

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT
REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, CHAPTER 3,
DEVELOPMENT REVIEW PROCEDURES, AND CHAPTER 12, DEFINITIONS.**

WHEREAS, 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, authorizes the County of Charleston to enact or amend its 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 and map amendments of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) in accordance with the procedures established in State law and the ZLDR, and has recommended that the Charleston County Council adopt the proposed text amendments of the ZLDR 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; and,

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

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

NOW, THEREFORE, BE IT ORDAINED by County Council of Charleston County, South Carolina, 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. TEXT AMENDMENTS 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 of Chapter 3, Development Review Procedures, and Chapter 12, Definitions, which are 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 following third reading by the County Council.

ADOPTED and APPROVED in meeting duly assembled this 8th 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 ZONING
AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202,
AS AMENDED, CHAPTER 3, DEVELOPMENT REVIEW PROCEDURES, AND
CHAPTER 12, DEFINITIONS**

ARTICLE 3.17 DEVELOPMENTS OF COUNTY SIGNIFICANCE

§3.17.1 PURPOSE AND INTENT

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

§3.17.2 APPLICABILITY

This Article applies to Developments of County Significance, which 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) may be considered consistent with the recommendations of the Comprehensive Plan if they comply with the criteria and requirements of the Developments of County Significance provisions contained in the Comprehensive Plan and Zoning and Land Development Regulations Ordinance. Upon approval, the Development of County Significance will be considered consistent with the Comprehensive Plan.

§3.17.3 APPLICATION AND PROCESS

A. Development of County Significance Applications (“Application”) may be submitted on forms available in the Planning Department once the Planning Director has determined that the Application complies with the requirements of this Ordinance and all other applicable regulations.

B. Developments of County Significance Applications shall require:

- 1. A Comprehensive Plan Amendment application(s) that complies with the requirements of Article 3.2, Comprehensive Plan Amendments, of this Ordinance, and a narrative description of how the application at the time of submission may not be in full compliance with the comprehensive plan, however upon approval, the application will be consistent with the Comprehensive Plan. Comprehensive Plan Amendment applications and narrative descriptions of consistency shall include documentation addressing each element of the Comprehensive Plan. Comprehensive Plan Amendment application(s) shall be submitted when a rezoning application is included as part of the Developments of County Significance application.**
- 2. A Development Agreement application submitted to Charleston County.**
- 3. Zoning Map Amendment [Rezoning] applications, including but not limited to applications for Planned Development Zoning Districts and Form-Based Zoning Districts, which comply with the applicable sections of this**

Ordinance may be submitted in conjunction with a Development of County Significance Application, where applicable.

4. Payment of all required application fees for Development Agreements, Zoning Map Amendments [Rezoning], and Comprehensive Plan Amendments and submission of thirty-five (35) copies and one (1) digital version.

5. All information required by this Article.

C. Comprehensive Plan Amendment applications, Development Agreement applications, and any Zoning Map Amendment [Rezoning] applications, including but not limited to applications for Planned Development Zoning Districts and Form-Based Zoning Districts, submitted in conjunction with a Development of County Significance Application shall be considered concurrently and shall comply with the applicable processes contained in County Ordinances.

§3.17.4 CRITERIA AND REQUIRED INFORMATION

A. At the time of submittal, the Application shall include the information addressing the Comprehensive Plan criteria for Developments of County Significance in the Zoning Map Amendment [Rezoning] application and the Development Agreement application as set forth in Sections 3.17.4.A.1. through 3. The approval of a Zoning Map Amendment [Rezoning] application and a Development Agreement application pursuant to the provisions of this Article 3.17 shall conclusively establish compliance by the applications so approved with the Developments of County Significance criteria of the Comprehensive Plan and this Ordinance, and no subsequent development of the property shall be subject to any provision of the Comprehensive Plan or this Ordinance regarding Developments of County Significance during the term of the approved Development Agreement.

1. The Zoning Map Amendment [Rezoning] application for any zoning district other than a Form-Based Zoning District shall include the information required in the following Sections 3.17.4.A.1.a—i

a. Documentation demonstrating that seventy-five percent (75%) of the acreage (75% acreage) included in the Application shall be in the form of Common Open Space, as defined in this Ordinance, that complies with the requirements of Section 4.27.7, Common Open Space.

b. An analysis of how the proposed form and character of development is compatible with the intent of the Rural Area guidelines;

c. An analysis of how proposed residential land use patterns are coordinated with employment and service opportunities in the area of the proposed development and adjacent areas of the County or other jurisdictions;

- d. A historic and archaeological resource study including documentation demonstrating the preservation, mitigation, and/or management of resources pursuant to the findings of the study;
 - e. A traffic impact study;
 - f. Documentation that the proposed development includes an interconnected and complete transportation network;
 - g. An analysis of public transit alternatives;
 - h. Documentation that the proposed development provides feasible transportation alternatives; and
 - i. Emergency evacuation plans.
2. The Zoning Map Amendment [Rezoning] application to Form-Based Zoning District shall include Sections 3.17.4.A.2.a. through c.
- a. Documentation demonstrating that seventy-five percent (75%) of the acreage (75% acreage) included in the Application shall be either private land permanently restricted by deed restriction or conservation easement to unclustered rural densities, or other areas proposed for private and/or public ownership (e.g., parks, lakes, greenways, parkways, buffer zones, agricultural and silvicultural areas, recreational areas, 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 number of unclustered rural dwelling units allowed in the 75% acreage is determined by multiplying the underlying zoning density at the time of the application times the number of acres in the 75% acreage. The 75% acreage is not required to be contiguous and will be developed in accordance with the Form-Based Zoning District regulations submitted with this application for unclustered growth. Areas of clustered growth will be developed in accordance with the Form-Based Zoning District regulations submitted with this application and can be surrounded by the 75% acreage ;
 - b. An analysis of how the proposed form and character of development is compatible with the intent of the Rural Area guidelines;
 - c. An analysis of how proposed residential land use patterns are coordinated with employment and service opportunities in the area of the proposed development and adjacent areas of the County or other jurisdictions;

Information required in Sections 3.17.4.A.2.d. through i. shall be addressed in the procedures and regulations submitted as part of the Form-Based Zoning District regulations submitted as part of this application for approval, as entitled in the

Development Agreement, of the land development applications within the specific Form-Based Zoning District. Such procedures and regulations approved as part of the Form-Based Zoning District Rezoning shall be applicable to all development within such Form-Based Zoning District, and compliance with such procedures and regulations shall constitute compliance with the Developments of County Significance requirements.

- d. A historic and archaeological resource study including documentation demonstrating the preservation, mitigation, and/or management of resources pursuant to the findings of the study;
- e. A traffic impact study;
- f. Documentation that the proposed development includes an interconnected and complete transportation network;
- g. An analysis of public transit alternatives;
- h. Documentation that the proposed development provides feasible transportation alternatives; and
- i. Emergency evacuation plans.

3. The Development Agreement application shall include the information required in the following Sections 3.17.4.A.3.a—f; provided, however that at its sole discretion, County Council may forward the information submitted pursuant to this Section 3.17.4.A.3 to Planning Commission for informational purposes only.

- a. Inclusion of a variety of housing ownership types and affordability;
- b. Documentation demonstrating strategy for preservation, mitigation, and/or management of significant cultural, historic, and archaeological sites, resources, and landscapes;
- c. Information regarding the location, density, and intensity of proposed land uses for the first five (5) years of the proposed project and projections for each subsequent five (5) year time period until buildout;
- d. Economic development information such as an economic analysis (e.g., estimates of average annual ad valorem tax yields, economic development analysis) of the impact of the proposed development on the local economy and employment market;
- e. A fiscal impact analysis of the infrastructure needs; and
- f. A list of needed and/or required public improvements including but not limited to transportation improvements, educational facilities, public safety services, and government facilities.

4. The Planning Commission may require additional information on the items submitted pursuant to Sections 3.17.4.A.1. and 2. as reasonably necessary to determine whether the application complies with the requirements of County Ordinances.

§3.17.5 NOTICE OF DECISION AND MAPPING OF APPROVED DEVELOPMENTS OF COUNTY SIGNIFICANCE

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

Amendments to Chapter 12, Definitions

TERM	DEFINITION
Developments of County Significance	<p><i>Proposed d</i>Developments <i>that: (1) have a gross acreage equal to or exceeding 1,000 acres, (2) are located in the Rural Area of the County, and (3) may be considered consistent with the recommendations of the Comprehensive Plan if they comply with the criteria and requirements of the Developments of County Significance provisions contained in the Comprehensive Plan and Zoning and Land Development Regulations Ordinance.</i> or greater located in the Rural Area of Charleston County that, while proposing variations from recommendations of the Charleston County Comprehensive Plan, including density recommendations, may be deemed consistent with the Comprehensive Plan under the provisions of Article 3.17, Developments of County Significance.</p>