

**AN ORDINANCE**

**AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 8, SUBDIVISION REGULATIONS TO REMOVE THE REQUIREMENT FOR LETTERS OF COORDINATION FROM THE US ARMY CORPS OF ENGINEERS.**

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.**

**Article 8.4, Preliminary Plats, Section 8.4.2.A, Application Requirements**

8.4.2.A.4.j. A United States Army Corps of Engineers (USACE) jurisdictional determination is not required for approval of a subdivision plat application except that an Accurate-Approved jurisdictional determination is required for areas located within proposed publicly dedicated rights-of-way and/or easements prior to Preliminary Plat approval. When a USACE jurisdictional determination for the entire property is not provided as part of the subdivision application, the following notes shall be placed on the plat:

- i. The United States Army Corps of Engineers has not made a determination of the presence or absence of wetlands and/or water of the United States on this property/these properties as of the date of approval/recording of this plat.
- ii. Charleston County may require a jurisdictional determination by the United States Army Corps of Engineers on this property/these properties prior to the issuance of zoning permits for land development activities.

**Article 8.5, Final Plats, Section 8.5.2.B, Application Requirements**

8.5.2.B.9 A United States Army Corps of Engineers (USACE) jurisdictional determination is not required for approval of a subdivision plat application except that an Accurate-Approved jurisdictional determination is required for areas located within proposed publicly dedicated rights-of-way and/or easements prior to Final Plat approval. When a USACE jurisdictional determination for the entire property is not provided as part of the subdivision application, the following notes shall be placed on the plat:

- i. The United States Army Corps of Engineers has not made a determination of the presence or absence of wetlands and/or water of the United States on this property/these properties as of the date of approval/recording of this plat.
- ii. Charleston County may require a jurisdictional determination by the United States Army Corps of Engineers on this property/these properties prior to the issuance of zoning permits for land development activities.