

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 8, SUBDIVISION REGULATIONS, AND CHAPTER 12, DEFINITIONS TO CLARIFY REQUIREMENTS FOR WATER AND SEWER AVAILABILITY.

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 8, SUBDIVISION REGULATIONS, AND CHAPTER 12, DEFINITIONS.

§8.3.1 MINOR SUBDIVISION

H. Lots of Record, Approved located within any 208 Water Quality Management Designation within the Urban/Suburban Area of the County:

1. A maximum of four (4) lots may be subdivided from a Lot of Record, Approved (“Approved Lot”) without installing additional sewer lateral connection(s), provided that the development 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 lot being created. The Certification shall be placed on the subdivision plat and signed by each property owner.
3. The following Certification Statement shall be placed on the plat 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 plat 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 lot 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 zoning or building permit 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 lot.
5. All lots created will comply with the density/intensity and dimensional standards for lots without public sewer/water, as there is no guarantee that these public improvements will be available.

ARTICLE 8.13 WATER SUPPLY AND SEWAGE DISPOSAL

In accordance with South Carolina Department of Health and Environmental Control (DHEC) regulations, all subdivisions of proposed new lots shall be served by approved water and sewer systems. For the purpose of Article 8.13, 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 lot(s) are granted permission to connect to the existing sewer/water system by means of a sewer/water Utility Service Lateral connection to each lot(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 applicant 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 lot(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 easement 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 final plat approval, the applicant must provide documentation from the water and/or sewer service provider that ensures the requirements of the provider have been met for each proposed lot(s). If sewer/water utility service is required and the proposed subdivision contains four (4) or fewer lots, the applicant may obtain final plat approval by complying with Section 8.3.1.H of this Ordinance.
- B. If water/sewer service is not available, as defined above, prior to final plat approval, the applicant must provide documentation from SC DHEC that ensures all new lots 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 lot(s), the applicant 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 final plat approval.

This provision shall not be interpreted to require that subdivisions be annexed in order to obtain public water or sewer service. All new lots 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 lots may be created without a means of wastewater disposal, provided that they comply with the provisions of Section 8.3.1.G, Non-Buildable Lots, or Section 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.

Add the following definitions to Chapter 12:

- Utility Service Lateral/Service Connection: The portion of pipe which runs from the customer's property line to the main sewer line, and which receives sewage from the "customer's service line".
- Service Connection/Utility Service Lateral: The portion of pipe which runs from the customer's property line to the main sewer line, and which receives sewage from the "customer's service line".
- Sewer or Sewer Main: A primary pipe or conduit for carrying sewage, which excludes building sewers, building drains, utility service laterals, and customer service links; may be a gravity or pressurized force main, owned, operated, and maintained by the provider.