

**AN ORDINANCE  
AMENDING THE TEXT OF THE CHARLESTON COUNTY  
COMPREHENSIVE PLAN ORDINANCE, NUMBER 1095, AS  
AMENDED, TO INCORPORATE FORM-BASED ZONING DISTRICTS  
AND CLARIFY DEVELOPMENTS OF COUNTY SIGNIFICANCE**

WHEREAS, the Charleston County Council adopted the Charleston County Comprehensive Plan Ordinance, No. 1095, effective April 20, 1999, with subsequent amendments and additions made thereto, which enacted and amended the Charleston County Comprehensive Plan in compliance with the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Sections 6-29-310, et seq., 6-29-510 et seq., 6-29-710 et seq. and 6-29-110 et seq., of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, pursuant to the Planning Act, the County Council adopted Ordinance No. 1274, effective November 18, 2003, with subsequent amendments and additions made thereto, at the 5-year review of the Comprehensive Plan; Ordinance No. 1567, effective November 18, 2008, with subsequent amendments and additions made thereto, at the 10-year update of the Comprehensive Plan; Ordinance No. 1622, effective December 22, 2009; Ordinance No. 1694, effective October 11, 2011; and the “Ordinance Amending the Charleston County Comprehensive Plan Ordinance, Number 1095, as amended, to include Chapter 3.10, Energy Element,” effective February 28, 2012; and

WHEREAS, the Charleston County Planning Commission (the “Planning Commission”) has reviewed the proposed amendments to the Comprehensive Plan in

accordance with the procedures established in State law and the Charleston County Zoning and Land Development Regulations Ordinance; 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 amendments to the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED, by the County Council of Charleston County, South Carolina, in meetings duly assembled, 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. TEXT AMENDMENTS OF THE COMPREHENSIVE PLAN**

The Charleston County Comprehensive Plan is hereby amended to include the text amendments attached hereto as Exhibit "A" and made a 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 its approval following third reading by the County Council.

ADOPTED and APPROVED in meeting duly assembled this 8<sup>th</sup> day of May, 2012.

CHARLESTON COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Teddie E. Pryor, Sr.  
Chairman of Charleston County Council

ATTEST:

By: \_\_\_\_\_  
Beverly T. Craven  
Clerk to Charleston County Council

First Reading: February 7, 2012  
Second Reading February 23, 2012  
Third Reading: May 8, 2012

**EXHIBIT "A"**

**TEXT AMENDMENTS OF THE CHARLESTON COUNTY COMPREHENSIVE PLAN  
ORDINANCE, NUMBER 1095, AS AMENDED, TO INCORPORATE FORM-BASED  
ZONING DISTRICTS AND CLARIFY DEVELOPMENTS OF COUNTY SIGNIFICANCE**

## Chapter 3.1 Land Use Element

### 3.1.3: GENERAL LAND USE POLICIES

#### Land Use Element Needs

- Insert the following new Land Use Element Need:
  - ***Authorizing innovative planning strategies that respond to emerging land use policy needs, with focus on the form and mix of land uses in land use plans.***

#### Land Use Element Strategies and Time Frames

- Insert the following new implementation strategy:  
***LU 10. Adopt innovative planning and zoning techniques such as Form-Based Zoning District regulations to authorize a combination of land uses within communities, including residential, service, and employment land uses.***

### 3.1.6: SPECIAL PLANNING AREAS

#### A. Major Planning Efforts: Developments of County Significance

- Revise the penultimate sentence of the current paragraph as follows (proposed text appears in ***bold italics*** and deleted text appears with ~~double strikethrough~~):

Developments of County Significance are defined as proposed developments that: (1) have a gross acreage equal to or exceeding 1,000 acres, (2) are located in the Rural Area of the County, and (3) ~~are not entirely in compliance with all~~ ***may be considered consistent with the recommendations of this Plan if they comply with the criteria and requirements of the Developments of County Significance provisions contained in the Comprehensive Plan and Zoning and Land Development Regulations Ordinance.*** ~~including density recommendations.~~

### 3.1.7: FUTURE LAND USE RECOMMENDATIONS

- Insert a new row in Table 3.1.1, Future Land Use Residential Densities, for “***Form-Based Zoning Districts***”, which is applicable to all Future Land Use Categories, and reference Section 3.1.7.D in the “Residential Density Guidelines” column.
- Insert a new ***Section 3.1.7.D, Form-Based Zoning District:***  
***A Form-Based Zoning District is a zoning district category and a planning tool that guides the form and character of the built environment to create development patterns that coordinate the location of a variety of land uses with a connected transportation network in a manner that accommodates pedestrian mobility and controls sprawl.***

***These development patterns further the Land Use, Economic Development, Population, Housing, Transportation, Community Facilities, Natural Resources, Cultural Resources, and Priority***

***Investment, Implementation, and Coordination Element strategies contained in this Plan by addressing the County's emerging land use policy concerns with innovative planning concepts. Increased residential and commercial sprawl and automobile-dominated transportation networks have created demand for innovative planning and zoning techniques such as Form-Based Zoning District regulations that enable the combination of land uses at densities that are sufficient to support walkability and land use diversity, and that facilitate coordinated and integrated infrastructure planning strategies.***

***Form-Based Zoning District regulations create predictability in the community planning process by directing the intended form and character of the specific Form-Based Zoning District, while allowing such District to naturally grow over time in response to market conditions. The Comprehensive Plan recognizes that the projected build-out time frame of any specific Form-Based Zoning District may far exceed the time frame of the current Comprehensive Plan update, and that the goal of predictability in the long-term community planning process may require the consideration of land use planning strategies not envisioned in the current Plan. Therefore, the Form-Based Zoning District provisions of the Comprehensive Plan are intended to complement the future land use recommendations incorporated in Sections 3.1.4 and 3.1.7, the growth management provisions of Section 3.1.5, and the guidelines set forth in Section 3.1.8.***

### **3.1.8: DEVELOPMENT QUALITY (SECTION A: RURAL AREA)**

- Delete the following sentence from the “Rural Guidelines” section: ~~“Planning Commission will review all applications for conformance with these criteria.”~~ Note that the reason for this proposed deletion is that there are many types of applications reviewed by the Zoning/Planning Department (applications for zoning permits, clearing and grubbing permits, etc.) that should not be subject to these criteria or to Planning Commission review.

- Change Rural Guideline 3 to read:  
Develop gross densities at the higher range of the recommended future land use ~~only~~ when Conservation Design is used to offset the provision of significant amounts of permanently protected ~~open spaces or agricultural~~ land. (See Conservation Design Toolbox in Appendix A).
- Add a new Rural Guideline 4 (and renumber the rest of the Rural Guidelines accordingly):  
***Develop gross densities at or above the maximum densities recommended in the future land use categories when Planned Development Zoning Districts, Form-Based Zoning Districts, and/or Developments of County Significance are found to be consistent with the Elements contained in this Plan and the requirements of the Zoning and Land Development Regulations Ordinance.***
- Change Rural Guideline 20 (will become Rural Guideline 21) to read:  
“Obtain approval of a Comprehensive Plan amendment for the purposes of amending the Community Facilities Element and the **County’s** 208 Wastewater Service Areas Map and a 208 Water Quality Management Plan amendment...”
- Change Rural Guideline 22 (will become Rural Guideline 23) to read:  
Meet the requirements for Developments of County Significance, as contained in Chapter 3.9, Priority Investment, Implementation, and Coordination Element. Developments of County Significance are defined as ***proposed*** developments ***that (1) have a gross acreage equal to or exceeding 1,000 acres, or greater (2) are*** located in the Rural Area ***of the County, and (3) may not be entirely in compliance with all recommendations of this Plan, including density recommendations may be considered consistent with the recommendations of this Plan if they comply with the criteria and requirements of the Developments of County Significance provisions contained in the Comprehensive Plan and Zoning and Land Development Regulations Ordinance.***

## Chapter 3.2 Economic Development Element

### **3.2.4: ECONOMIC DEVELOPMENT ELEMENT STRATEGIES AND TIME FRAMES**

- Change existing Economic Development Element Strategy ED 6 to read:  
ED 6. Focus Rural Area economic development efforts on agri-tourism and ~~businesses/services~~ ***other employment opportunities*** that provide jobs for the local population ***and promote community sustainability.***
- Insert the following new implementation strategy:  
***ED 15. Adopt innovative planning and zoning techniques such as Form-Based Zoning District regulations to authorize the combination of land uses within communities, including land uses that facilitate economic development opportunities within and in close proximity***

*to such communities.*

### Chapter 3.3 Natural Resources Element

#### 3.3.3: NATURAL RESOURCES ELEMENT GOAL

##### Natural Resources Element Needs

- Insert the following new Natural Resources Element Need:
  - ***Allowing compact land use patterns to help minimize the fragmentation of natural resources.***

#### 3.3.4: Natural Resources Element Strategies and Time Frames

- Insert the following new implementation strategy:  
***NR 13. Adopt innovative planning and zoning techniques such as Form-Based Zoning District regulations to authorize the combination of land uses in compact development patterns.***

### Chapter 3.4 Cultural Resources Element

#### 3.4.4: CULTURAL RESOURCES ELEMENT STRATEGIES AND TIME FRAMES

##### Section 3.4.4: Cultural Resources Element Strategies and Time Frames

- Insert the following new implementation strategy:  
***CR 12. Adopt innovative planning and zoning techniques such as Form-Based Zoning District regulations to promote and protect cultural and archaeological resources.***

### Chapter 3.5 Population Element

#### 3.5.3: POPULATION ELEMENT GOAL

##### Population Element Needs

- Insert the following new Population Element Need:
  - ***Encouraging diversity within communities.***

#### 3.5.4: POPULATION ELEMENT STRATEGIES AND TIME FRAMES

- Insert the following new implementation strategy:  
***P 6. Adopt innovative planning and zoning techniques such as Form-Based Zoning District regulations that focus on the form and mix of land uses in land use plans to support diverse communities.***

### Chapter 3.6 Housing Element

#### 3.6.4: HOUSING ELEMENT STRATEGIES AND TIME FRAMES

- Change Housing Element Strategy “H 8” to read:  
***Adopt innovative planning and zoning techniques such as Form-Based Zoning District regulations to promote mixed use developments with diverse housing options in walking distance to services, and retail, and employment opportunities. in the Urban/Suburban Area through the future land use plan and Zoning and Land Development Regulations Ordinance.***



## **Chapter 3.7 Transportation Element**

### **3.7.4: TRANSPORTATION ELEMENT STRATEGIES AND TIME FRAMES**

- Insert the following new implementation strategies:

***T 19. Base transportation plan approvals on the projected capacity of various types of transportation facilities to accommodate development of a mix of land uses over time in response to market conditions.***

***T 20. Adopt innovative planning and zoning techniques such as Form-Based Zoning District regulations to encourage flexible street design that is context-sensitive and reflects adjacent land uses.***

## **Chapter 3.8 Community Facilities Element**

### **3.8.3: COMMUNITY FACILITIES ELEMENT GOAL**

#### **Community Facilities Element Needs**

- Insert the following new Community Facilities Element Need:
  - ***Encouraging the cost-effective provision of public facilities and services by promoting compact and mixed-use development.***

### **3.8.4: COMMUNITY FACILITIES ELEMENT STRATEGIES AND TIME FRAMES**

- Insert the following new implementation strategies:

***CF 20. Encourage public-private partnerships in infrastructure planning.***

***CF 21. Adopt innovative planning and zoning techniques such as Form-Based Zoning District regulations to authorize coordinated and integrated infrastructure planning based on compact and mixed-use land use patterns.***

## **Chapter 3.9 Priority Investment, Implementation, and Coordination Element**

### **3.9.3: PRIORITY INVESTMENT, IMPLEMENTATION, AND COORDINATION ELEMENT GOAL**

#### **Priority Investment, Implementation, and Coordination Element Needs**

- Insert the following new Priority Investment, Implementation, and Coordination Element Need:
  - ***Responding to changes by authorizing alternatives to conventional land use and development patterns.***

### **3.9.4: PRIORITY INVESTMENT, IMPLEMENTATION, AND COORDINATION ELEMENT STRATEGIES AND TIME FRAMES**

- Insert the following new implementation strategies:

***PI 16. Encourage long-term public-private partnerships in land use and infrastructure planning.***

***PI 17. Adopt innovative planning and zoning techniques such as Form-***

**Based Zoning District regulations to implement the Form-Based Zoning District strategies for each Element of this Comprehensive Plan.**

**3.9.5: IMPLEMENTATION INITIATIVES**

**A. Area Specific Strategic Planning: Developments of County Significance**

- Amend the current Sections as follows (proposed text appears in ***bold italics*** and deleted text appears with ~~double-strikethrough~~):

**Developments of County Significance**

Developments of County Significance are defined as proposed developments ***that (1) have a gross acreage equal to or exceeding 1,000 acres, or greater (2) are located in the Rural Area of the County, and (3) that may be considered consistent with the recommendations of the Comprehensive Plan if they comply with the criteria and requirements of the Developments of County Significance provisions contained in the Comprehensive Plan and Zoning and Land Development Regulations Ordinance.*** ~~, while proposing variations from the recommendations of the Comprehensive Plan, including density recommendations, can be found consistent with the Comprehensive Plan under this provision.~~ The Plan recognizes that there are Rural Areas throughout the County which may at some time meet this definition and that they should be addressed through appropriate procedural requirements. The Zoning and Land Development Regulations Ordinance should be amended to establish protocol for submission requirements and review of Developments of County Significance. The following outlines an application, process, and criteria which shall be addressed in the Zoning and Land Development Regulations Ordinance.

## Application

All applications for Developments of County Significance shall include a Comprehensive Plan amendment request(s) and Development Agreement request(s). Additionally, a ~~Planned Development~~ **Rezoning** application may be submitted as part of the application for Developments of County Significance. ***An application to amend the Comprehensive Plan pursuant to the Developments of County Significance process may be approved by the County Council if it determines that the proposed amendment is consistent with the overall purpose and intent of the Comprehensive Plan and the requirements of the Developments of County Significance provisions contained in the Comprehensive Plan and Zoning and Land Development Regulations Ordinance.***

## Process

The process shall follow the procedure required by the Charleston County Zoning and Land Development Regulations Ordinance and South Carolina State Law in terms of public hearings, notifications, time-limits, and final determinations for Comprehensive Plan Amendment requests, Development Agreement requests, ~~Planned Development~~ **Rezoning** requests, and for any change on the Zoning Map. Extensive public outreach should be required prior to the submission of an application for a Development of County Significance.

## Criteria

All applications shall include documentation addressing each element of the Charleston County Comprehensive Plan and shall at a minimum include the following:

- Seventy-five percent (75%) of the land included in the application shall be either private land permanently restricted by deed restriction or conservation easement to clustered or unclustered rural densities, or other areas proposed for private and/or public ownership (e.g., parks, lakes, greenways, parkways, buffer zones, agricultural and silvicultural areas, recreational areas, preserved historic and/or cultural areas, preserved areas of biological significance), or areas to be purchased by the County's Green Belt Bank or other open space preservation organizations. ~~The footprint of the clustered rural density will be excluded from the open space calculation.~~ ***The application shall identify the amount of acreage available for clustered rural density; said acreage shall be excluded from the seventy-five percent (75%) calculation.***

*Note: Reference proposed Article 3.17*