

**AN ORDINANCE**

**AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 3, DEVELOPMENT REVIEW PROCEDURES; CHAPTER 8, SUBDIVISION REGULATIONS; AND APPENDIX A TO ADD REQUIREMENTS FOR INSPECTIONS OF EASEMENTS AND PRIVATE RIGHTS-OF WAY.**

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Section 6-29-310 et seq., of the South Carolina Code of Laws, 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 amendments of the text of various chapters of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) in accordance with the procedures established in South Carolina law and the ZLDR and has recommended that the Charleston County Council (County Council) adopt the proposed amendments of the text of the ZLDR as set forth herein; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least one public hearing, and after close of the public hearing, County Council approved 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 amendments meet the following criteria:

- A. The proposed amendment corrects an error or inconsistency or meets the

challenge of a changing condition; and

- 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 the Charleston County Council in meeting 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. AMENDMENTS OF THE TEXT 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 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 following third reading by County Council.

ADOPTED and APPROVED in meeting duly assembled this 18th day of July, 2017.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_  
A. Victor Rawl  
Chairman of Charleston County Council

ATTEST:

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

First Reading: June 6, 2017  
Second Reading: June 20, 2017  
Third Reading: July 18, 2017

**EXHIBIT "A"**

**AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 3, DEVELOPMENT REVIEW PROCEDURES; CHAPTER 8, SUBDIVISION REGULATIONS; AND APPENDIX A.**

### **§3.8.3, Application Filing**

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

- A. For all new construction or changes in building footprint, applications shall include a site plan drawn to engineer's scale that shows proper dimensions, dimensions and locations of all existing and all proposed: structures and accessories; setbacks; driveways; access(es) to public rights-of-way; private rights-of-way and/or ingress/egress easements; public easements that exist on the property; and wetlands/OCRM Critical Line, if applicable;
- B. Applications shall include an approved, recorded plat indicating new County Parcel ID Number or if an approved, recorded plat is not available, the application shall include a Charleston County Parcel Boundary Map showing the subject parcel, surrounding properties, and County Parcel ID Number;
- C. Proposed construction, including accessory uses and structures, if occurring on more than one abutting lot of record, shall not be placed on property lines and must meet all setback requirements;
- D. Applications shall include paid receipt(s) from local providers for public water and/or sewer, or a letter from the utility company stating the fee(s) have been paid. If water and/or sewer service is not available, a well and/or septic tank permit final approval from SC DHEC shall be required;
- E. Applications shall include an approved tree survey showing Grand trees (24" DBH or greater, except pine trees) in the footprint, or within 20 feet, of any proposed construction as required by this Ordinance unless the applicant provides a signed statement indicating no protected trees will be affected;
- F. For all structures requiring a new address (e.g., new building construction, power poles, irrigation systems, or accessory structures with electrical service), written address confirmation must be obtained from the Planning Department. A site plan showing the location of all proposed and all existing: structure(s); access(es) to public rights-of-way; private rights-of-way and/or ingress/egress easements; and public easements that exist on the property, is required for address confirmation; and
- G. Commercial, Multifamily, Office, Industrial and other nonresidential uses require Site Plan Review approval prior to an application for a Zoning Permit.
- H. The requirements listed below apply to all Zoning Permit applications for new construction of structures, with the exception of additions/renovations to existing structures that are legally permitted and new construction of accessory structures, located on properties which access from an existing or proposed ingress/egress easement or private right-of-way as shown on an approved, recorded plat.
  - a. Prior to issuance of Zoning Permits for land development activities other than construction of ingress/egress easements or private rights-of-way and installation of required street signs, all ingress/egress easements and private rights-of-way shall be: constructed in the location shown on the approved, recorded plat; 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 right-of-way to lot(s) proposed for development; and inspected pursuant to Section A.2.7 of this Ordinance.

- b. The Director of the Zoning and Planning Department may allow use of a portion of an ingress/egress easement or private right-of-way that was constructed prior to [DATE of ADOPTION of this ORDINANCE] that cannot comply with the width clearance requirements of the International Fire Code when: (1) the Director determines that moving the ingress/egress easement or private right-of-way to a different location is not possible due to site constraints, property size, Grand Trees, wetlands, etc.; (2) the applicant submits letters from the providers of emergency services for the subject properties stating they can access all properties utilizing the ingress/egress easement or private right-of-way; and (3) all future portions of the ingress/egress easement or private right-of-way comply with the International Fire Code.
- c. The landowner/developer shall submit construction plans to the Public Works Department demonstrating compliance with the requirements of this Ordinance.
- d. If any portion of an ingress/egress easement or private right-of-way was constructed prior to submittal of Zoning Permit applications for development of any parcel(s) that use the ingress/egress easement or private right-of-way for access, the landowner/developer shall submit documentation to the Public Works Department to verify that the previously constructed ingress/egress easement or private right-of-way exists in the location shown on the approved, recorded plat and shall coordinate with the Public Works Department to have the ingress/egress easement, private right-of-way, and any required street signs inspected prior to submittal of applications for Zoning Permits. If any portion of an ingress/egress easement or private right-of-way was not constructed in the location shown on the approved, recorded plat, a new plat showing the existing location of the ingress/egress easement or private right-of-way must be submitted to the Zoning and Planning Department for approval and recording pursuant to Chapter 8, Subdivision Regulations, of this Ordinance, and the inspection process described above shall apply. Alternatively, the ingress/egress easement or private right-of-way may be constructed in the location shown on the approved, recorded plat that exists at the time of development plan submittal. Any portion(s) of the ingress/egress easement or private right-of-way that has not been constructed as required by this Ordinance must comply with the applicable sections of this Ordinance.
- e. Upon approval of roadway and/or drainage construction plans by the Public Works Department, the landowner/developer may submit a Zoning Permit application for construction of the ingress/egress easement, private right-of-way, and/or drainage, as well as installation of required street signs, if applicable, to the Zoning and Planning Department. The landowner/developer must submit written documentation of the approval of the roadway construction plans by the Public Works Department as part of the Zoning Permit application submittal.
- f. Upon issuance of a Zoning Permit for construction of the ingress/egress easement, private right-of-way, and/or drainage, as well as for installation of required street signs, such work may commence. Upon completion, the landowner/developer

must coordinate with the Public Works Department to have the roadway and/or drainage construction inspected pursuant to Section A.2.7 of this Ordinance.

- g. No other Zoning Permits shall be issued for the property until the ingress/egress easement, private right-of-way, and/or drainage, and any required street signs, have been inspected and approved by the Public Works Department pursuant to Section A.2.7 of this Ordinance. After the County inspection and approval, the landowner/developer may submit a Zoning Permit application(s) for subsequent land development activities to the Zoning and Planning Department. The landowner/developer must submit written documentation of the approval of the roadway and/or drainage inspection by the Public Works Department as part of the first Zoning Permit application submittal following approval of the roadway construction inspection.

**§8.5.2.B, Accompanying Data**

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 plat:
  - a. Any future subdivision of this parcel, or road construction or extension of the existing roads shown hereon shall require compliance with 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 lots shown on the plat that the County of Charleston is not responsible for the maintenance of the streets, 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 plat; and
  - e. This approval in no way obligates the County of Charleston to maintain the 50 foot right-of-way until it has been constructed to County standards and accepted for maintenance by Charleston County Council.
  - f. Existing and proposed ingress/egress easements and/or private rights-of-way that provide access to the lots created by this plat must be constructed, inspected, and approved in compliance with the Charleston County Zoning and Land Development Regulations Ordinance in the location shown on this plat and shall be constructed from their point of connection to an existing publicly owned and maintained right-of-way to the lot(s) proposed for development prior to the issuance of Zoning Permits for new construction of structures, with the exception of additions/renovations to existing structures that are legally permitted and new construction of accessory structures. In addition, street signs on named ingress/egress easements and private rights-of-way shall be installed and inspected in compliance with the Charleston County Zoning and Land Development Regulations Ordinance.

### **§8.7.3, Access**

- A. Double-frontage lots shall be avoided except where essential to provide separation of residential development from major roadways or to overcome specific disadvantages of topography and orientation. An easement with a minimum width of ten feet may be required to restrict access from the major street or other area.
- B. All lots shall be provided with a means of access in conformance with the standards and specifications of this Ordinance.
- C. All flag lots, cul-de-sac lots and privately accessed lots shall comply with the International Fire Code, as adopted by County Council.
- D. All ingress/egress easements and private rights-of-way shall be: constructed in the location shown on the approved, recorded plat; 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 right-of-way to lot(s) proposed for development; and inspected pursuant to Section A.2.7 of this Ordinance.
- E. The Director of the Zoning and Planning Department may allow use of a portion of an ingress/egress easement or private right-of-way that was constructed prior to *[DATE of ADOPTION of this ORDINANCE]* that cannot comply with the width clearance requirements of the International Fire Code when: (1) the Director determines that moving the ingress/egress easement or private right-of-way to a different location is not possible due to site constraints, property size, Grand Trees, wetlands, etc.; (2) the applicant submits letters from the providers of emergency services for the subject properties stating they can access all properties utilizing the ingress/egress easement or private right-of-way; and (3) all future portions of the ingress/egress easement or private right-of-way comply with the International Fire Code.

### **§8.11.2, Street Signs**

Installation and maintenance of street signs on 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, 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 private rights-of-way shall be installed and inspected pursuant to Section A.2.7 of this Ordinance.

### **A.2, Private Road Standards**

#### **§A.2.2 INGRESS/EGRESS EASEMENT (Maximum of 10 Lots)**

##### **ADDITIONAL LANDOWNER/DEVELOPER RESPONSIBILITIES:**

The location of proposed ingress/egress easement(s) shall be clearly depicted and labeled on submitted plats or plans. All ingress/egress easements must comply with the applicable requirements of this Ordinance including, but not limited to, the requirements contained in sub-sections a and b below. The landowner/developer shall secure the necessary licensed, professional personnel to prepare designs, obtain required approvals and permits, and



oversee construction.

- a. Prior to issuance of Zoning Permits for land development activities other than construction of ingress/egress easements and private rights-of-way, installation of required street signs, additions/renovations to existing structures that are legally permitted, and new construction of accessory structures, all ingress/egress easements shall be:
  - i. Constructed in the location shown on the approved, recorded plat;
  - ii. 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 right-of-way to lot(s) proposed for development; and
  - iii. Inspected pursuant to Section A.2.7 of this Ordinance.
- b. The Directors of the Zoning and Planning Department may allow use of a portion of an ingress/egress easement that was constructed prior to [DATE of ADOPTION of this ORDINANCE] that cannot comply with the width clearance requirements of the International Fire Code when: (1) the Director determines that moving the ingress/egress easement to a different location is not possible due to site constraints, property size, Grand Trees, wetlands, etc.; (2) the applicant submits letters from the providers of emergency services for the subject properties stating they can access all properties utilizing the ingress/egress easement; and (3) all future portions of the ingress/egress easement comply with the International Fire Code.

**§A.2.3**

**PRIVATE RIGHT-OF-WAY DEDICATED TO A HOA WITH NO ROAD CONSTRUCTION REQUIRED (Maximum of 10 Lots)**

**ADDITIONAL LANDOWNER/DEVELOPER RESPONSIBILITIES:**

All rights-of-way shall be clearly depicted on submitted plats or plans. The landowner/developer is responsible for determining the construction suitability and the accessibility of the defined right-of-way, provided, however, that all private rights-of-way must comply with the applicable requirements of this Ordinance, including, but not limited to, the requirements contained in subsections a and b below. The landowner/developer shall secure the necessary licensed, professional personnel to prepare designs, obtain required approvals and permits, and oversee construction.

- a. Prior to issuance of Zoning Permits for land development activities other than construction of ingress/egress easements and private rights-of-way, installation of required street signs, additions/renovations to existing structures that are legally permitted, and new construction of accessory structures, all private rights-of-way shall be:
  - i. Constructed in the location shown on the approved, recorded plat;
  - ii. 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 right-of-way to lot(s) proposed for development; and
  - iii. Inspected pursuant to Section A.2.7 of this Ordinance.

- b. The Directors of the Zoning and Planning Department may allow use of a portion of a private right-of-way that was constructed prior to *[DATE of ADOPTION of this ORDINANCE]* that cannot comply with the width clearance requirements of the International Fire Code when: (1) the Director determines that moving the private right-of-way to a different location is not possible due to site constraints, property size, Grand Trees, wetlands, etc.; (2) the applicant submits letters from the providers of emergency services for the subject properties stating they can access all properties utilizing the private right-of-way; and (3) all future portions of the private right-of-way comply with the International Fire Code.

**§A.2.4 PRIVATE RIGHT-OF-WAY CONSTRUCTED AND DEDICATED TO A HOA**

**ADDITIONAL LANDOWNER/DEVELOPER RESPONSIBILITIES:**

The landowner/developer shall determine the location and size of rights-of-way to be provided and the standards for the design and construction of the roadway and drainage systems, provided that all private rights-of-way comply with the applicable requirements of this Ordinance including, but not limited to, the requirements contained in sub-sections a and b below. The landowner/developer shall secure the necessary licensed, professional personnel to prepare designs, obtain required approvals and permits, and oversee construction.

- a. Prior to issuance of Zoning Permits for land development activities other than construction of ingress/egress easements and private rights-of-way, installation of required street signs, additions/renovations to existing structures that are legally permitted, and new construction of accessory structures, all private rights-of-way shall be:
  - i. Constructed in the location shown on the approved, recorded plat;
  - ii. 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 right-of-way to lot(s) proposed for development; and
  - iii. Inspected pursuant to Section A.2.7 of this Ordinance.
- b. The Directors of the Zoning and Planning Department may allow use of a portion of a private right-of-way that was constructed prior to *[DATE of ADOPTION of this ORDINANCE]* that cannot comply with the width clearance requirements of the International Fire Code when: (1) the Director determines that moving the private right-of-way to a different location is not possible due to site constraints, property size, Grand Trees, wetlands, etc.; (2) the applicant submits letters from the providers of emergency services for the subject properties stating they can access all properties utilizing the private right-of-way and (3) all future portions of the private right-of-way comply with the International Fire Code.

**§A.2.5 DESIGN PROFESSIONAL RESPONSIBILITY**

The design professional-of-record must be currently registered to practice in the State of South Carolina.

**§A.2.6 CONSTRUCTION PLAN SUBMISSION**

Roadway and/or drainage construction plans, and subsequent plan revisions, shall be submitted to the Public Works Department prior to submittal of Zoning Permit applications for land development activities other than additions/renovations to existing structures that are legally permitted and new construction of accessory structures. Such plans shall be submitted to the Public Works Department prior to Zoning Permit applications for construction of ingress/egress easements or private rights-of-way and installation of required street signs. The submission shall include three sets of the construction plans and specifications, and a copy of all required regulatory permits.

Once the Public Works Department approves the roadway and/or drainage construction plans, the landowner/developer may submit a Zoning Permit application(s) for construction of the ingress/egress easement, private right-of-way, and/or drainage and installation of required street signs. No other Zoning Permits (other than Zoning Permits for additions/renovations to existing structures that are legally permitted and new construction of accessory structures) shall be issued for the property until the ingress/egress easement, private right-of-way, and/or drainage, as well as the installation of required street signs, have been inspected and approved by the Public Works Department pursuant to Section A.2.7 of this Ordinance.

**§A.2.7 COUNTY INSPECTION**

All roadway and drainage work shall be inspected by the Public Works Director for compliance with the submitted plans and specifications prior to the issuance of Zoning Permits for land development activities other than: construction of ingress/egress easements or private rights-of-way; installation of required street signs; additions/renovations to existing structures that are legally permitted; and new construction of accessory structures. The inspections will be performed to: provide construction documentation; review ingress/egress easements and private rights-of-way construction according to the International Fire Code, as adopted by County Council; ensure that ingress/egress easements, private rights-of-way, and drainage, have been constructed in compliance with this Ordinance; and, if applicable, to ensure street signs have been installed in the correct locations and are in compliance with applicable County ordinances.

After the required County inspection and approval, the landowner/developer may submit Zoning Permit application(s) for subsequent land development activities.

The landowner/developer shall give a one-week notice prior to beginning work at the site. After the initial notice, a 24-hour notice shall be given prior to beginning each operation (or continuing an operation when the work has been disrupted for more than one work-day).