

**AN ORDINANCE**

**AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, ORDINANCE 1202, AS AMENDED, AT THE FOLLOWING LOCATIONS: ARTICLE 1.11 (TRANSITIONAL PROVISIONS), ARTICLE 6.1 (USE TABLE), ARTICLE 6.4 (USE CONDITIONS), AND ARTICLE 12.1 (TERMS AND USES DEFINED)**

WHEREAS, Sections 6-29-310 et seq. and Sections 6-29-710 et seq. of the South Carolina Code of Laws, as amended, authorize the County to enact or amend Zoning and Land Development Regulations to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed text amendments in accordance with the procedures established in state law and the County Zoning and Land Development Regulations Ordinance (ZLDR), and has ; recommended that the County Council adopt the proposed text amendments to the Zoning and Land Development Regulations Ordinance as set forth herein; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least 1 public hearing and after close of the public hearing, County Council approves the proposed text amendments based on the Approval Criteria of Section 3.3.6 of Article 3.3 of the ZLDR;

WHEREAS, County Council has determined the proposed text amendments meet the following criteria:

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

NOW, THEREFORE, be ordained it by Charleston County Council, in meeting duly assembled, finds as follows:

**SECTION I. FINDINGS INCORPORATED**

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

**SECTION II. AMENDMENT OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE**

The Charleston County Zoning and Land Development Regulations Ordinance is hereby amended to include the text amendments as attached hereto as Exhibit A and made part of this Ordinance by reference.

**SECTION III. SEVERABILITY**

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

**SECTION IV. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon approval of County Council following third reading.

**ADOPTED and APPROVED** in meeting duly assembled this 11<sup>th</sup> day of August, 2009.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_  
Teddie E. Pryor, Sr.  
Chairman

ATTEST:

By: \_\_\_\_\_  
Beverly T. Craven  
Clerk of Council

**EXHIBIT "A"**

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REGULATIONS ORDINANCE, ORDINANCE 1202, AS AMENDED, AT THE  
FOLLOWING LOCATIONS: ARTICLE 1.11 (TRANSITIONAL PROVISIONS),  
ARTICLE 6.1 (USE TABLE), ARTICLE 6.4 (USE CONDITIONS),  
AND ARTICLE 12.1 (TERMS AND USES DEFINED)**

**CHAPTER 1 | INTRODUCTORY PROVISIONS**

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County be included in one of the zoning districts established by this Ordinance. Any land area that comes under the jurisdiction of this Ordinance or does not appear to be included in a zoning district shall be classified in the RM district unless an alternative classification is approved by the Charleston County Council in accordance with the Zoning Map Amendment procedures of Chapter 3.

## **ARTICLE 1.11 TRANSITIONAL PROVISIONS**

### **§1.11.1 VIOLATIONS CONTINUE**

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

### **§1.11.2 LEGAL NONCONFORMITIES UNDER PRIOR ORDINANCE**

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

### **§1.11.3 APPROVED PROJECTS**

- A. Variances and preliminary subdivision plats that have received approval by April 20, 1999, shall remain valid until their expiration date. Construction pursuant to such approval may be carried out in accordance with the development standards in effect at the time that approval was granted, provided that the permit or approval remains valid and has not lapsed. Construction pursuant to conditional use permits, variances, preliminary subdivision plats, and planned developments that were approved without an expiration date may be carried out in accordance with the development standards in effect at the time that approval was granted, provided that permits for such construction are issued prior to April 20, 2001. As of April 20, 2001, all construction shall be subject to strict compliance with the regulations of this Ordinance.
- B. No provision of this Ordinance shall require any change in the plans, construction, or designated use of any structure for which a zoning permit or building permit has been issued prior to April 21, 1999, provided that permit does not lapse and remains valid.
- C. No previously approved lot shall be deemed an unusable lot under the provisions of this Ordinance.

**§1.11.4 SPECIAL EXCEPTION USES**

- A. Any use that was legally established before April 21, 1999, without Special Exception approval and which after April 21, 1999, is located in a zoning district that requires Special Exception approval for the subject use and which presently continues as an allowable use, shall not be considered a nonconforming use and shall not require a Special Exception. Such uses shall be deemed Uses Permitted by Right, as defined in Chapter 12 of this Ordinance.
- B. Any use that was legally established before April 21, 1999, with a Conditional Use Permit and which after April 21, 1999, is located in a zoning district that requires Special Exception approval for the subject use and which presently continues as an allowable use, shall not be considered a nonconforming use and shall not require a Special Exception. Such uses shall be deemed Uses Permitted by Right, as defined in Chapter 12 of this Ordinance.

**ARTICLE 1.12 SEVERABILITY**

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

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

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**TABLE 6.1-1**

	ZONING DISTRICTS														Condition											
	RM	AG 15	AG 10	AG 8	AG R	RR 3	S1	S2	S3	R2	R3	R4	M8	M12		MH S	MH P	OR	OG	CN	CR	CT	CC	I		
Septic Tank Installation, Cleaning, or Related Services																								S	S	
Solid Waste Combustors or Incinerators, Including Cogeneration Plants																									S	
Solid Waste Disposal Facility (Public or Private)	C																								C	\$ 6.4.51
Waste Collection Services																									S	
Waste Transfer Facilities																									S	

and place notification in the newspaper within ten (10) days. All notifications shall be done in accordance with the provisions contained in Chapter 3 of this Ordinance.

- J. **Time Limit for Staff Review**  
Upon the receipt of a complete application for a golf course, the Planning Department shall have a maximum of 45 days to act on the application. Staff's failure to act on the application within 45 days will result in the applicant being granted a Zoning Permit.

#### **§6.4.51 SOLID WASTE DISPOSAL FACILITY**

- A. Solid Waste Disposal Facilities located in the Resource Management (RM) Zoning District shall comply with all of the requirements contained in the South Carolina Solid Waste Policy and Management Act of 1991, as amended.
- B. The following requirements shall apply to Solid Waste Disposal Facilities located in or proposed to be located in the Industrial (I) Zoning District:
1. Solid Waste Disposal Facilities that were legally established before April 21, 1999 shall be deemed Uses Permitted by Right, as defined in Chapter 12 of this Ordinance.
  2. Any proposed Solid Waste Disposal Facilities, except existing Solid Waste Disposal Facilities, shall fall under the special exception procedures of this Ordinance.
  3. All Solid Waste Disposal Facilities shall comply with all of the requirements contained in the South Carolina Waste Policy and Management Act of 1991, as amended.

#### **§6.4.52 CONTAINER STORAGE FACILITIES**

- A. Facilities for or including container storage (whether temporary or permanent), shall be subject to the following additional standards:
1. Uses shall be separated from any adjoining uses or public or private rights-of-way, excluding points of ingress or egress, by way of one of the following:
    - a. A suitably landscaped earthen berm sufficient to screen neighboring or nearby property from the facility; and in no event less than eight (8) feet in height above finished grade; or
    - b. A solid concrete, brick or masonry wall of not less than ten (10) feet in height above finished grade and completely screened from view from public rights-of-way by way of a vegetative buffer; or
    - c. A minimum vegetative buffer depth of two hundred (200) feet along the boundaries adjacent to any property zoned Residential (R) and a minimum vegetative buffer depth of fifty (50) feet otherwise. This buffer shall be located within the required setback as described in Section 6.4.52.3.b.

**CHAPTER 12 | DEFINITIONS**

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TERM	DEFINITION
Intermediate Care Facility for the Mentally Retarded	A facility licensed by the South Carolina Department of Health and Environmental Control (DHEC) that serves four or more mentally retarded persons or persons with related conditions. This facility provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room, board, and active treatment for their mental retardation or related conditions. (See S.C. DHEC Regulation 61-13, Standards for Licensing-habilitation Centers for the Mentally Retarded or Persons with Related Conditions)
Junk Yard	See "Salvage Yard" for definition.
Kennel	A facility that provides boarding for three or more dogs, cats, or other household pets for a fee, and may include grooming, breeding, training, or selling of animals.
Landfill	A disposal facility or part of a facility where solid waste is placed in or on land.
Landscape Buffer	See "Buffer, Landscape" for definition.
Liquor, Beer, or Wine Sales	An establishment primarily engaged in the retail sale of alcoholic beverages for off-premises consumption. This definition includes all retail stores where the sale of alcoholic beverages comprise 49 percent or more of gross sales.
Lodge	See "Social Club" for definition.
Lot	A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon and is recorded with the Register of Mesne Conveyance of Charleston County.
Lot Area	The total area included within the boundaries of a Zoning lot, measured in a horizontal plane.
Lot, Corner	Either a Zoning lot bounded entirely by streets or a Zoning lot which adjoins the point of intersections or meeting of two or more streets and in which the interior angle formed by the street lines is 135 degrees or less. If the street lines are curved, the angle shall be measured at the point of intersection of the extensions of the street lines in the directions which they take at the intersection of the street line with the side lot line and with the rear lot line of the lot. If the street line is curved at its point of intersection with the side lot line or rear lot line, the tangent to the curve at that point shall be considered the direction of the street line.
Lot, Double-Frontage	An interior lot that abuts on two parallel streets or that abuts on two streets that do not intersect at the boundaries of the lot. Lots with access on a street and alley shall not be considered double-frontage lots.
Lot, Flag	A lot with access provided to the bulk of the lot by means of a narrow corridor.
Lot Frontage	The distance for which a Zoning lot abuts on a street.
Lot, Interior	A lot with only one front lot line.

<b>TERM</b>	<b>DEFINITION</b>
Sign, Temporary	Signs that are not permanently attached to a building, other structures or the ground and do not meet structural standards recognized and enforced by the Charleston County Building Inspections Services Department.
Sign, Vehicle	A permanent or temporary sign affixed, painted on, or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is displayed to attract the attention of the motoring public or pedestrian traffic.
Sign, Wall/Facade	A sign painted on or attached to the outside of a building, and erected parallel to the face of a building and supported throughout its length by such building.
Silviculture	The cultivation of a forest for the purpose of harvesting timber.
Single Family, Attached	The use of a site for two or more dwelling units, constructed with common or abutting walls and each located on a separate lot. Also known as townhouses or rowhouses.
Single family, Detached	The use of a site for only one dwelling unit, other than a manufactured housing unit, that is not attached to any other dwelling units.
Single Family, Detached [Affordable]	See Section 6.4.19 for definition.
Single Family, Detached/ Manufactured Housing Unit (Joint Use)	The use of a site for one detached single family dwelling unit and one manufactured housing unit.
Small Animal Boarding	An establishment primarily engaged in the boarding of household pets within an enclosed building.
Snipe Sign	See "Sign, Snipe" for definition.
Social (or Civic) Organization	An establishment providing meeting, recreational, or social facilities for a nonprofit association, primarily for use by members and guests of youth organizations, fraternal organizations, and other similar groups. This use does not include any type of residential facility, such as fraternity or sorority houses.
Social Club (or Lodge)	A building, structure, or grounds, or portion thereof, which is owned by or leased to private organizations, social clubs, or non-profit associations for meeting, recreational, or social purposes. The use of such premises is restricted to the members of these organizations and their guests.
Solid Waste Disposal Facility (Public or Private)	All land, structures, other appurtenances and improvements on the land used for treating, storing, or disposing of solid waste. A Solid Waste Disposal Facility may consist of several treatment, storage, or disposal operational units, including, but not limited to, one or more landfills, surface impoundments, or combination thereof.
Special Exception	An exception issued by the Board of Zoning Appeals authorizing a particular use in a specified location within a Zoning district, upon demonstrating that such use complies with all the conditions and standards specified by the Zoning and Land Development Regulations.