



CHAPTER 8 | SUBDIVISION REGULATIONS

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ARTICLE 8.1 GENERAL

Sec. 8.1.1 Purpose

The public health, safety, economy, good order, appearance, convenience, morals and general welfare require the harmonious, orderly, and progressive **D**evelopment of land within Charleston County. In furtherance of this general intent, the Subdivision Regulations are authorized for the following purposes, among others:

- A. To implement the goals, objectives and policies of the Charleston County *Comprehensive Plan*;
- B. To facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks and other recreational facilities, **A**ffordable **H**ousing, disaster evacuation, and other public services and requirements;
- C. To assure the provision of needed public **O**pen **S**paces and **B**uilding sites in new land **D**evelopments through the dedication or reservation of land for recreational, educational, environmental, transportation, and other public purposes;
- D. To assure, in general, the wise and timely **D**evelopment of new areas and redevelopment of previously developed areas in harmony with the adopted or amended *Comprehensive Plan* for Charleston County and any adopted or amended municipal *Comprehensive Plan* within or adjacent to the County;
- E. To implement land use policies that will preserve agricultural uses of land and the rural character of unincorporated Charleston County;
- F. To identify, protect, and preserve scenic, historic, and ecologically sensitive areas;
- G. To prevent overcrowding of land, avoiding undue concentration of population, and lessening congestion in



- H. To regulate the **D**ensity and distribution of populations and the uses of **B**uildings, **S**tructures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, individual onsite wastewater systems or off-site sewer lateral connection provided to each **L**ot, protection against floods, public activities, and other purposes; and
- I. To ensure protection from fire, flood, and other dangers, and furthering the public welfare in any other regard specified by a local governing body.

Sec. 8.1.2 Applicability

Unless expressly exempted, no **S**ubdivision shall be made, platted, or recorded for any purpose nor shall **P**arcel(s) resulting from such **S**ubdivisions be sold, unless such **S**ubdivision meets all applicable standards of this Ordinance and has been approved in accordance with the procedures of this Ordinance.

- A. All **L**ots shown on **P**lats whether subdivided or not, shall have the Planning Commission Stamp of either approval or exemption on said **P**lat; the Register of **Deeds** ~~Mesne Conveyance~~ shall not record any **P**lat without such stamp. The **P**lat for an individual **L**ot exempted by virtue of pre-existence must be accompanied by a surveyor's statement on the **P**lat that the **L**ot is a single, individual **L**ot, and not newly created.
- B. Parcels that were recorded by deed or **P**lat prior to the adoption of the County's original Subdivision Regulations on January 1, 1955, will receive automatic approval under a Grandfather Clause, provided the parcel involved is still in the same size and shape as when recorded prior to 1955 and is properly platted in accordance with present standards. The recorded information must be provided and attested to by the surveyor or attorney involved.
- C. Preliminary Plats submitted for approval shall expire two years from the date of preliminary approval if all conditions for **P**reliminary **P**lat approval have not been met. The **Zoning and** Planning Director shall be authorized to grant a one-time extension of this time frame if a written request is submitted by the **A**pplicant prior to the expiration date. The time period of the extension shall not exceed one year.
- D. Upon submission of a Subdivision application, no additional Subdivision applications shall be accepted for the subject property until the original application has been withdrawn or the Decision-Making Body has rendered its final decision and all applicable time limits on refiling have expired.
- E. Prior to Subdivision Plat approval for properties located within 300 feet of a National Register of Historic Places (NRHP) listed Historic Property or Historic District, or a locally designated Historic Property or Historic District, a Certificate of Historic Appropriateness must be obtained pursuant to the procedures of **Chapter 21, Historic Preservation, of the Charleston County Code of Ordinances**. ~~[Reference to HP Ordinance in County Code of Ordinances here]~~. This requirement shall also apply to Subdivision Plat approval for: NRHP listed Historic Properties; properties within NRHP listed Historic Districts; locally designated Historic Properties; and properties located within locally designated Historic Districts. **The following types of Subdivision Plats are exempt from this requirement:**
 - 1. **Subdivision Plats submitted for sole purpose of creating an Easement(s), delineating OCRM Critical Line Areas, and/or delineating the location(s) of Freshwater Wetlands;**
 - 2. **The combination or recombination of portions of previously platted Lots where the total number of Lots is not increased;**
 - 3. **Boundary Plats;**
 - 4. **Property line adjustments where no new Lots are created; and**
 - 5. **Subdivision Plats that are the result of a court order.**

Sec. 8.1.3 Exemptions

- A. **Procedures.** The following shall be exempt from the Subdivision Plat Procedures, if the **Zoning and** Planning Director determines that all engineering and survey standards of this Ordinance have been met:



1. The combination or recombination of portions of previously **P**latted **L**ots where the total number of **L**ots is not increased. When the **P**lat is finalized, it shall be submitted to the Planning Director for recording. New deeds must be recorded simultaneously with **P**lats when: (1) the ownership of the previously platted **L**ots is changing; and/or (2) the simultaneous recording of deeds and **P**lats is otherwise required by this Ordinance.
 2. The public acquisition of land for right-of-way or drainage easements or any **L**ot or parcel created therefrom.
 3. Contiguous properties that are to be divided for the purpose of exchanging or trading parcels of land. When the **P**lat is finalized, it shall be submitted to the **Zoning and** Planning Director for recording. New deeds must be recorded simultaneously with **P**lats when (1) the ownership of the previously platted **L**ots is changing and/or (2) the simultaneous recording of deeds and **P**lats is otherwise required by this Ordinance.
 4. A parcel of land that is proposed to be used as the site for a utility substation, power line easements or right-of-way, pumping station, pressure regulating station, electricity regulating substation, gas pressure control station, or similar facilities.
 5. The combination or recombination of entire **L**ots of record where no new **S**treet or change in existing **S**trees is involved.
 6. The division of land into parcels of five acres or more, where no new **S**treet or easement is involved. Plats of these exceptions must be received as information by the **Zoning and** Planning Director, which fact shall be indicated on the **P**lats.
- B. **Standards** Lots created and recorded prior to August 15, 1971, shall be exempt from compliance with the standards of this Chapter, provided that the subject property:
1. Was or is surveyed and platted in accordance with prescribed standards;
 2. Has the approval of the South Carolina Department of Health and Environmental control (DHEC); and
 3. Contains no drainage ways or **E**asements needed to drain surrounding properties, as determined by the Public Works Director.

Sec. 8.1.4 Charleston County Road Construction Standards

The regulations and standards of this Chapter are intended to supplement the Charleston County Road Construction Standards, as amended, in Appendix A of this Ordinance, which shall be considered the minimum design standards for roads and drainage systems in Charleston County. (Note: Road and drainage systems not meeting the Standard Specifications or Local Governments' Road and Street Construction will not be eligible for maintenance from the State "C" **Half Cent Sales Tax** or donor County funds.)

Sec. 8.1.5 Relationship to Development Review Procedures of Article 3.1

The "General" procedural requirements and standards of Article 3.1, **General**, of this Ordinance shall apply to the **S**ubdivision **P**lat procedures of this Chapter.

Sec. 8.1.6 Survey Compliance

All Land Surveys in the County shall be in accord with the land use designated for the proposed **S**ubdivision of property and the criteria specified in Urban Land Surveys as promulgated by the South Carolina Code of Regulations, 1991, Chapter 49, Article 3, R.400-490, as amended, and described as the "Minimum Standards Manual for the Practice of Land Surveying in South Carolina."

ARTICLE 8.2 PRE-APPLICATION INFORMATION

Sec. 8.2.1 Pre-Application Conference



Pre-application conferences offer an opportunity for Zoning and Planning, Public Works, and other affected agencies to familiarize Applicants with applicable procedures, submittal requirements, Development standards, and other pertinent matters before finalizing the Development proposal or laying out the proposed Subdivision. Applicants requesting Minor Subdivisions are encouraged suggested to schedule a pre-application process before submittal of an application. Applicants for Major Subdivisions are required to have a pre-application conference before submittal of an application. Applicants shall be responsible for scheduling pre-application conferences with the Zoning and Planning Director or his/her designee who shall be responsible for contacting the Public Works Director Department and other affected agencies.

ARTICLE 8.3 MINOR AND MAJOR SUBDIVISIONS

Sec. 8.3.1 Minor Subdivision

A Minor Subdivision is a division of any tract of land into ~~four~~ ten (10) or fewer Llots, provided that:

- A. No public Street Right-of-Way dedications are involved;
- B. The Public Works Director does not require a Preliminary Plat for a drainage Easement;
- C. The Llots meet South Carolina Department of Health and Environmental Control (DHEC) requirements for sewage disposal systems. Systems that are determined by DHEC to be properly functioning or "grandfathered" must comply with DHEC regulations as a condition of minor Ssubdivision approval;
- D. Off-site sewage disposal systems must be approved by DHEC and/or the Public provider and an off-site utility Easement must be shown along with all Llots served by the off-site system if public sewer is (accessible and is provided to each Llot) provided, then sewer lateral connection will be provided to each Llot.
- E. No new or residual parcels will be created that do not comply with all applicable requirements of this Ordinance; and
- F. ~~Non-Buildable Lots. The tract to be subdivided is not located within an approved planned development or an area that is subject to an application for planned development approval by the landowner. All such subdivisions are considered Major Subdivisions.~~
 - 1. For the purpose of this subsection, non-buildable Llots are Llots that meet all requirements of this Ordinance, with the exception of water and/or sewer availability requirements;
 - 2. For all non-buildable Llots, all new parcels being created less than five (5) acres in size shall meet the minimum Llot size and comply with applicable requirements of this Ordinance;
 - 3. Non-buildable Llots may be approved by the Planning Commission as a Minor Subdivision ~~ten (10) lots or less~~ without certification by DHEC for on-site waste disposal systems and water or where public water and sewer is not available;
 - 4. The property owner(s) shall sign the "Certification of Non-Evaluation." This certification statement shall be placed on the Pplat and signed by the property owner(s);
 - 5. The property owner(s) shall have a deed prepared by an attorney for each non-buildable Llot less than five (5) acres in size explaining the "Certification of Non-Evaluation" to be recorded with the Pplat;
 - 6. The "Certification of Non-Evaluation" for water and sewer availability shall be used in conjunction with Minor Subdivision (Development) Pplats when no evaluation regarding the availability of public water/sewer or on-site septic systems and water have been approved; and
 - 7. The following certification shall be placed on the Pplat and deed and signed by the property owners:

"The Property owner(s) of record hereby acknowledge(s) that the surveyed parcel(s) and/or tract remainder has not been approved to determine the availability of on-site waste disposal systems or provisions of public water/sewer services. Recordation of this Pplat and deed shall not be an implied or expressed consent of Charleston County that the Llots or other land divisions shown hereon are capable of being serviced by on-site waste disposal or public water/sewer systems. Unless otherwise stated hereon, all surveyed parcels and/or tract remainders have not been reviewed for on-site waste disposal systems or public water/sewer services."

Property Owner(s) Signature _____ Date _____



- G. Lots of Record, **A**pproved located within any 208 Water Quality Management Designation within the Urban/Suburban Area of the County:
1. A maximum of four ~~(4)~~ **L**ots may be subdivided from a Lot of Record, Approved (“Approved Lot”) without installing additional sewer lateral connection(s), provided that the **D**evelopment complies with all other requirements of this Ordinance, when public water and/or sewer lateral lines are provided to the Approved Lot, and the Approved Lot is located within a 208 Water Quality Management Designation area within the Urban/Suburban Area of the County.
 2. The property owner(s) shall sign a Certification Statement that there are no physical lateral connections provided to the new **L**ot being created. The Certification shall be placed on the subdivision **P**lat and signed by each property owner.
 3. The following Certification Statement shall be placed on the **P**lat and signed by the property owner(s):
 “The property owner(s) of record hereby acknowledge(s) that the surveyed parcel has not been served by a lateral connection of public water/sewer lines. Recordation of this **P**lat shall not be an implied or expressed consent of Charleston County and/or the public provider of the water and/or sewer or other omitted public improvement that the **L**ot or other land divisions shown here on are capable of being serviced by on-site waste water disposal or public water/sewer systems.”
 Property Owner(s) Signature _____ Date _____
 Lot Description: _____
 4. At the time of seeking a **Z**oning or **B**uilding **P**ermit the property owner(s) shall supply a document of certification from the Public provider that public water and sewer lateral connections are provided to the **L**ot.
 5. All **L**ots created will comply with the **D**ensity/**I**ntensity and **D**imensional **S**tandards for **L**ots without public sewer/water, as there is no guarantee that these public improvements will be available.

Sec. 8.3.2 Minor Subdivision Process

Applications for Minor Subdivisions shall be submitted to the **Zoning and Planning Department** Director on forms available in the **Zoning and Planning Department**. There is one required step in the Minor Subdivision process which is Final Plat review and approval. Generally, Minor Subdivisions are reviewed in the **Zoning and Planning Department** and approved by the **Zoning and Planning Director**. However, the **Zoning and Planning Director** may send Minor Subdivision applications to the Planning Commission for approval in order to determine whether or not the proposed **S**ubdivision is consistent with **all requirements of this Ordinance and** the goals and objectives of the *Comprehensive Plan*. Applicants for Minor Subdivisions are strongly encouraged to schedule and attend a Pre-Application Conference prior to filing a **M**inor **S**ubdivision.

Sec. 8.3.3 Major Subdivision

- A. Any land division that is not a Minor Subdivision shall be processed as a "Major Subdivision." All Major Subdivision **A**pplicants are required to attend a **p**re-**a**pplication **c**onference.
- B. A Zoning Permit is required for grading, drainage, or the construction of roads and utilities in a **S**ubdivision.

Sec. 8.3.4 Major Subdivision Process

Applicants for Major Subdivisions are required to schedule and attend a **p**re-**a**pplication **c**onference prior to filing a Major Subdivision application. After the a **p**re-**a**pplication **c**onference, there are three required steps in the process: (1) Preliminary Plat review and approval; (2) **Construction Plans review and approval; and (3) Final Plat review and approval;** and ~~(3) Letters of Coordination.~~ **Steps (2) and (3) require the submission of applicable Letters of Coordination and proof of agency permits pursuant to Sec. 8.3.6, Letters of Coordination, ensuring the proposed Development is feasible in concept and completion.** Each step of the process shall be completed before initiating the next step. Applications for Major Subdivisions shall be submitted to the **Zoning and Planning Director** and shall include a completed application form (available from the **Zoning and Planning Department**). Additional components for consideration of a Major Subdivision that are necessary at the **p**re-**a**pplication **c**onference are:



- A. A **P**lat, or survey of the subject property, if available, or a tax map that identifies the subject property; and
- B. A Concept Plan that includes the following information:
 - 1. The proposed means of access to a public road. ***In cases when adjoining properties are not developed, stub outs for connections to future Development on adjacent parcels shall be provided. Cul-de-sacs, T-turnarounds, and dead-end Streets shall only be allowed at the discretion of the Zoning and Planning Director;***
 - 2. Surrounding land uses;
 - 3. All adjacent roads;
 - 4. A preliminary map and analysis of natural resources present on the subject property and surrounding property; and
 - 5. A conceptual layout of the proposed **S**ubdivision, which shall be overlaid on the preliminary site analysis and which shall show **S**treets, drainage, **L**ots, parks and other facilities located to protect natural resource areas.

[Commentary: Approval from other local, state or federal agencies may be necessary in the **Development of land in Charleston County, particularly in regard to environmental concerns. Pre- application conferences should be held with these agencies, including the South Carolina Department of Health and Environmental Control, Coastal Resources Management, U.S. Army Corps of Engineers and the U.S. Fish & Wildlife Service.]**

Sec. 8.3.5 Required Tree Protection for Minor and Major Subdivisions

Trees shall be protected in accordance with Chapter 9, ***Development Standards***, of this Ordinance.

Sec. 8.3.6 Letters ~~O~~of Coordination for Major and Minor Subdivisions

Letters of coordination are required that acknowledge that the County and other agencies will be able to provide necessary public services, facilities and programs to service the **D**evelopment proposed, at the time the **S**ubdivision **P**lat is processed.

ARTICLE 8.4 PRELIMINARY PLAT

Sec. 8.4.1 Applicability

Preliminary Plats shall be required for all Major Subdivisions.

Sec. 8.4.2 Application

Requirements The following shall be submitted:

- A. Completed applications for Preliminary Plat approval shall be submitted to the **Zoning and Planning Department** Director on forms available in the **Zoning and Planning Department**. ***Three Ten (10) copies and one digital file*** of the Preliminary Plat shall be filed with the application.
- B. Preliminary Plats shall be drawn to engineer's scale no smaller than one-inch equals 200 feet. Where large areas are being platted, they may be drawn on one or more sheets, 22 inches by 34 inches in size. For small areas being platted, a scale of one-inch equals 100 feet shall be used.
- C. Even if the **A**pplicant intends to subdivide only a portion of a parcel or tract of land initially, the Preliminary Plat shall show a proposed **S**treet and **L**ot layout, drainage plan and other requirements for the entire parcel or tract of land in which such portion is contained; except that the **Zoning and Planning Director**, with the recommendation of the Public Works Director, may waive this requirement on a finding that such a complete layout is not necessary to carry out the purposes of these regulations.
- D. The following information shall be required on each **P**lat:
 - 1. The courses and distances of the perimeter of the land involved shall be indicated on the **P**lat shown with all courses marked to show which are actual field observations and which are computed.
 - 2. References to a known point or points such as **S**treet intersections and railroad crossings shall be shown.



The total acreage of the land involved in the **S**ubdivision, and the acreage of high land above the Office of Coastal Resource Management Critical Line. Date of Critical Line certification shall be indicated. (Aerial photography may not be used to determine OCRM Critical Line location.)

4. The names of adjacent land owners and **S**trees where known or available shall be given (with the ~~tax~~-parcel **identification** numbers), and all intersecting boundaries or property lines shall be shown.
5. Proposed divisions to be created shall be shown, including **Building envelopes for each Lot (a minimum 1,600 square foot buildable envelope-area with a minimum width of 20 feet)**, for each **L**ot, **R**ight-of-**W**ay widths, **R**oadway widths, road surface types, sidewalks (if applicable), proposed drainage **E**asements, and names of **S**trees; the locations of proposed utility installations and utility **E**asements; **L**ot **L**ines, dimensions and angles; sites reserved or dedicated for public uses; and sites for apartments, civic/institutional, commercial and industrial uses. The status of the existing **L**ot access and the concept of the type of road construction being proposed shall be indicated (e.g., Ingress/Egress Easement, **p**Private **r**Road constructed or unconstructed, **p**Public Secondary or Primary Rural Road, Public Secondary or Primary County Road, and other details as appropriate; i.e., curb and gutter, asphalt swales, inverted crown, roadside open ditch, etc.).
6. The title, scale (including graphic scale), north arrow (magnetic, grid, or true), date, name of **A**pplicant and the name and seal of engineer or surveyor with South Carolina Registration Number shall be shown.
7. All existing **S**tructures and physical features of the land, including contours (contours not required on proposed private **S**ubdivisions, and only within the **R**ights-of-**W**ay of proposed rural public **S**trees), drainage ditches, roads and wooded areas shall be shown. The contour interval shall be one foot, unless otherwise approved in advance of submission by the Public Works Director. All contour information shall be based on mean sea level datum and shall be accurate within one-half foot. The Bench Mark, with its description, and the datum used for the survey shall be clearly noted on the **P**lat.
8. General drainage features, including proposed drainage **E**asements and detention/retention basins. ~~The Also the~~ proposed direction of drainage on each **S**treet, ditch and **L**ot shall be indicated by the use of arrows and proposed **S**treet names.
9. The location of required landscape buffers as specified in Chapter 9, **Development Standards**, of this Ordinance, which shall not be located within drainage **E**asements unless expressly approved by the Public Works Director.
10. ~~United States Army Corps of Engineers Jurisdictional Determination.~~ A United States Army Corps of Engineers (USACE) **Approved** Jurisdictional Determination (**AJD**) is ~~not~~ required. ~~for approval of a subdivision plat application except: (1) as required for the James Island Maybank Highway Corridor Overlay Zoning District; and (2) that an Accurate-Approved jurisdictional determination is required for areas located within proposed publicly dedicated rights of way and/or easements prior to Preliminary Plat approval. When a USACE jurisdictional determination for the entire property is not provided as part of the subdivision application, the following notes shall be placed on the plat:~~
11. ~~The United States Army Corps of Engineers has not made a determination of the presence or absence of wetlands and/or water of the United States on this property/these properties as of the date of approval/recording of this plat.~~
12. ~~Charleston County may require a jurisdictional determination by the United States Army Corps of Engineers on this property/ these properties prior to the issuance of zoning permits for land development activities.~~
13. A notation shall be made on the **P**lat clearly indicating the applicable OCRM Critical Line buffers and **S**etbacks. **A statement and signature from DHEC's Office of Ocean and Coastal Resource Management shall be included. At the time of Subdivision Plat application submittal, the date of the OCRM approval signature cannot be older than five years.**
14. Tree Surveys on **L**ots of one acre or less are to include Grand Trees on the entire **L**ot. Tree surveys of Grand Trees may be requested upon site inspection if **L**ots greater than one acre appear to be unbuildable due to the presence of Grand Trees. **All Grand Trees within 40 feet of the property line must be shown on the Plat.**
15. Tree Surveys of all Grand Trees are required within access **E**asements, drainage **E**asements, and **R**ights-of-**W**ay. **All Grand Trees within 40 feet or with canopies that encroach into the proposed Easement must be shown on the Plat.**
16. A signature block on the **P**lat, signed by the owner(s) of the property and notarized indicating that the proposed **P**reliminary **P**lat being put forth is an action of the owner, heirs thereto, or assigns.
17. A vacant block shall be provided on each page of the **P**lat that is three inches by eight inches in dimension for Charleston County approval stamps and notations.



18. A statement that any **E**asements for utilities or other encroachments in the area to be dedicated for **S**treets, highways, drainage or other public or private use are subject to binding provision that the costs of future relocation of any such encroachments due to the construction or maintenance of public improvements shall be borne by the holder of the **E**asement and/or utility company.

19. A statement indicating the flood zone(s), valid as of the date of approval of the **P**reliminary **P**lat.

E. Accompanying Data.

1. The Preliminary Plat shall be accompanied by a statement as to the availability of and specific indication of the distance to and location of the nearest public water supply and public sanitary sewers.

2. The Preliminary Plat shall be accompanied by a statement indicating what provisions are to be made for water supply and sewage disposal. **For well and septic systems, DHEC permits are required, and for public Water and sewer, letters of coordination from the applicable agencies are required.**

3. Proposed **S**ubdivisions encompassing 100 or more acres of land area shall provide a master plan showing the general layout of future **D**evelopment of the entire tract and on adjacent lands that are under common ownership or control. This master plan shall provide a generalized description and plan that addresses the following future **D**evelopment considerations: traffic circulation, drainage, environmental preservation, utility placement, land use, **D**ensity, and any areas that are to remain undeveloped.

4. The engineer and/or surveyor who prepared the Preliminary Plat shall affix their seal(s), name(s), and South Carolina Registration Number(s). Only engineers or surveyors registered in the State of South Carolina shall attest and fix their seal on the Preliminary Plat.

F. In all areas of special flood hazards where base flood elevation data is not available, the Applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all **S**ubdivision proposals and other proposed **D**evelopments containing at least five Lots or five acres, whichever is less.

[Commentary—For the purpose of Preliminary Plat applications, a complete application means one that includes all required information and fees and that addresses the findings of the inspection report and has received all approvals from other agencies that are a prerequisite to Preliminary Plat approval.]

Sec. 8.4.3 Zoning and Planning Director----Review and Report

A. Upon receipt of a complete application for Preliminary Plat, approval, the **Zoning and Planning** Director shall have 30 calendar days to ~~(1)~~review the proposed Preliminary Plat; **and** ~~(2)~~compile a staff report on the proposed **P**lat (which includes the comments and recommendations of the Public Works Director and other affected agencies);

B. Major Subdivisions (Preliminary and Final) are reviewed by the **Zoning and Planning** Director and approved when in compliance with requirements of this Chapter. Within the 30 calendar day review period the **Zoning and Planning** Director has the option of forwarding the Major Preliminary Subdivision Plat application, along with his report and any recommendations, to the Planning Commission for its review and approval in order to determine whether or not the proposed Subdivision is in compliance with all of the requirements of this **Ordinance Chapter** ~~and the goals and objectives of the Comprehensive Plan.~~

C. The **Zoning and Planning** Director shall advise the Planning Commission at the regular scheduled Planning Commission meeting of all Preliminary Plats approved (for information purposes only).

Sec. 8.4.4 Planning Commission—Review and Decision

Within 30 calendar days of receipt of a report from the **Zoning and Planning** Director, the Planning Commission shall review the proposed Preliminary Plat and act to approve, approve with conditions, or **disapprove** ~~en~~the Preliminary Plat based on whether it complies with all applicable requirements of this Ordinance and the adopted Charleston County **Comprehensive Plan**.



Sec. 8.4.5 Effect of Preliminary Plat Approval

Approval of a Preliminary Plat shall constitute general acceptance of the overall planning concepts for the proposed Ssubdivision and is a prerequisite for the filing of a Final Plat application. **Approved Preliminary Plats shall not be recorded at the Register of Deeds Office.**

Sec. 8.4.6 Lapse of Preliminary Plat Approval

An approved Preliminary Plat shall lapse and be of no further force and effect if a Final Plat for the Ssubdivision (or a phase of the Ssubdivision) has not been approved within two years of the date of approval of the Preliminary Plat. If the Ssubdivision is to be developed in phases, a phasing plan, including a timetable for Ddevelopment of the entire Ssubdivision, shall be approved as part of the Preliminary Plat approval. No Ffinal Pplats shall be accepted and no construction shall be allowed for any phase not approved as part of the Preliminary Plat.

Sec. 8.4.7 Appeals of Zoning and Planning Director's Preliminary Plat Decision

Any Party in Interest in a Preliminary Plat decision of the Zoning and Planning Director regarding a complete or incomplete application may appeal the decision to the Planning Commission by filing an appeal with the Zoning and Planning Director within 30 calendar days of the date of the decision.

- A. **Appeal Powers.** In exercising its appeal power the Planning Commission may reverse or affirm, wholly or partly, or may modify the decision on appeal. In acting upon the appeal the Planning Commission shall be authorized only to determine whether the decision of the Zoning and Planning Director was made in error. The Planning Commission shall not be authorized to approve modifications or waivers of Ordinance standards through the appeal process. If the Planning Commission determines that it is necessary to obtain additional evidence in order to resolve the matter it may remand the matter to the Zoning and Planning Director with directions to obtain such evidence and to reconsider the decision in light of such evidence.
- B. **Consideration of Evidence.** The decision of the Planning Commission shall be a matter of record; it shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issues raised by the appeal.
- C. **Burden of Persuasion of Error.** In acting on the appeal, the Planning Commission shall grant to the decision of the Zoning and Planning Director a presumption of correctness, placing the burden of persuasion of error on the appellant.
- D. **Approval Criteria.** An appeal shall be sustained only if the Planning Commission finds that the decision of the Zoning and Planning Director was in error.
- E. **Vote Required.** A quorum of the Planning Commission shall be achieved when the number of members in attendance equals more than one-half of its total membership. At least two-thirds of the members present and voting shall be required to reverse a Ffinal Pplat decision of the Zoning and Planning Director.

[Commentary—Appeals of Zoning and Planning Director and other Ssubdivision-related Aadministrative Ddecisions [including decisions to reject applications as incomplete], shall be processed in accordance with Article 3.14, Appeals of Subdivision-Related Administrative Decisions, described in Chapter 3, Development Review Procedures.]

Sec. 8.4.8 Appeals of Planning Commission Preliminary Plat Decision

Any party in interest in a Preliminary Plat decision of the Planning Commission or any officer, board, or bureau of the County may appeal the Planning Commission decision 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 actual written notice of the Planning Commission's decision.



Sec. 8.4.9 Construction Plans

After approval of a Preliminary Plat and before commencing any work within the proposed **S**ubdivision (including land clearing and grading), road and drainage plans prepared by an engineer registered in the State of South Carolina shall be submitted to the Public Works Director Zoning and **Planning Director** for review and approval in accordance with the Charleston County Road **and Drainage** Construction Standards in Appendix A of this Ordinance.

Sec. 8.4.10 Inspections

- A. Subdivision plats that are submitted for review are field inspected by **Zoning and** Planning and Public Works staff to ensure compliance with any applicable Ordinance requirements and County standards.
- B. ~~Prior to submitting a Preliminary Plat where no public sewer is provided to any proposed lot, the applicant shall contact a representative of South Carolina Department of Health and Environmental Control (DHEC) and arrange for a test of the soil on any proposed lot. DHEC staff will inspect the proposed lot(s) in order to identify areas that meet minimum septic system requirements required by the State of South Carolina. The results of this test shall be submitted by the applicant at the time of the Preliminary Plat application.~~
- C. ***Subdivision Streets and/or drainageways shall be inspected per the standards of Appendix A, Charleston County Road and Drainage Construction Standards, of this Ordinance.*** ~~Where subdivision streets and/or drainageways are being constructed, the Public Works Director or the authorized representative will make periodic visits to the site as indicated in Charleston County Road Construction Standards, Appendix A to ensure construction compliance with County-approved road and drainage plans. The Public Works Director's or the authorized representative's certification that all roads and drainage systems have been constructed in compliance with the plans is required prior to final approval of the development. This approval is only necessary for public subdivisions.~~

Sec. 8.4.11 Conditional Plat Approval

- A. ~~Prior to approval of a Final Plat, the developer shall install all required public improvements or post an approved financial guarantee of performance, in accordance with the requirements of this Ordinance. If financial guarantees are posted, the Planning Director shall be authorized to grant conditional plat approval on plats that involve two (2) or more guaranteed public improvements, with final approval contingent upon completion and acceptance of all required improvements. No Certificates of Occupancy shall be issued until all required improvements have been installed and accepted, and the Final Plat has been recorded by the Charleston County Register of Mesne Conveyance. Conditional Plat approval shall be valid for a period not to exceed two years from the date Conditional Plat Approval is granted.~~
- B. ~~Where plats are submitted under an approved financial guarantee for Conditional approval the following three (3) notes shall be placed on the plat;~~
 1. ~~Approval of this plat does not authorize occupancy;~~
 2. ~~Duration of approval shall be limited to two (2) years; and~~
 3. ~~The approval of this plat in no way obligates the County of Charleston to accept for continued maintenance any of the roads or easements shown hereon.~~
- C. ~~The duration of the financial guarantee for a conditional plat shall be no longer than twenty four (24) months unless extended by the Planning Commission. No later than two (2) months before the expiration, the applicant shall notify the County that the applicant has completed the final plat or is securing a replacement bond to be issued within 30 days of expiration of the original bond. If no action is taken by the applicant, the County shall execute the provisions of the performance bond.~~

ARTICLE 8.5 FINAL PLATS

Sec. 8.5.1 Applicability

Final Plats shall be required for all Subdivisions.



Sec. 8.5.2 Application

A. Final Plat Applications Requirements.

1. Applications for Final Plat approval shall be submitted to **the Zoning and Planning** Director on forms available in the **Zoning and Planning** Department. ~~Ten (10)~~ **Seven** copies **and a digital file** of the Final Plat shall be filed with the application.
2. Written certification from the design engineer that the **S**ubdivision's road and drainage infrastructure and any other required improvements have been constructed in accordance with the approved plans.
3. The Final Plat shall be drawn in ink on a material specified by the Register of **Deeds** ~~Meane Conveyance~~ for recording, on sheets 22 inches by 34 inches in size, and at an engineer's scale of one-inch equals 100 feet or larger. Where necessary the **P**lat may be on several sheets accompanied by an index sheet or key map insert showing the entire **S**ubdivision. Where necessary, the size of the **P**lat may be adjusted to a smaller scale than 1"=100' with the approval of the **Zoning and Planning** Director.

B. The Final Plat Shall Show the Following.

1. All proposed divisions of land shall be shown, including: each **L**ot showing **L**ot **L**ines, with bearings and distances; all **R**ights-of-**W**ay; all drainage **E**asements; names of all **S**treets; the locations of all utility **R**ights-of-**W**ay and utility **E**asements; all **S**tructures; and all sites reserved or dedicated for public uses.
2. The title, scale (including graphic scale), north arrow (magnetic, grid, or true), date, name of **A**pplicant and the name of engineer or surveyor with South Carolina Registration Number shall be shown.
3. Block and **L**ot numbers suitably arranged by simple system.
4. The full names of adjacent land owners and **S**treets where known or available shall be given (with the **parcel identification numbers** ~~tax parcel numbers~~), and all intersecting boundaries or property lines shall be shown. Names of adjacent property owners may be omitted in established residential platted **S**ubdivisions; however, **L**egal **B**lock and **L**ot **N**umbers and County **p**arcel **identification** ~~ID-N~~ Numbers are required.
5. **Certificates.**
 - a. The signature and seal of the registered land surveyor in accordance with the current Minimum Standard Manual for the Practice of Land Surveying in South Carolina.
 - b. A **notarized** statement of dedication by the property owner of **S**treets, **R**ights-of-**W**ay, **E**asements, and any other sites for public or private use and warranty of title of property offered for dedication. If any change in ownership is made subsequent to the submission of the **P**lat and prior to the granting of final approval, the **notarized** statement of dedication shall be corrected accordingly.
 - c. For any public dedication, a warranty deed for the transfer of the **R**ight(s)-of-**W**ay-(s), **E**asement(s), or other sites for public use to the County on legal documents of the form suitable to the County must be provided.
 - d. A statement that any **E**asements for utilities or other encroachments in the area to be dedicated for **S**treets, highways, drainage or other public or private use are subject to a binding provision that the costs of future relocation of any such encroachments due to the construction or maintenance of public improvements shall be borne by the holder of the **E**asement and/or utility company.
6. All **E**asements shall include their location, width, and centerline.
7. The approved Office of **Ocean and Coastal Resource Management (OCRM)** Critical Line with signed approval statement on the **F**inal **P**lat.
8. At the **Zoning and Planning** Director's discretion, the **A**pplicant/surveyor may be required to show buffers and setbacks on **L**ots less than one acre in size or on newly created **L**ots that may appear to have encroachment of **S**tructures into a buffer or **S**etback. **A 1,600 square foot buildable area with a minimum width of 20 feet must be shown within the setbacks.**
9. ~~United States Army Corps of Engineers Jurisdictional Determination.~~ A United States Army Corps of Engineers (USACE) **Approved** Jurisdictional Determination (**AJD**) is ~~not~~ required for approval of a subdivision plat application except (1) as required for the James Island Maybank Highway Corridor Overlay Zoning District; and (2) that an Accurate-Approved jurisdictional determination is required for areas located within proposed publicly dedicated rights-of-way and/or easements prior to Final Plat approval. When a USACE jurisdictional determination for the entire property is



not provided as part of the subdivision application, the following notes shall be placed on the plat:

- a. ~~The United States Army Corps of Engineers has not made a determination of the presence or absence of wetlands and/or water of the United States on this property/these properties as of the date of approval/recording of this plat.~~
 - b. ~~Charleston County may require a jurisdictional determination by the United States Army Corps of Engineers on this property/these properties prior to the issuance of zoning permits for land development activities.~~
10. High land acreage and low land acreage (***If applicable***, Freshwater Wetlands ***acreage and*** or acreage ***within*** below the Office of ***Ocean and*** Coastal Resource Management Critical Line).
 11. Tree Surveys on ***L***lots of one acre or less are to include Grand Trees on the entire ***L***lot. Tree Surveys of Grand Trees may be requested upon site inspection if ***L***lots greater than one acre appear to be unbuildable due to the presence of Grand Trees. ***All Grand Trees within 40 feet of the property line must be shown on the Plat.***
 12. Tree Surveys of all Grand Trees are required within access ***E***asements, ***D***rainage ***E***asements, and ***R***ights-of-***W***ay. ***All Grand Trees within 40 feet or with canopies that encroach into the proposed Easement must be shown on the Plat.***
 13. Ownership and maintenance status of the ***L***lot access shall be indicated for any newly-created ***L***lots.
 14. A vacant block shall be provided on each page of the ***P***lat that is three inches by eight inches in dimension for Charleston County approval stamps and notations.
 15. A statement indicating the flood zone(s), valid as of the date of approval of the final ***P***lat.
- C. Accompanying Data.
1. A certificate of title or a sworn affidavit establishing the ownership of the land to be recorded. If any change in ownership occurs subsequent to the date of the certificate of title or affidavit and prior to the granting of final approval, a new certificate of title or sworn affidavit establishing the ownership of the land shall be submitted to the ***Zoning and*** Planning Director.
 2. In ***S***ubdivisions where existing public water and public sewer systems have been extended and/or a new system installed, a certification of inspection and associated operating permits from the South Carolina Department of Health and Environmental Control (DHEC) shall be submitted.
 3. Restrictive covenants affidavit(s) signed by the ***A***pplicant or current property owner(s) in compliance with State law.
 4. Should the Landowner/Developer decide to utilize Article A.2, ***Private Road Standards***, of Appendix A, the following notes shall be placed on the ***P***lat:
 - a. Any future ***S***ubdivision of this parcel, or road construction or extension of the existing roads shown hereon shall require compliance with ***applicable*** ~~the~~ Charleston County Ordinances. Before Charleston County will consider acceptance of any dedication of roads into the County road system, the property owner(s) shall construct the roads to County of Charleston Road Construction Standards;
 - b. It is hereby expressly understood by the property owner, developer, or any subsequent purchaser of any ***L***lots shown on the ***P***lat that the County of Charleston is not responsible for the maintenance of the ***S***treet, roads, common areas, drainage systems and any other municipal services which include, but are not limited to, garbage disposal, public sewage, fire protection or emergency medical service;
 - c. Be aware that the County of Charleston is not responsible for drainage and flooding problems relevant to the real property, and that emergency vehicles may have difficulty accessing the property;
 - d. No public funds shall be used for the maintenance of the roads shown on the ***P***lat; ~~and~~
 - e. This approval in no way obligates the County of Charleston to maintain the ~~50-foot~~ ***Easement or R***ight-of-***W***ay until it has been ***both: (1)*** constructed to County standards; and ***(2)*** accepted for maintenance by Charleston County Council; ***and***



- f. Existing and proposed ingress/egress **E**asements and/or private **R**ights-of-**W**ay that provide access to the **L**ots created by this **P**lat must be constructed, inspected, and approved in compliance with the Charleston County Zoning and Land Development Regulations Ordinance in the location shown on this **P**lat and shall be constructed from their point of connection to an existing publicly owned and maintained **R**ight-of-**W**ay to the **L**lot(s) proposed for **D**evelopment prior to the issuance of Zoning Permits for new construction of **S**tructures, with the exception of additions/renovations to existing **S**tructures that are legally permitted and new construction of **A**ccessory **S**tructures. In addition, **S**treet **S**igns on named ingress/egress **E**asements and private **R**ights-of-**W**ay shall be installed and inspected in compliance with the Charleston County Zoning and Land Development Regulations Ordinance.
5. **Letters of Coordination.** Letters of Coordination are required which acknowledge that the County and other agencies will be able to provide necessary public services, facilities, and programs to service the **D**evelopment proposed, at the time the **S**ubdivision **P**lat is processed.
6. ***In all areas of special flood hazards where base flood elevation data is not available, the Applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all Subdivision proposals and other proposed Developments containing at least five Lots or five acres, whichever is less.***
- D. **Certification of Approval.** When the **Zoning and** Planning Director has approved the **P**lat, a certificate noting such approval and carrying the signature of the **Zoning and** Planning Director shall be placed on the original drawing of said **P**lat.

Sec. 8.5.3 Zoning and Planning Director—Review and Decision

Within 45 days of receipt of a complete Final Plat application, the **Zoning and** Planning Director shall review the proposed Final Plat and the reports from the Public Works Director and other affected agencies and **respond to the Applicant regarding status of the Final Plat application.** ~~act to approve, approve with conditions or deny the Final Plat, based on whether it complies with the approved Preliminary Plat, all applicable requirements of this Ordinance, and the purposes and intent of Article 1.5.~~

Sec. 8.5.4 Acceptance of Dedications

Approval of a Final Plat shall not constitute acceptance of any public improvements. Such acceptance will require County Council acceptance of dedication. Documents or instruments granting **E**asements within the area to be dedicated must provide that:

- A.** Future relocation or replacement costs of any encroachments, including, but not limited to **U**tilities, due to maintenance or construction of public improvements, is to be borne solely by the **E**asement holder/**U**tility company; and
- B.** The County will not be responsible for costs relating to future relocation or replacement of utilities or other encroachments made necessary by maintenance and/or construction of public improvements; and
- C.** All expenses pertaining to said relocation shall be paid for by the **E**asement holder/**U**tility company; and
- D.** Relocation shall be completed within 90 days from receipt of written request by the County or as otherwise agreed to by the County.

Sec. 8.5.5 Recording

Approved Final Plats shall be recorded by the **Zoning and** Planning Director with the Register of **Deeds Mesne Conveyance** within 30 days of final approval. ~~New deeds must be recorded simultaneously with plats when (1) the ownership of the previously platted lots is changing and/or (2) the simultaneous recording of deeds and plats is otherwise required by this Ordinance.~~ Notice to the **A**pplicant shall be sent within a reasonable time following the date of the recording with the Register of **Deeds Mesne Conveyance.** ***New deeds must be recorded simultaneously with Plats when:***

- A. *The ownership of the previously platted Lots is changing; and/or***
- B. *The simultaneous recording of deeds and Plats is otherwise required by this Ordinance.***



Sec. 8.5.6 Appeals of *Zoning and* Planning Director's Final Plat Decision

Any person with a substantial interest in a Final Plat decision of the *Zoning and* Planning Director may appeal the decision to the Planning Commission by filing an appeal with the *Zoning and* Planning Director within 30 calendar days after the actual notice of the decision.

- A. **Appeal Powers.** In exercising the appeal power, the Planning Commission may reverse or affirm, wholly or partly, or may modify the decision being appealed. In acting upon the appeal, the Planning Commission shall be authorized only to determine whether the decision of the *Zoning and* Planning Director was made in error. The Planning Commission shall not be authorized to approve modifications or waivers of Ordinance standards through the appeal process. If the Planning Commission determines that it is necessary to obtain additional evidence in order to resolve the matter, it may remand the matter to the *Zoning and* Planning Director, with directions to obtain such evidence and to reconsider the decision in light of such evidence.
- A. **Consideration of Evidence.** The Planning Commission's decision shall be on the record; it shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issues raised by the appeal.
- B. **Burden of Persuasion or Error.** In acting on the appeal, the Planning Commission shall grant to the *Zoning and* Planning Director's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.
- C. **Approval Criteria.** An appeal shall be sustained only if the Planning Commission finds that the *Zoning and* Planning Director erred.
- D. **Vote Required.** A quorum of the Planning Commission shall be achieved when the number of members in attendance equals more than one-half of the total membership of the Planning Commission. At least two-thirds of the members present and voting shall be required to reverse a Final Plat decision of the *Zoning and* Planning Director.

[Commentary—Appeals of *Zoning and* Planning Director and other *Subdivision-related Administrative Decisions* (including decisions to reject applications as incomplete), shall be processed in accordance with Article 3.14, *Appeals of Subdivision-Related Administrative Decisions*, described in *Chapter HAPTER-3, Development Review Procedures*.]

Sec. 8.5.7 Appeals of Planning Commission's Decision

Any person with a substantial interest in a Final Plat (appeal) decision of the Planning Commission may appeal the Planning Commission decision 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 actual notice of the Planning Commission's decision.

At any time prior to appeal of a Planning Commission decision on a Final Plat (appeal) decision, the Applicant may request that the Planning Commission enter mediation. When mediation is requested, the Planning Commission shall assign one of its members as a representative in mediation proceedings. A vote of the Planning Commission in a public meeting shall be required to accept any mediated settlement. An accepted mediated settlement cannot waive the standards of this Ordinance. Prior to beginning talks, applicable time limits for review and action on complete applications must be extended by mutual agreement of the Applicant and Planning Commission.

ARTICLE 8.6 MARKERS

Sec. 8.6.1 Placement and Timing of Markers

Markers shall be set in accordance with the minimum state standards practice for land surveying. A marker shall be set on the right-of-way line at the ends of the block for every block length of street. When blocks occur that have a curve or curves in them, markers shall be set on both sides of the street at the ends of tangents. Markers shall also be set on right-of-way lines (on each side of the centerline) at angle points when curves are not used. All interior lot corners shall be marked. The location and type of markers used shall be indicated on the Final Plat.



Sec. 8.6.2 Timing

Markers shall be installed prior to the submission of and approval of the Final Plat.

ARTICLE 8.7 LOTS

Sec. 8.7.1 Layout and Design Generally

Each Lots shall be laid out and designed to provide **a 1,600 square foot** buildable area **with a minimum width of 20 feet** on each lot, while complying with all other standards and requirements of this Ordinance.

Sec. 8.7.2 Size

- A. Lots shall comply with the **Llot A** area standards of the underlying **Zoning D**istrict **in which the property is located, as well as** and all other applicable standards of this Ordinance.
- B. Depth of residential **L**lots shall not exceed five times the width of the **L**lot (a 1:5 ratio).
- C. The **Zoning and** Planning Director may allow the **Llot W**idth to depth ratio of 1:5 to be exceeded when any of the following conditions occur:
 1. When attached dwellings are proposed;
 2. Where additional depth is provided for marsh frontage **L**lots when the **Llot W**idth **to** depth ratio is met and the property line is extended into the marsh or the property is bisected by or fronts on freshwater wetlands;
 3. A Minor Subdivision of a parent tract, provided the following requirements are met:
 - a. The minimum **Llot F**rontage for each **L**lot is not less than 250 feet;
 - b. In no case shall the average **Llot W**idth be less than 250 feet with the minimum **Llot W**idth at any one point less than 200 feet;
 - c. The property to be subdivided is located in an RM, AG-15, AG-10, or AG-8 Zoning District; or
 4. All of the following criteria are met:
 - ~~a. The parcel meets all their requirements of this Ordinance;~~
 - ~~b. The parcel is a lot of record;~~
 - a. The parcel is in a **R**ural or **A**gricultural **Z**oning **D**istrict;
 - b. The parcel is greater than 1 acre in size; and
 - c. The **A**pplicant has submitted to staff a complete **S**ubdivision application and approval from SCDHEC for water and wastewater compliance prior to applying for this exemption.
 - d. Prescribed **Llot W**idth requirements shall be for at least two-thirds of the depth of the **L**lot.

Sec. 8.7.3 Access

- A. Double-**F**rontage **L**lots shall be avoided except where essential to provide separation of residential **D**evelopment from major **R**oadways or to overcome specific disadvantages of topography and orientation. An **E**asement with a minimum width of ten feet may be required to restrict access from the major **S**treet or other area.
- B. All **L**lots shall be provided with a means of access in conformance with the standards and specifications of this Ordinance.
- C. All **F**lag **L**lots, cul-de-sac **L**lots, and privately accessed **L**lots shall comply with the International Fire Code, as adopted by County Council.
- D. All ingress/egress **E**asements and private **R**ights-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**lot(s) proposed for **D**evelopment; and inspected pursuant to Sec. A.2.7, **County Inspection**, of this Ordinance.



- E. 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: (1) the 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.; (2) the **A**pplicant submits letters from the providers of emergency services for the subject properties stating they can access all properties utilizing the ingress/egress **E**asement or private **R**ight-of-**W**ay; and (3) all future portions of the ingress/egress **E**asement or private **R**ight-of-**W**ay comply with the International Fire Code.

Sec. 8.7.4 Flag Lots

The ~~Planning Director shall be authorized to allow the use of flag lots~~ **Flag Lots shall only be authorized** when the **Zoning and Planning Director** determines that such **L**lot configurations are necessary to address **D**evelopment constraints that are present on the site (e.g., **L**lot **W**idth or wetland issues).

- A. **Permitted Use of Flag Lots.** Flag **L**lots may be authorized when the **Zoning and Planning Director** determines that they will:
1. Facilitate **S**ubdivision of a long, narrow parcel that has sufficient area but insufficient width to be otherwise subdivided.
 2. Eliminate multiple access points to **e**Collector or **A**rterial **R**oads.
 3. Allow reasonable **D**evelopment when the buildable area of a parcel is restricted due to the presence of a natural resource or the irregular shape of a parcel.
- B. **Prohibited Use of Flag Lots.**
1. Flag **L**lots shall not be used to avoid the **D**evelopment of **S**treets otherwise required by this Ordinance when the effect of such **F**lag **L**lots would be to increase the number of access points (driveways) on a publicly dedicated road **R**ight-of-**W**ay.
 2. Flag **L**lots may be denied when an adjoining parcel also has sufficient area but insufficient width to otherwise be subdivided. In such cases, platting can be accomplished by landowners of adjoining parcels joining together to provide a full width **R**ight-of-**W**ay and road section.
- C. **Standards For Flag Lots.**
1. Flag **L**lots shall ~~have~~ **have** take direct access to **S**treets that comply with this Ordinance.
 2. The area within the flagpole portion of a **F**lag **L**lot shall not be counted as **L**lot **A**rea for the purpose of meeting the minimum **L**lot **A**rea requirements of this Ordinance.
 3. The flagpole portion of a **F**lag **L**lot shall have a minimum width of 20 feet for its entire depth, and the depth or length of the flagpole shall not exceed 450 feet.
 4. As a condition of approval for a **F**lag **L**lot, an encroachment permit must be obtained from the appropriate agency governing access, and an Access Easement Agreement for shared access between the owner of the **F**lag **L**lot and the **L**lot from which the **F**lag **L**lot was created is recorded in the Office of the Charleston County Register of ~~Deeds~~ **Mesne Conveyance**.
 5. Dwelling groups **are allowed** on **F**lag **L**lots ~~shall~~ **if they meet** **comply with all other** the requirements of this Ordinance.



ARTICLE 8.8 TREE PRESERVATION

Sec. 8.8.1 Tree Surveys

Tree surveys shall comply with the following:

- A. Lots within ~~S~~subdivisions shall be laid out and designed to provide a buildable area on each ~~L~~lot that does not require the removal of Grand Trees.
- B. Tree protection standards are described in ~~CHAPTER 9~~*Chapter 9, Development Standards*, of this Ordinance.
- C. Tree Surveys on ~~L~~lots of one acre or less ~~shall~~*are to* include Grand Trees on the entire ~~L~~lot. Tree Surveys of Grand Trees may be requested upon site inspection if ~~L~~lots greater than one acre appear to be unbuildable due to the presence of Grand trees. *Tree surveys must include all Grand Trees on the subject parcel and within 40 feet of the property line.*
- D. Tree Surveys of all Grand Trees *and Grand Tree canopies must be shown* ~~are required~~ within access ~~E~~asements, drainage ~~E~~asements, and ~~R~~ights-of-~~W~~ay.

ARTICLE 8.9 TREES, SHRUBS, AND PAVEMENT

Sec. 8.9.1 Minimum Offset of Trees and Shrubs from Road Pavement

- A. ~~Trees and shrubs shall be set back from street and road pavement in accordance with the following minimum requirements:~~

Roadside Feature	Speed (MPH)	Offset from Edge of Pavement (feet)	
		Canopy Trees	Understory Trees/Shrubs
Guiderail	All	5*	3*
Barrier-Curb	40 and less	5*	3*
	45 to 50	8*	5*
	55 and greater	12*	5*
Open Shoulder	40 and less	10	5
	45 to 50	15	7
	55 and greater	20	10

*Tree limbs hanging below 15 feet in height shall be trimmed so that they do not encroach beyond the back of the curb. Minimum overhead clearance of 14 feet should be maintained for safe passage. When a barrier curb or guide rail exists, offset is measured from the face of the curb or guide rail to the face of the tree at ground level.

- B. ~~Understory trees may be located two feet from the edge of pavement with the approval of the Planning Director and Public Works Director.~~

ARTICLE 8.109 PEDESTRIAN WAYS

Sec. 8.109.1 Applicability Where Required

Pedestrian ways shall be provided in all major ~~S~~subdivisions within the Urban and Suburban Areas of the County. *Pedestrian ways shall be located on at least one side of proposed infrastructure and connect to common areas as well as to adjacent parcels from the parent parcel. The Zoning and Planning Director shall be authorized to require pedestrian ways along both sides of proposed infrastructure.* If development characteristics warrant, the Planning Director may waive this requirement for any portion of the proposed subdivision. Requests for such waivers shall be submitted along with written justification to the Planning Director for approval.



Sec. 8.09.2 Placement

Paved pedestrian ways within publicly dedicated **R**ights-of-**W**ay shall conform to the construction details for paved sidewalks contained in *Charleston County Road and Drainage Construction Standards*, Appendix A. Unpaved, alternative surface walkways that are not within a **R**ight-of-**W**ay or drainage **E**asement, and bike trails or walking trails that are designed to connect neighborhoods and provide access to common areas may be provided when approved by the **Zoning and Planning Director**.

Sec. 8.09.3 Timing of Sidewalk Installation

The installation of required sidewalks within proposed publicly dedicated **R**ights-of-**W**ay can be postponed until after the Final Plat has been recorded, provided the following criteria have been met:

- A. The other required road and drainage system improvements have been completed and accepted;
- B. All **F**inal **P**lat conditions and stipulations have been finalized;
- C. An approved Financial Guarantee is posted of an amount sufficient to guarantee completion of the required sidewalk improvements (150 percent ~~(150%)~~ of the actual cost, verified by the Directors of the Public Works and **Zoning and Planning Departments** and certified by the **S**ubdivision project engineer, a minimum of \$10,000) within a time period not to exceed two ~~(2)~~ years, ~~and~~ **The financial guarantee shall be in the form of a no-contest, irrevocable bank letter of credit or performance and payment bond underwritten by an acceptable licensed corporate surety, subject to County attorney approval. Prior to bond approval from the County attorney, the Applicant shall submit a complete, detailed, and itemized unit cost estimate for the completion costs of the proposed public sidewalk. Subject to the bond approval, the Applicant shall also agree to the terms and conditions below:**
 1. **Upon completion of the improvements as required by this Chapter, written notice thereof shall be given by the Applicant to the bond holder, who shall cause an inspection of the improvements to be made. The bond holder will, within 30 days of the date of notice, authorize in writing the release of the security given, provided improvements have been completed in accordance with the required specifications. Should the improvements not be completed in accordance with the required specifications by the date originally stipulated in writing by the bond holder, the funds derived from said bond will be used by the bond holder to complete the improvements according to required specifications, at the earliest reasonable time. Where it appears that the bond was insufficient to finance the required improvements after the Applicant has defaulted, County Council will assess the individual Applicant the cost of the improvements over and above the surety amount.**
 2. **In no instance will the bond issuer or bond holder be authorized to extend for the Applicant the completion date originally stipulated.**
 3. **Prorated refunds based on a percentage of overall completion shall not be authorized, with the exception of an irrevocable bank letter of credit.**
 4. **The acceptance of performance bonds in lieu of completed performance is made possible only by the introduction of effective occupancy control. This control will be coordinated with final approvals so as to ensure that all conditions covered by one or more bonds are completely fulfilled, except as specified in the Charleston County Building Code, before an occupancy permit can be issued by the County Building Inspections Services Director.**
- D. The **S**ubdivision Developer must be issued an encroachment permit for construction of the entire **S**ubdivision sidewalk system within the proposed **R**ight-of-**W**ay.

The ~~subdivision's~~ required two ~~(2)~~-year maintenance guarantee period **for the constructed public sidewalk** will start once the entire sidewalk system has been completed and approved. The construction of the sidewalk on each individual **L**ot must be completed prior to issuing the Certificates of Occupancy.



ARTICLE 8.1110 STREET NAMES, STREET SIGNS, AND ADDRESSES

Sec. 8.1110.1 Street Names

Street names proposed by the applicant must be placed on reserve with the *Charleston County 9-1-1 Consolidated Dispatch Center* Planning Department prior to submitting a *Plat*. See Article 3.15, *Addressing and Street Names*.

Sec. 8.1110.2 Street Signs

Installation and maintenance of *Street signs* on *public and* private roads or *Easements* are the responsibility of the applicant, developer, Home Owners Association, or property owners in accordance with the Charleston County Road Construction Standards in *Appendix A* of this Ordinance, *and* MUTCD Standards, *and with Chapter 4, and Article VII of the Charleston County Code of Ordinances, as amended.* Street signs for named ingress/egress *Easements* and *public and* private *Rights-of-Way* shall be installed and inspected pursuant to Sec. A.2.5 of this Ordinance.

Private road signs installed within Charleston County Public Rights-of-Way shall conform to the applicable requirements Appendix A, Charleston County Road and Drainage Construction Standards. Once installed, the sign must pass inspection pursuant to Sec. A.2.5, County Inspection, prior to acceptance for public maintenance.

Sec. 8.1110.3 Effect of Subdivision on Existing Addresses and/or Street Names

The process of subdividing property and/or creating access to a *Lot(s)* may affect the addresses on the subject property and/or adjacent properties and may affect the names of existing roads and/or *Easements*. It is the responsibility of the applicant to ascertain from the *Zoning and Planning Department* and Charleston County *9-1-1 Consolidated Dispatch Center (CDC)* if the proposed *Subdivision* will impact existing addresses or road/*Easement* names and comply with the following requirements prior to Final Plat approval:

- A. If the proposed *Subdivision* will affect addresses on the subject property and/or adjacent properties, the applicant must submit affidavits signed by all owners of all affected properties stating they are aware of the pending address changes and understand that their addresses will be changed by the CDC following approval and recording of the proposed *Subdivision*.
- B. If the proposed *Subdivision* requires existing roads or *Easements* to be named or renamed, the applicant must work with affected property owners to file a road name/road name change petition, along with a *Plat* showing the proposed location of the road/*Easement* to be named/renamed, with the CDC for review and approval. Upon approval of a road name by the CDC, the applicant shall submit to the *Zoning and Planning Department* a revised *Plat* showing the road/*Easement* name in the approved location, the road name/road name change petition, and documentation of the CDC approval. If such road naming/renaming results in the changing of addresses, the requirements of subsection A above shall also apply.

ARTICLE 8.1211 UNDERGROUND UTILITIES AND SERVICES

All electrical, telephone, cable television, and similar distribution lines providing service to a *Development site* should be installed underground.



ARTICLE 8.1312 WATER SUPPLY AND SEWAGE DISPOSAL

In accordance with South Carolina Department of Health and Environmental Control (DHEC) regulations, all **S**ubdivisions of proposed new **L**ots shall be served by approved water and sewer systems. For the purpose of Article 8.13, **Water Supply and Sewage Disposal**, a wastewater and/or water treatment facility connection is required when the wastewater and/or water treatment service provider indicates through their sewer/water availability letter(s) that these services are available and the proposed **L**ot(s) are granted permission to connect to the existing sewer/water system by means of a sewer/water Utility Service Lateral connection to each **L**ot(s). If the wastewater and/or water treatment service provider indicates through their sewer/water availability letter(s) that these services are only available by having Sewer/water Mains extended, then these services are considered not available. If not available, the **A**pplicant must either make these services available by extending the water/sewer main(s) apply to the South Carolina Department of Health and Environmental Control (SC DHEC) for individual on-site wastewater and/or well system(s) for each **L**ot(s). Where annexations are necessary for connection to a treatment facility, the wastewater/water service shall be considered not available. Where a party would have to obtain an **E**asement to cross adjacent property for connection to a treatment facility, the wastewater/water service shall be considered not available.

- A. If water/sewer service is available, as defined above, at or prior to **F**inal **P**lat approval, the **A**pplicant must provide documentation from the water and/or sewer service provider that ensures the requirements of the provider have been met for each proposed **L**ot(s). If sewer/water utility service is required and the proposed **S**ubdivision contains four (4) or fewer **L**ots, the **A**pplicant may obtain **F**inal **P**lat approval by complying with Sec. 8.3.1.H of this Ordinance.
- B. If water/sewer service is not available, as defined above, prior to **F**inal **P**lat approval, the **A**pplicant must provide documentation from SC DHEC that ensures all new **L**ots have met minimum soil requirements for the installation of an individual on-site wastewater and/or well system. If SC DHEC indicates that a sewer/water connection is required for the proposed **L**ot(s), the **A**pplicant must make the service available by complying with all requirements of the applicable sewer/water provider and submitting documentation from the water and/or sewer service provider that ensures the requirements of the provider have been met prior to **F**inal **P**lat approval.

This provision shall not be interpreted to require that **S**ubdivisions be annexed in order to obtain public water or sewer service. All new **L**ots created are to have a means of wastewater disposal, either by individual wastewater systems (septic system approved by SC DHEC) or physical sewer utility service lateral connection(s) installed. New **L**ots may be created without a means of wastewater disposal, provided that they comply with the provisions of Sec. 8.3.1.G, *Non-Buildable Lots*, or Sec. 8.3.1.H Lots of Record, Approved located within any 208 Water Quality Management Designation within the Urban/Suburban Area of the County of this Ordinance.

ARTICLE 8.1413 MAINTENANCE FINANCIAL GUARANTEES (SURETY)

Sec. 8.14.1 Performance Guarantees

- ~~A. In lieu of completing the required subdivision improvements of this Chapter, a financial guarantee in the form of a no-contest, irrevocable bank letter of credit, or performance and payment bond underwritten by an acceptable South Carolina licensed corporate surety, subject to County attorney approval of the guarantee to determine that the interests of Charleston County are fully protected.~~
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- ~~B. The applicant shall submit to the appropriate governmental agency a detailed itemized unit cost estimate for the proposed public improvements to be included in the financial guarantee. Performance Guarantees are for Public Improvements only; Public Roads, Public Water and Public Sewer. (Example: public roads constructed to County Road Standards dedicated to the public and accepted into the road system by Charleston County Council, or a public water system approved and accepted by another public entity). Charleston County will only accept a Financial Guarantee (Surety) for two (2) or more of the above public improvements. The amount of the financial guarantee shall be verified by the appropriate governmental agency that exercises operational control (Commissioners of Public Works for public water, Commissioners of the appropriate Public Service Districts for street name signs and public sewer, and the Public Works Director for all other public improvements covered in this Chapter). The amount shall be sufficient to guarantee completion of the required improvement (125 percent of the actual cost of the improvements with a minimum of \$10,000) within a time period specified by the government agencies, not to exceed two years. The governmental agencies determining the amount of financial guarantee shall provide a letter to the Planning Director (copy to the applicant) setting forth the amount of bond, conditions of acceptance and the period covered. The Planning Director will inform all interested governmental agencies, particularly the County Building Inspection Director.~~
- ~~C. Upon completion of the improvements as required by this Chapter, written notice thereof shall be given by the applicant to the bond holder, who shall cause an inspection of the improvements to be made. The bond holder will, within 30 days of the date of notice, authorize in writing the release of the security given, provided improvements have been completed in accordance with the required specifications. Should the improvements not be completed in accordance with the required specifications by the date originally stipulated in writing by the bond holder, the funds derived from said bond will be used by the bond holder to complete the improvements according to required specifications, at the earliest reasonable time. Where it appears that the bond was insufficient to finance the required improvements after the applicant has defaulted, County Council will assess the individual applicant the cost of the improvements over and above the surety amount.~~
- ~~D. In no instance will the bond issuer or bond holder be authorized to extend for the applicant the completion date originally stipulated.~~
- ~~E. Prorated refunds based on a percentage of overall completion shall not be authorized, with the exception of an irrevocable bank letter of credit.~~
- ~~F. In lieu of completed subdivision improvements, the decision making body may accept the written guarantee of a governmental agency to complete required improvements within 90 days of the date of such acceptance by County Council. Failure to complete required improvements within the 90 day period shall void any subdivision approvals received by the applicant.~~
- ~~G. The acceptance of performance bonds in lieu of completed performance is made possible only by the introduction of effective occupancy control. This control will be coordinated with final approvals so as to ensure that all conditions covered by one or more bonds are completely fulfilled, except as specified in the Charleston County Building Code, before an occupancy permit can be issued by the County Building Inspection Director.~~



Sec. 8.1413.12 Maintenance Guarantees

Right-of-Way Street and stormwater management/drainage systems that are to be dedicated to Charleston County for public maintenance shall be under warranty for all defects and failures for a period of two years. ***In the event that the Zoning and Planning Director determines that an existing public Right-of-Way or drainage system is altered or significantly improved by a third party, a maintenance guarantee as detailed within this section shall be required.*** Prior to Final Plat approval, the developer shall provide written verification of financial responsibility for the correction of any defects and/or failures in those related improvements that will be dedicated to the county. The warranty shall be in an amount of at least **twenty** ten percent of the construction costs. The cost amounts shall be verified by the Public Works Director. The warranty shall be effective for a period of two years from the date of acceptance by the County Council. The financial warranty shall be in the form of a no-contest, irrevocable bank letter of credit, a performance and payment bond underwritten by an acceptable South Carolina licensed corporate surety. Payment is subject to County Attorney approval of the guarantee to determine that the interests of Charleston County are protected. The Public Works Director shall maintain surveillance over the system and provide written notification to the developer if repair work is required during the warranty period. The Public Works Director shall identify defects not considered to be a public safety issue and notify the developer of such defects. The developer shall then have 30 days to prepare a schedule of corrective actions and begin such corrective actions. If not completed within the approved schedule, the Public Works Director shall make the repairs and bill the bonding company. Public safety defects shall be addressed immediately by the Public Works Director, with reimbursement from the bonding company.

ARTICLE 8.1514 CONSERVATION SUBDIVISIONS

Sec. 8.1514.1 Purpose And Intent

Conservation **S**ubdivisions implement the Charleston County Comprehensive Plan by encouraging residential **D**evelopment in the Rural Areas to maintain rural character and conserve land, promoting compact **D**evelopment form, and preserving natural features. The guidelines for site **D**evelopment emphasize setting aside and conserving the most sensitive areas of a site, with the **D**evelopment of **B**uilding **L**ots on the remaining less sensitive areas.

Sec. 8. 1514.2 Compliance With The Charleston County Comprehensive Plan

Conservation **S**ubdivisions implement Rural Guideline 3 of the Comprehensive Plan, which states “Develop gross densities at the higher range of the recommended future land use when Clustering or Conservation Design is used, as exhibited in Figure 3.1.3, to offset the provision of significant amounts of preserved land, especially in the Rural Residential and Rural Agricultural Future Land Use categories.” Conservation **S**ubdivisions shall comply with the applicable Rural Area Purpose and Intent and Rural Guidelines contained in Chapter 3 of the Charleston County Comprehensive Plan.

Sec. 8. 1514.3 Applicability

Conservation **S**ubdivisions shall be allowed within the RR-3, Rural Residential, and AG-8, Agricultural Preservation, Zoning Districts. In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control. Where no special Conservation Subdivision regulation is stated in this Article, the regulations of the applicable underlying Zoning District and all other applicable provisions of this Ordinance shall apply.

Sec. 8.15.4 Procedures

The **P**reliminary **P**lat and **F**inal **P**lat **S**ubdivision regulations outlined in **Chapter** ~~HAPTER~~ **8, Subdivision Regulations**, of this Ordinance shall apply to conservation subdivisions. A pre-application Sketch Plan review meeting with County staff shall be required prior to **P**reliminary **P**lat submittal.



Sec. 8. ~~15~~14.5 Process

The conservation **S**ubdivision process shall include:

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



Sec. 8. ~~15~~14.6 Density/Intensity and Dimensional Standards

Conservation Ssubdivisions shall be subject to the following Ddensity Iintensity and Ddimensional Sstandards:

Table 8.15.6 CONSERVATION SUBDIVISION DEVELOPMENT INTENSITY STANDARDS		
	RR-3 Zoning District	AG-8 Zoning District
MINIMUM CONTIGUOUS SITE AREA	3 acres	30 acres
MAXIMUM DENSITY Note: Maximum Ddensity shall be calculated based on the total highland acreage and shall not include freshwater wetland or OCRM Critical Line area acreage.	1 dwelling unit per 2 acres when 30% to 49.9% of total site area is delineated as a Conservation Area	1 dwelling unit per 6 acres when 30% to 49.9% of total site area is delineated as a Conservation Area
	1 dwelling unit per acre when 50% or more of total site area is delineated as a Conservation Area	1 dwelling unit per 4 acres when 50% or more of total site area is delineated as a Conservation Area
WATERFRONT DEVELOPMENT STANDARDS	See Sec. 8.15.7 for Llots abutting an OCRM Critical Line	
MINIMUM LOT AREA	Variable but must establish min. 1,600 square foot 40' x 40' buildable area with a minimum width of 20 feet , and meet all Zoning and Planning , SCDHEC, Building Services, and Fire Department requirements	
MINIMUM LOT WIDTH: DEPTH RATIO	Depth of the Lot shall not exceed 5 times the width of the Llot (1:5 ratio)	
MINIMUM SETBACKS AND BUFFERS		
	Front Yard	25 feet
	Side Yard	10 feet
	Rear Yards	10 feet
	Perimeter Buffers	See Sec. 8.15.9.C
OCRM Critical Line Setbacks and Buffers	See Sec. 8.15.7 for Llots abutting an OCRM Critical Line	
MAXIMUM LOT COVERAGE (includes all impervious surfaces)		
Lot less than 15,000 square feet in size	25%	
Lot 15,000 square feet or greater in size	3,750 square feet	
MAXIMUM HEIGHT	35 feet	

Sec. 8. ~~15~~14.7 Waterfront Lot Standards

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

- A. When a 50 foot to 74.9 foot setback from the OCRM Critical Line is utilized on private Llots in a Conservation Subdivision:
 1. The total number of waterfront Llots created shall not exceed the total number of waterfront Llots that could be developed based on a 135 foot Llot ~~W~~width average.
 2. A thirty-five (35) foot buffer from the OCRM Critical Line must be maintained, as required by Sec. 8.15.9.C below.
 3. A private dock or joint use dock may be utilized.
- B. When a minimum 75 foot setback from the OCRM Critical Line is utilized on private Llots in a Conservation Subdivision:



1. The total number of waterfront **L**ots created shall not exceed the total number of waterfront **L**ots that could be developed based on a 100 foot **L**ot **W**idth average.
 2. A 35-foot buffer from the OCRM Critical Line must be maintained, as required by Sec. 8.15.9.C below.
 3. If a dock is desired, a joint use dock shall be utilized.
- C. When a 100-foot setback from the OCRM Critical Line is utilized as protected open space through a Conservation Area in a Conservation Subdivision:
1. The total number of **L**ots created shall only have to meet the dimensional standards listed in Sec. 8.15.6, above, and shall not be calculated based on any **L**ot **W**idth average.
 2. A 35-foot buffer from the OCRM Critical Line must be maintained, as required by Sec. 8.15.9.C below.
 3. If a dock is desired, a community dock must be utilized; however, the community dock shall be exempt from the Special Exception requirement.

Sec. 8. ~~15~~14.8 Conservation Area Standards CONSERVATION AREA STANDARDS

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

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



Sec. 8. ~~15~~14.9 Conservation Subdivision Design Standards

Generally, a conservation **S**ubdivision has three primary characteristics: smaller **B**uilding **L**ots; more open space; and protection of cultural and natural features and agricultural lands.

- A. **Vehicular Access.** The requirements of Appendix A, *Charleston County Road and Drainage Construction Standards*, of this Ordinance shall apply. Lots shall be configured to minimize the amount of **R**oadway and driveway length. Shared driveways shall be utilized in order to minimize impervious surfaces through the reduction of pavement area. The use of pervious materials for driveway construction is required.
- B. **Pedestrian Access.** Pedestrian access shall be provided from all residential **L**ots to the Conservation Area(s) through a continuous system of pervious walkways and/or trails. Access corridors in an **E**asement a minimum of 10' in width shall be utilized to separate clusters of contiguous **L**ots and to connect the conservation area(s) to the **R**ight-of-**W**ay and trail system.
- C. **Buffers.** The conservation **S**ubdivision **D**evelopment shall be designed to preserve existing non-invasive vegetation. A 35' minimum natural undeveloped buffer shall be preserved along the external perimeter and/or property line of the conservation **S**ubdivision **D**evelopment, as well as along all OCRM Critical Lines, in order to protect natural features and retain the rural community character. The buffer may be included within the Conservation Area(s) or within individual parcels.

Sec. 8. ~~15~~14.10 Accessory Dwelling Units Within a Conservation Subdivision

One ~~(1)~~ maximum 600 square foot detached **A**ccessory **D**welling **U**nit is allowed on **L**ots that do not abut an OCRM Critical Line. Accessory **D**welling **U**nits shall not be permitted on ~~private waterfront~~ **L**ots.