

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND
DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS
AMENDED, TO ALLOW MODIFICATIONS OF THE OCRM CRITICAL LINE
SETBACK AND BUFFER SUBJECT TO CONDITIONS FOR MITIGATION
BANKS AT THE FOLLOWING DOCUMENT LOCATION: CHAPTER 4, BASE
ZONING DISTRICTS.**

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 4, Base Zoning Districts, 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 amendment 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 10th day of November 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: November 10, 2022

Exhibit "A"

Sec. 4.24.4 Reductions, Modifications and Waivers of OCRM Critical Line Setbacks and Buffers

- A. The Zoning and Planning Director shall be authorized to reduce OCRM Critical Line Setbacks to a distance not less than the buffer depth, when deemed necessary by the Director to accommodate reasonable Development of the Parcel when it is determined by the Director that the Setback reduction will not have a significant adverse impact on public health or safety.
- B. The Zoning and Planning Director shall be authorized to modify the OCRM Critical Line Setbacks and buffers when DHEC-OCRM has granted approval to modify or alter OCRM jurisdictional wetlands within public or private Rights-of-Way and drainage easements.
- C. The Zoning and Planning Director shall be authorized to waive or modify the existing OCRM Critical Line Setback and Buffer requirements when there is an alteration that results in an overall expansion of the OCRM Critical Line into existing highland and freshwater wetland areas for the creation of a Mitigation Bank and the following conditions are met:
 - 1. DHEC-OCRM, U.S. Army Corps of Engineers and any other state or federal agency having jurisdiction has granted approval to alter the jurisdictional wetlands; and
 - 2. The OCRM Critical Line Setback and Buffer of the relocated OCRM Critical Line shall at minimum be that of the corresponding zoning district; and
 - 3. An OCRM Critical Line Buffer planting plan is submitted for review and approval by the Zoning and Planning Director and planted within one year of the completion of the alteration.