

**AN ORDINANCE**

**AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, TO AMEND THE FRESHWATER WETLAND DELINEATION REQUIREMENTS AT THE FOLLOWING DOCUMENT LOCATIONS: CHAPTER 5, OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS; CHAPTER 8, SUBDIVISION REGULATIONS; AND CHAPTER 12, DEFINITIONS**

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 (“Planning Commission”) has reviewed the proposed amendment to Chapter 5, Overlay and Special Purpose Zoning Districts; Chapter 8, Subdivision Regulations; and Chapter 12, Definitions, 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 amendment 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 amendment 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 ZLDR amendment meets 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 of Charleston, 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. AMENDMENT OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

The Charleston County Zoning and Land Development Regulations Ordinance is hereby amended to include the 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 20th day of September 2022.

CHARLESTON COUNTY COUNCIL

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

ATTEST:

By: \_\_\_\_\_  
Kristen L. Salisbury  
Clerk to Charleston County Council

First Reading: July 12, 2022  
Second Reading: September 6, 2022  
Third Reading: September 20, 2022

## Exhibit "A"

### CHAPTER 5 | OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS

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#### ARTICLE 5.3 JO-MHC-O, JOHNS ISLAND MAYBANK HIGHWAY CORRIDOR OVERLAY ZONING DISTRICT

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##### ***Sec. 5.3.7 General Development Standards and Requirements (All Districts)***

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###### A. Residential Density.

1. *Maximum Residential Density*. The Density/Intensity and Dimensional Standards listed in Table 5.3-3 of this Article shall apply to all properties in the MU District, and the Density/Intensity and Dimensional Standards listed in Table 5.4-5 of this Article shall apply to all properties in the LC District.
2. *Calculation of Residential Density*. Residential density shall be calculated by dividing the number of Lots/Dwelling Units on a site by the net area (in acres) of Highland of the site on which the Lots/Dwelling Units are located. Net Highland acres includes all acreage that is not below the Office of Coastal Resource Management Critical Line or identified as Freshwater Wetlands. Site Plan Review and Subdivision applications shall include all Freshwater Wetland metes and bounds, and total Freshwater Wetland acreage based on a wetland delineation prepared by an environmental consultant utilizing the 1987 Army Corps of Engineers Wetland Delineation Manual and the appropriate Regional Supplement(s) for Wetland Delineation, which must be reviewed and approved by the Charleston County Public Works Department (Stormwater Division), or a United States Army Corps of Engineers (USACE) Approved Jurisdiction Determination (AJD). Accessory Dwelling Units (ADUs) are not included in the calculation of residential density.

#### ARTICLE 5.14 JA-MHC-O, JAMES ISLAND MAYBANK HIGHWAY CORRIDOR OVERLAY ZONING DISTRICT

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##### ***Sec. 5.14.6 Development Standards and Requirements***

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###### A. Residential Density.

1. *Maximum Residential Density*. The Density/Intensity and Dimensional Standards listed in Table 5.16-2 of this Article shall apply to all properties in the JA-MHC-O.
2. *Calculation of Residential Density*. Residential Density shall be calculated by dividing the number of Lots on a site by the net area (in acres) of Highland of the site on which the Lots are located. Net Highland acres includes all acreage that is not below the Office of Coastal Resource Management Critical Line or identified as Freshwater Wetlands. Site Plan Review and Subdivision applications shall include all Freshwater Wetland metes and bounds, and total Freshwater Wetland acreage based on a wetland delineation prepared by an environmental consultant utilizing the 1987 Army Corps of Engineers Wetland Delineation Manual and the appropriate Regional Supplement(s) for Wetland Delineation, which must be reviewed

and approved by the Charleston County Public Works Department (Stormwater Division), or a United States Army Corps of Engineers (USACE) Approved Jurisdiction Determination (AJD). Accessory Dwelling Units (ADUs) are not included in the calculation of residential density.

## **ARTICLE 5.15 MRC-O, MAIN ROAD CORRIDOR OVERLAY ZONING DISTRICT**

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### ***Sec. 5.15.7 General Development Standards and Requirements (All Districts)***

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#### **A. Residential Density.**

1. *Maximum Residential Density.*
  - a. The Density/Intensity and Dimensional Standards listed in Table 5.17-2 of this Article shall apply to all properties in the BMC and RC Districts.
  - b. The Kitford Community Industrial (KCI) District shall be subject to the Density/Intensity and Dimensional Standards of the Industrial (IN) Zoning District; and
  - c. The Kitford Community Residential (KCR) District shall be subject to the Density/Intensity and Dimensional Standards of the Rural Residential (RR-3) Zoning District.
2. *Calculation of Residential Density.* Residential density shall be calculated by dividing the number of Lots/Dwelling Units on a site by the net area (in acres) of Highland of the site on which the Lots/Dwelling Units are located. Net Highland acres includes all acreage that is not below the Office of Coastal Resource Management Critical Line or identified as Freshwater Wetlands. Site Plan Review and Subdivision applications shall include all freshwater wetland metes and bounds, and total Freshwater Wetland acreage based on a wetland delineation prepared by an environmental consultant utilizing the 1987 Army Corps of Engineers Wetland Delineation Manual and the appropriate Regional Supplement(s) for Wetland Delineation, which must be reviewed and approved by the Charleston County Public Works Department (Stormwater Division), or a United States Army Corps of Engineers (USACE) Approved Jurisdiction Determination (AJD). Accessory Dwelling Units (ADUs) are not included in the calculation of residential density.

## **CHAPTER 8 | SUBDIVISION REGULATIONS**

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### **ARTICLE 8.4 PRELIMINARY PLAT**

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#### ***Sec. 8.4.2 Application***

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The following shall be submitted:

- A. Completed applications for Preliminary Plat approval shall be submitted to the Zoning and Planning Department on forms available in the Zoning and Planning Department. Three copies and one digital file of the Preliminary Plat shall be filed with the application.

B. Preliminary Plats shall be drawn to engineer's scale no smaller than one-inch equals 200 feet. Where large areas are being platted, they may be drawn on one or more sheets, 22 inches by 34 inches in size. For small areas being platted, a scale of one-inch equals 100 feet shall be used.

C. Even if the Applicant intends to subdivide only a portion of a Parcel or tract of land initially, the Preliminary Plat shall show a proposed Street and Lot layout, drainage plan and other requirements for the entire Parcel or tract of land in which such portion is contained; except that the Zoning and Planning Director, with the recommendation of the Public Works Director, may waive this requirement on a finding that such a complete layout is not necessary to carry out the purposes of these regulations.

D. The following information shall be required on each Plat:

1. The courses and distances of the perimeter of the land involved shall be indicated on the plat shown with all courses marked to show which are actual field observations and which are computed.
2. References to a known point or points such as Street intersections and railroad crossings shall be shown.
3. The total acreage of the land involved in the Subdivision, and the acreage of high land above the Office of Coastal Resource Management Critical Line. Date of Critical Line certification shall be indicated. (Aerial photography may not be used to determine OCRM Critical Line location.)
4. The names of adjacent landowners and Streets where known or available shall be given (with the parcel identification numbers), and all intersecting boundaries or property lines shall be shown.
5. Proposed divisions to be created shall be shown, including Building envelopes for each Lot (a minimum 1,600 square foot buildable area with a minimum width of 20 feet), for each Lot, Right-of-Way widths, Roadway widths, road surface types, sidewalks (if applicable), proposed Drainage Easements, and names of Streets; the locations of proposed Utility installations and Utility Easements; Lot Lines, dimensions and angles; sites reserved or dedicated for public uses; and sites for apartments, civic/institutional, commercial, and industrial uses. The status of the existing Lot access and the concept of the type of road construction being proposed shall be indicated (e.g., ingress/egress Easement, private road constructed or unconstructed, public Secondary or Primary Rural Road, Public Secondary or Primary County Road, and other details as appropriate, i.e., Curb and gutter, asphalt swales, inverted crown, roadside open ditch, etc.).
6. The title, scale (including graphic scale), north arrow (magnetic, grid, or true), date, name of Applicant and the name and seal of engineer or surveyor with South Carolina Registration Number shall be shown.
7. All existing Structures and physical features of the land, including contours (contours not required on proposed private subdivisions, and only within the Rights-of-Way of proposed rural public Streets), drainage ditches, roads and wooded areas shall be shown. The contour interval shall be one foot, unless otherwise approved in advance of submission by the Public Works Director. All contour information shall be based on Mean Sea Level datum and shall be accurate within one-half foot. The Bench Mark, with its description, and the datum used for the survey shall be clearly noted on the Plat.

8. General drainage features, including proposed Drainage Easements and detention/retention basins. The proposed direction of drainage on each Street, ditch and Lot shall be indicated by the use of arrows and proposed Street names.
9. The location of required Landscape Buffers as specified in Chapter 9, *Development Standards*, of this Ordinance, which shall not be located within Drainage Easements unless expressly approved by the Public Works Director.
10. A wetland delineation prepared by an environmental consultant utilizing the 1987 Army Corps of Engineers Wetland Delineation Manual and the appropriate Regional Supplement(s) for Wetland Delineation, which must be reviewed and approved by the Charleston County Public Works Department (Stormwater Division), or a United States Army Corps of Engineers (USACE) approved jurisdictional determination (AJD) is required.
11. A notation shall be made on the Plat clearly indicating the applicable OCRM Critical Line buffers and Setbacks. A statement and signature from DHEC's Office of Ocean and Coastal Resource Management shall be included. At the time of Subdivision Plat application submittal, the date of the OCRM approval signature cannot be older than five years.
12. Tree Surveys on lots of one acre or less are to include Grand Trees on the entire Lot. Tree surveys of Grand Trees may be requested upon site inspection if Lots greater than one acre appear to be unbuildable due to the presence of Grand Trees. All Grand Trees within 40 feet of the property line must be shown on the Plat.
13. Tree Surveys of all Grand Trees are required within access Easements, Drainage Easements, and Rights-of-Way. All Grand Trees within 40 feet or with canopies that encroach into the proposed Easement must be shown on the Plat.
14. A signature block on the Plat, signed by the owner(s) of the property and notarized indicating that the proposed Preliminary Plat being put forth is an action of the owner, heirs thereto or assigns.
15. A vacant block shall be provided on each page of the Plat that is three inches by eight inches in dimension for Charleston County approval stamps and notations.
16. A statement that any Easements for utilities or other encroachments in the area to be dedicated for Streets, highways, drainage or other public or private use are subject to binding provision that the costs of future relocation of any such encroachments due to the construction or maintenance of public improvements shall be borne by the holder of the Easement and/or Utility company.
17. A statement indicating the flood zone(s), valid as of the date of approval of the Preliminary Plat.

## **ARTICLE 8.5 FINAL PLATS**

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### **Sec. 8.5.2 Application**

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#### **B. The Final Plat Shall Show the Following:**

1. All proposed divisions of land shall be shown, including: each Lot showing Lot Lines, with bearings and distances; all Rights-of-Way; all Drainage Easements; names of all Streets; the locations of all Utility Rights-of-Way, and Utility Easements; all Structures; and all sites reserved or dedicated for public uses.
2. The title, scale (including graphic scale), north arrow (magnetic, grid, or true), date, name of Applicant, and the name of engineer or surveyor with South Carolina Registration Number shall be shown.
3. Block and Lot numbers suitably arranged by simple system.
4. The full names of adjacent landowners and Streets where known or available shall be given (with the Parcel identification numbers), and all intersecting boundaries or property lines shall be shown. Names of adjacent Property Owners may be omitted in established residential platted Subdivisions; however, legal block and Lot numbers and County Parcel identification numbers are required.
5. Certificates:
  - a. The signature and seal of the registered land surveyor in accordance with the current Minimum Standard Manual for the Practice of Land Surveying in South Carolina.
  - b. A notarized statement of Dedication by the Property Owner of Streets, Rights-of-Way, Easements, and any other sites for public or private use and warranty of title of property offered for dedication. If any change in ownership is made subsequent to the submission of the Plat and prior to the granting of final approval, the notarized statement of dedication shall be corrected accordingly.
  - c. For any public dedication, a warranty deed for the transfer of the Right(s)-of-Way(s), Easement(s), or other sites for public use to the County on legal documents of the form suitable to the County must be provided.
  - d. A statement that any Easements for utilities or other encroachments in the area to be dedicated for Streets, highways, drainage or other public or private use are subject to a binding provision that the costs of future relocation of any such encroachments due to the construction or maintenance of public improvements shall be borne by the holder of the Easement and/or Utility company.
6. All Easements shall include their location, width, and centerline.
7. The approved Office of Ocean and Coastal Resource Management (OCRM) Critical Line with signed approval statement on the Final Plat.
8. At the Zoning and Planning Director's discretion, the Applicant/surveyor may be required to show buffers and Setbacks on Lots less than one acre in size or on newly created Lots that may appear to have encroachment of Structures into a buffer or Setback. A 1,600 square foot buildable area with a minimum width of 20 feet must be shown within the Setbacks.

9. A wetland delineation prepared by an environmental consultant utilizing the 1987 Army Corps of Engineers Wetland Delineation Manual and the appropriate Regional Supplement(s) for Wetland Delineation, which must be reviewed and approved by the Charleston County Public Works Department (Stormwater Division), or a United States Army Corps of Engineers (USACE) approved jurisdictional determination (AJD) is required.
10. High land acreage and low land acreage (If applicable, Freshwater Wetland acreage and acreage within the Office of Ocean and Coastal Resource Management Critical Line).
11. Tree Surveys on Lots of one acre or less are to include Grand Trees on the entire Lot. Tree Surveys of Grand Trees may be requested upon site inspection if Lots greater than one acre appear to be unbuildable due to the presence of Grand Trees. All Grand Trees within 40 feet of the property line must be shown on the Plat.
12. Tree Surveys of all Grand Trees are required within access Easements, Drainage Easements, and Rights-of-Way. All Grand Trees within 40 feet or with canopies that encroach into the proposed Easement must be shown on the Plat.
13. Ownership and maintenance status of the Lot access shall be indicated for any newly-created Lots.
14. A vacant block shall be provided on each page of the Plat that is three inches by eight inches in dimension for Charleston County approval stamps and notations.
15. A statement indicating the flood zone(s), valid as of the date of approval of the Final Plat.

## CHAPTER 12 | DEFINITIONS

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### ARTICLE 12.1 TERMS AND USES DEFINED

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#### TERM DEFINITION

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Wetlands, Freshwater Those areas of land that are inundated or saturated by fresh water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions and delineated as Freshwater Wetlands by the U.S. Army Corps of Engineers or by an environmental consultant utilizing the 1987 Army Corps of Engineers Wetland Delineation Manual and the appropriate Regional Supplement(s) for Wetland Delineation as reviewed and approved by the Charleston County Public Works Department (Stormwater Division).