing their review.
- B. If the Planning Commission finds the proposal conflicts with the *Comprehensive Plan*, it shall forward its written findings and an explanation of its reasoning to the public entity proposing the project.
- C. If the public entity proposes to proceed with its **P**ublic **P**roject in conflict with the *Comprehensive Plan*, then the entity must publicly state its intention to proceed and its reasons for proceeding. The public entity must provide **W**ritten **N**otice of its intention to proceed and its reasons to the Planning Commission, as well as public notice in a publication of general circulation at least 30 calendar days in advance of award of a contract or beginning construction of the proposed **P**ublic **P**roject.

ARTICLE 3.13 APPEALS OF ZONING-RELATED ADMINISTRATIVE DECISIONS

Sec. 3.13.1 Authority

The Board of Zoning Appeals shall be authorized to hear and decide appeals only on zoning-related matters where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the administration ~~or enforcement~~ of any of the zoning-related regulations of this Ordinance. The Board of Zoning Appeals shall have no authority to hear or decide appeals from **A**administrative **D**ecisions made pursuant to the ~~Subdivision Regulations of Chapter~~ **HAPTER 8, Subdivision Regulations, or from enforcement-related decisions and actions made pursuant to Chapter 11, Violations, Penalties, and Enforcement, of this Ordinance.**

Sec. 3.13.2 Right to Appeal

Appeals of Administrative Decisions on zoning-related matters may be filed by any officer, board, or bureau of the **C**ounty, or by any **P**erson with a substantial interest in a decision of an administrative official.



Sec. 3.13.3 Application Filing; Timing

Applications for Appeals of Administrative Decisions on zoning-related matters shall be submitted to the **Zoning and** Planning Director on forms available in the **Zoning and** Planning Department. Appeals of Administrative Decisions to ~~grant or deny a Zoning Permit~~ shall be filed within 30 calendar days from the date of the Administrative Decision.

Sec. 3.13.4 Effect of Filing

Upon filing a Complete Application for an appeal of an Administrative Decision on a zoning-related matter, any permits, decisions, or determinations that are the subject of the appeal shall be temporarily suspended. Any work or performance of any activity that has been undertaken pursuant to an appealed permit, decision, or determination, shall be subject to Chapter 11, Violations, Penalties, and Enforcement, of this Ordinance.

After a Complete Application for an appeal has been filed, an appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Zoning Appeals, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings may not be stayed other than by a restraining order which may be granted by a court of record, with notice to the officer from whom the appeal is taken, and with due cause shown.

~~Any permits, decisions or determinations which are the subject of an appeal shall be temporarily suspended upon filing a complete application for an appeal, unless the official responsible for issuing the permit or making the decision or determination which is being appealed certifies to the Board of Zoning Appeals, after the appeal is filed, that because of facts stated in the certification, a stay would cause immediate peril to life or property. In such case, action upon any such permits, decisions or determinations shall not be stayed other than by a restraining order, which may be granted by the Board of Zoning Appeals or by a court of record upon proper notice and hearing. However, in the absence of a certification that a stay would cause immediate peril to life or property, any work purported to be undertaken pursuant to an appealed permit, decision, or determination after actual notice of the appeal has been received shall be subject to CHAPTER 11, Violations, Penalties, and Enforcement, of this Ordinance.~~

Sec. 3.13.5 Record of Administrative Decision

The official whose decision is being appealed shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed is taken.

Sec. 3.13.6 Public Hearing Notice

Newspaper ~~and Neighbor~~, Parties in Interest ~~and Posted~~ Notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with the requirements of Sec. 3.1.6, **Notices**, of this Chapter. ***Neighbor and Posted Notice of the Board of Zoning Appeals Public Hearing shall be provided in accordance with the requirements of Section 3.1.6, Notices, if applicable.***

Sec. 3.13.7 Board of Zoning Appeals Review and Action

- A. The Board of Zoning Appeals shall hold at least one public hearing on the appeal, and within a reasonable time following the close of the public hearing, take final action based on the procedures and requirements of this Section.
- B. In exercising the appeal power, the Board of Zoning Appeals shall have all the powers of the official from whom the appeal is taken, and the Board of Zoning Appeals may reverse or affirm, wholly or in part, or may modify the decision being appealed.
- C. If the Board of Zoning Appeals determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct issuance of a permit. The Board of Zoning Appeals in execution of the duties specified in this Chapter may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.
The Board of Zoning Appeals may defer action for a period of time not to exceed 90 days from the date of deferral.



- D. A quorum of the Board of Zoning Appeals shall be achieved when the number of members in attendance equals more than one-half of the total membership of the Board of Zoning Appeals. At least two-thirds of the members present and voting shall be required to reverse any order, requirement, decision, or determination of any administrative officer or agency.

Sec. 3.13.8 Approval Criteria; Findings Of Fact

An appeal shall be sustained only if the Board of Zoning Appeals finds that the administrative official erred. The decision of the Board of Zoning Appeals shall be accompanied by specific, written findings of fact and conclusions of law clearly stating the reason for the decision. Those written findings shall be delivered to **P**arties in **I**nterest by certified mail, published once in a newspaper of general circulation in the county, and permanently filed in the **Zoning and** Planning Department.

Sec. 3.13.9 Appeals

Any **P**erson with a substantial interest in a decision of the Board of Zoning Appeals or any officer, board, or bureau of the **C**ounty may appeal a final decision of the Board of Zoning Appeals to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

ARTICLE 3.14 APPEALS OF SUBDIVISION-RELATED ADMINISTRATIVE DECISIONS

Sec. 3.14.1 Authority

The Planning Commission shall be authorized to hear and decide appeals only on subdivision-related matters (including determinations of ~~{S~~ubdivision application} incompleteness) where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the administration or enforcement of any **requirement** of the subdivision regulations of ~~Chapter~~**HAPTER 8, Subdivision Regulations**, of this Ordinance.

Sec. 3.14.2 Right to Appeal

Appeals of Administrative Decisions on subdivision-related matters may be filed by any officer, board, or bureau of the **C**ounty, or by any **P**erson with a substantial interest in a decision of an administrative official.

Sec. 3.14.3 Application Filing: Timing

Applications for Appeals of Administrative Decisions on subdivision-related matters shall be submitted to the **Zoning and** Planning Director on forms available in the **Zoning and** Planning Department. Appeals of Administrative Decisions on **S**ubdivision matters shall be filed within 30 calendar days of the date of **W**ritten **N**otice of the decision being appealed.

Sec. 3.14.4 Effect of Filing

~~Any permits, decisions, or determinations which are the subject of an appeal shall be temporarily suspended upon filing a complete application for an appeal, unless the official responsible for issuing the permit or making the decision or determination which is being appealed certifies to the Planning Commission, after the appeal is filed, that because of facts stated in the certification, a stay would cause immediate peril to life or property. In such case, action upon any such permits, decisions or determinations shall not be stayed other than by a restraining order, which may be granted by the Planning Commission or by a court of record upon proper notice and hearing. However, in the absence of a certification that a stay would cause immediate peril to life or property, any work purported to be undertaken pursuant to an appealed permit, decision or determination after actual notice of the appeal has been received shall be subject to CHAPTER 11, Violations, Penalties, and Enforcement, of the Ordinance.~~

Upon filing a Complete Application for an appeal of an Administrative Decision on a subdivision-related matter, any permits, decisions, or determinations that are the subject of the appeal shall be temporarily suspended. Any work or performance of any activity that has been undertaken pursuant to an appealed permit, decision, or determination, shall be subject to Chapter 11, Violations, Penalties, and Enforcement, of this Ordinance.



After a Complete Application for an appeal has been filed, an appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Planning Commission, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings may not be stayed other than by a restraining order which may be granted by a court of record, with notice to the officer from whom the appeal is taken, and with due cause shown.

Sec. 3.14.5 Record of Administrative Decision

The official whose decision is being appealed shall transmit to the Planning Commission all papers constituting the record upon which the action appealed is taken.

Sec. 3.14.6, Public Hearing Notice

Newspaper Notice of the Planning Commission's public hearing shall be provided in accordance with the requirements of Sec. 3.1.6, *Notices*, of this Chapter.

Sec. 3.14.7 Planning Commission Review and Action

- A. The Planning Commission shall hold at least one public hearing on the appeal and, within a reasonable time following the close of the public hearing, take final action based on the procedures and requirements of this Section. When the appeal relates to a determination of {application} incompleteness, the Planning Commission shall hear and take action on the appeal within 15 calendar days of the date of the appeal.
- B. In exercising the appeal power, the Planning Commission shall have all the powers of the official from whom the appeal is taken, and the Planning Commission may reverse or affirm, wholly or in part, or may modify the decision being appealed.
- C. If the Planning Commission determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence, and to that end shall have all the powers of the officer from whom the appeal is taken.
- D. A quorum of the Planning Commission shall be achieved when the number of members in attendance equals more than *one-half* $\frac{1}{2}$ of the total membership of the Planning Commission.
- E. At least *two-thirds* $\frac{2}{3}$ of the members present and voting shall be required to reverse any order, requirement, decision, or determination of any administrative officer or agency.

Sec. 3.14.8 Approval Criteria: Findings of Fact

An appeal shall be sustained only if the Planning Commission finds that the administrative official erred. The decision of the Planning Commission shall be accompanied by specific, written findings of fact and conclusions of law clearly stating the reason for the decision. Those written findings shall be delivered to Parties in Interest by certified mail and permanently filed in the *Zoning and* Planning Department.

Sec. 3.14.9 Appeals

Any *P*erson with a substantial interest in a decision of the Planning Commission or any officer, board, or bureau of the County may appeal a final decision of the Planning Commission to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Planning Commission is mailed.

ARTICLE 3.15 ADDRESSING AND STREET NAMES



Sec. 3.15.1 Authority

The **Zoning and** Planning Director shall be authorized to assign and change physical addresses as provided for in Chapter 4; Art. VII of the Charleston County Code of Ordinances, as amended, and Sec. 23-47-60 et. seq. of the Code of Laws of South Carolina (1976), as amended.

The Planning Commission shall be authorized to approve the name of a new **S**street or **R**oad within the jurisdiction of Charleston County, as provided for in the Code of Laws of South Carolina Sec. 6-29-1200 and Sec. 23-47-60 et. seq. of the Code of Laws of South Carolina (1976), as amended. The Planning Commission may delegate this authority to the **Zoning and** Planning Director.

Sec. 3.15.2 Application Filing

Applications for the **Street name changes** following shall be submitted to the **Zoning and** Planning Director on forms available in the **Zoning and** Planning Department.:

- A. ~~Requests for Reservations of Street Names; and~~
- B. ~~Requests for Street Name Changes.~~

Sec. 3.15.3 Street Names

- A. ~~**Requests for Reservations of Street Names.**~~ All street names shall comply with Chapter 4; Art. VII of the Charleston County Code of Ordinances, as amended, and Sec. 23-47-60 et. seq. of the Code of Laws of South Carolina (1976), as amended. Street names proposed by the **A**pplicant shall be approved by the **Charleston County Consolidated 9-1-1 Center**. Planning Department. The Planning Department shall be given at least five (5) working days to approve requests for reservations of street names.
- B. **Requests for Street Name Changes.** The Planning Commission shall be authorized to approve requests for **S**street name changes within the jurisdiction of Charleston County, including, but not limited to, the naming of existing unnamed **E**asements, **R**ights-of-**W**ay, and other access types where there is no **S**street name or the current **S**street name poses a threat to the efficient provision of emergency services. Requests for **S**street name changes shall be in accordance with the Code of Laws of South Carolina Sec. 6-29-1200 and Sec. 23-47-60 et. seq. of the Code of Laws of South Carolina (1976), as amended, and Chapter 4; Art. VII of the Charleston County Code of Ordinances, as amended.

ARTICLE 3.16 DEVELOPMENT AGREEMENTS

Development Agreements are hereby authorized for land **D**evelopment in Charleston County, subject to and in accordance with the South Carolina Local Government Development Agreement Act in Sec. 6-31-10 et seq., Code of South Carolina, ~~(1976)~~, as amended. Requests for Development Agreements shall be processed pursuant to Sec. 6-31-10 et seq., Code of Laws of South Carolina, ~~(1976)~~, as amended.

ARTICLE 3.17 DEVELOPMENTS OF COUNTY SIGNIFICANCE

Sec. 3.17.1 Purpose and Intent

The *Comprehensive Plan* contains four Major Implementation Initiatives for the County to implement some of the strategies recommended in the *Comprehensive Plan*. The purpose and intent of this Article is to implement one such initiative, Developments of County Significance, in order to ensure that planning in the Rural Area, as defined in the Charleston County *Comprehensive Plan*, is compatible with the surrounding rural and agricultural character and is coordinated with the provision of public facilities and transportation initiatives, as well as with adjacent jurisdictions. This Article establishes the procedures for submission requirements and review of requests for Developments of County Significance, as defined in the Charleston County *Comprehensive Plan* and the *Zoning and Land Development Regulations Ordinance*, and includes the application, process, and criteria as outlined in the Charleston County *Comprehensive Plan*.



Sec. 3.17.2 Applicability

This Article applies to Developments of County Significance, which are defined as proposed ~~D~~developments that: (1) Have a gross acreage equal to or exceeding 1,000 acres; (2) Are located in the Rural Area of the County; and (3) May be considered consistent with the recommendations of the *Comprehensive Plan*, if they comply with the criteria and requirements of the Developments of County Significance provisions contained in the *Comprehensive Plan and Zoning and Land Development Regulations Ordinance*. Upon approval, the Development of County Significance will be considered consistent with the *Comprehensive Plan*.

Sec. 3.17.3 Application and Process

- A. Development of County Significance Applications (“Application”) may be submitted on forms available in the *Zoning and Planning* Department once the *Zoning and Planning* Director has determined that the Application complies with the requirements of this Ordinance and all other applicable regulations.
- B. Developments of County Significance Applications shall require:
 - 1. A *Comprehensive Plan* Amendment application(s) that complies with the requirements of Article 3.2, *Comprehensive Plan Amendments*, of this Ordinance, and a narrative description of how the application at the time of submission may not be in full compliance with the *Comprehensive Plan*, however upon approval, the application will be consistent with the *Comprehensive Plan*. *Comprehensive Plan* Amendment applications and narrative descriptions of consistency shall include documentation addressing each element of the *Comprehensive Plan*. *Comprehensive Plan* Amendment application(s) shall be submitted when a rezoning application is included as part of the Developments of County Significance application;
 - 2. A Development Agreement application submitted to Charleston County;
 - 3. Zoning Map Amendment [Rezoning] applications, including but not limited to applications for Planned Development Zoning Districts and Form-Based Zoning Districts, which comply with the applicable sections of this Ordinance may be submitted in conjunction with a Development of County Significance Application, where applicable; **and**
 - 4. Payment of all required application fees for Development Agreements, Zoning Map Amendments [Rezoning], and *Comprehensive Plan* Amendments and submission of ~~thirty five (35)~~ copies and one ~~(1)~~ digital version.
 - 5. All information required by this Article.
- C. *Comprehensive Plan* Amendment applications, Development Agreement applications, and any Zoning Map Amendment [Rezoning] applications, including but not limited to, applications for Planned Development Zoning Districts and Form-Based Zoning Districts, submitted in conjunction with a Development of County Significance Application shall be considered concurrently and shall comply with the applicable processes contained in County Ordinances.

Sec. 3.17.4 Criteria and Required Information

At the time of submittal, the Application shall include the information addressing the *Comprehensive Plan* criteria for Developments of County Significance in the Zoning Map Amendment [Rezoning] application and the Development Agreement application as set forth in Sec. 3.17.4.A(1-9). The approval of a Zoning Map Amendment [Rezoning] application and a Development Agreement application pursuant to the provisions of this Article 3.17, ***Criteria and Required Information***, shall conclusively establish compliance by the applications so approved with the Developments of County Significance criteria of the *Comprehensive Plan* and this Ordinance, and no subsequent ~~D~~development of the property shall be subject to any provision of the *Comprehensive Plan* or this Ordinance regarding Developments of County Significance during the term of the approved Development Agreement.

- A. The Zoning Map Amendment [Rezoning] application for any ~~Z~~zoning ~~D~~district other than a Form-Based Zoning District shall include the information required in the following Sec. 3.17.4.A(1-9)~~1.a-i~~:
 - 1. Documentation demonstrating that ~~seventy five—75~~ percent (75%) of the acreage (~~75% acreage~~) included in the Application shall be in the form of Common Open Space, as defined in this Ordinance, that complies with the requirements of Sec. 4.23~~57.7~~, ***Common Open Space***;



2. An analysis of how the proposed form and character of **D**evelopment is compatible with the intent of the Rural Area guidelines;
3. An analysis of how proposed residential land use patterns are coordinated with employment and service opportunities in the area of the proposed **D**evelopment and adjacent areas of the County or other jurisdictions;
4. A historic and archaeological resource study including documentation demonstrating the preservation, mitigation, and/or management of resources pursuant to the findings of the study;
5. A traffic impact study;
6. Documentation that the proposed **D**evelopment includes an interconnected and complete transportation network;
7. An analysis of public transit alternatives;
8. Documentation that the proposed **D**evelopment provides feasible transportation alternatives; and
9. Emergency evacuation plans.

B. The Zoning Map Amendment [Rezoning] application to Form-Based Zoning District shall include Sec. 3.17.4.A.2.a through ~~3.17.4.A.2.i~~ **B(1-3)**.

1. Documentation demonstrating that ~~seventy-five~~ **75 percent (75%)** of the acreage (~~75% acreage~~) included in the Application shall be either private land permanently restricted by deed restriction or conservation **E**asement to unclustered rural densities, or other areas proposed for private and/or public ownership (e.g., parks, lakes, greenways, parkways, buffer zones, agricultural and silvicultural areas, recreational areas, **P**reserved historic and/or cultural areas, **P**reserved areas of biological significance), or areas to be purchased by the County's Green Belt Bank or other **O**pen **S**pace preservation organizations. The number of unclustered rural **D**welling **U**nits allowed in the **75% percent** acreage is determined by multiplying the ~~base underlying zoning~~ **D**ensity at the time of the application times the number of acres in the **75% percent** acreage. The **75% percent** acreage is not required to be contiguous and will be developed in accordance with the Form-Based Zoning District regulations submitted with this application for unclustered growth. Areas of clustered growth will be developed in accordance with the Form-Based Zoning District regulations submitted with this application and can be surrounded by the **75% percent** acreage;
2. An analysis of how the proposed form and character of **D**evelopment is compatible with the intent of the Rural Area guidelines;
3. An analysis of how proposed residential land use patterns are coordinated with employment and service opportunities in the area of the proposed **D**evelopment and adjacent areas of the County or other jurisdictions;

Information required in Sections ~~3.17.4.B(4-9)~~ **A.2.d through i** shall be addressed in the procedures and regulations submitted as part of the Form-Based Zoning District regulations submitted as part of this application for approval, as entitled in the Development Agreement, of the land **D**evelopment applications within the specific Form-Based Zoning District. Such procedures and regulations approved as part of the Form-Based Zoning District Rezoning shall be applicable to all development within such Form-Based Zoning District, and compliance with such procedures and regulations shall constitute compliance with the Developments of County Significance requirements.

4. A historic and archaeological resource study including documentation demonstrating the preservation, mitigation, and/or management of resources pursuant to the findings of the study;
 5. A traffic impact study;
 6. Documentation that the proposed development includes an interconnected and complete transportation network;
 7. An analysis of public transit alternatives;
 8. Documentation that the proposed development provides feasible transportation alternatives; and
 9. Emergency evacuation plans.
- C.** The Development Agreement application shall include the information required in the following Sec. **3.17.4.C(1-6)**; provided, however that at its sole discretion, County Council may forward the information submitted pursuant to this Sec. 3.17.4.**CA** to Planning Commission for informational purposes only.



1. Inclusion of a variety of housing ownership types and affordability;
 2. Documentation demonstrating strategy for preservation, mitigation, and/or management of significant cultural, historic, and archaeological sites, resources, and landscapes;
 3. Information regarding the location, **D**ensity, and intensity of proposed land uses for the first five ~~(5)~~ years of the proposed project and projections for each subsequent five ~~(5)~~-year time period until buildout;
 4. Economic development information such as an economic analysis (e.g., estimates of average annual ad valorem tax yields, economic development analysis) of the impact of the proposed **D**evelopment on the local economy and employment market;
 5. A fiscal impact analysis of the infrastructure needs; and
 6. A list of needed and/or required public improvements including, but not limited to, transportation improvements, educational facilities, public **S**safety **S**services, and government facilities.
- D.** The Planning Commission may require additional information on the items submitted pursuant to Sec. 3.17.4.A(1-2) as reasonably necessary to determine whether the application complies with the requirements of County Ordinances.

Sec. 3.17.5 Notice of Decision *and* Mapping ~~Of~~ Approved Developments ~~Of~~ County Significance

Following final action by the County Council, the **Zoning and** Planning Director shall be responsible for providing the **A**pplicant with **W**ritten **N**otice of the County Council final decision(s) and for revising *Comprehensive Plan* text and/or maps and the Official Zoning Map, where applicable. Upon approval, the Development of County Significance will be considered consistent with the *Comprehensive Plan*.