

#2275

Adopted: 12/21/2023

**AN ORDINANCE**

**AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, TO CLARIFY TREE PROTECTION REQUIREMENTS WITHIN DESIGNATED SCENIC RIGHTS-OF-WAY AT THE FOLLOWING DOCUMENT LOCATIONS: CHAPTER 8, SUBDIVISION REGULATIONS, CHAPTER 9, DEVELOPMENT REQUIREMENTS 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 9, Development Standards, 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 map 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 21st day of December 2023.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_  
Herbert R. Sass, III  
Chairman of Charleston County Council

ATTEST:

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

First Reading: November 30, 2023  
Second Reading: December 12, 2023  
Third Reading: December 21, 2023

## EXHIBIT "A"

Clarification: Scenic Road Right-of-Way Trees

### ARTICLE 8.8 TREE PRESERVATION

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#### **Sec. 8.8.1 Tree Surveys**

Tree surveys shall comply with the following:

- A. Lots within subdivisions shall be laid out and designed to provide a buildable area on each Lot that does not require the removal of Grand Trees.
- B. Tree protection standards are described in Chapter 9, Development Standards, of this Ordinance.
- C. Tree Surveys on Lots of one acre or less shall 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. Tree surveys must include all Grand Trees on the Subject Parcel and within 40 feet of the property line.
- D. Tree Surveys of all Grand Trees and Grand Tree canopies must be shown within access Easements, Drainage Easements, and Rights-of-Way.
- E. When the subject property has frontage along a designated Scenic Road, the tree survey must show the location, number, size, and species of all Trees six inches DBH and greater in areas proposed to be disturbed within the Right-of-Way of the designated Scenic Road.***

### ARTICLE 9.2 TREE PROTECTION AND PRESERVATION

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#### **Sec. 9.2.1 General**

- D. Measurements and Definitions.
  1. If a tree trunk splits at ground level and the trunks do not share a common base (separated by earth at natural grade), then each trunk shall be measured as a separate Tree. If a multi-trunk Tree splits below the four and one half foot mark and the trunks share a common base, all trunks shall be measured separately, added together, and counted as one tree, unless the trunks are of different species. Any trunk measuring less than eight inches DBH is not included in the calculation.
  2. For trees between a four-inch and 12-inch caliper, the trunk is measured 12 inches above the ground.
  3. All Grand Trees are prohibited from removal unless otherwise exempted by this Ordinance, a Grand Tree Removal Permit is issued, or if the removal is part of an approved Bona Fide Forestry Operation.
  4. Limited removal is allowed only when specified in this Article.
  - 5. All Trees six inches DBH and greater located within a designated Scenic Road Right-of-Way shall require protection as Protected Trees pursuant to the Protected Tree requirements of this Ordinance.***

### **Sec. 9.2.3 Tree Plans and Surveys**

#### A. General.

1. Tree plans of the same scale as, and superimposed on, a Development site plan or Preliminary Plat shall include location, number, size (DBH), and species with a scaled graphic representation of each Grand Tree, along with the canopy size and shape, and trunk location.
2. Tree surveys shall include the name, phone number, address, signature, and seal of a licensed surveyor, civil engineer, forester, arborist, or landscape architect registered in the State of South Carolina.
3. The survey shall include all Trees to be protected or preserved, and those scheduled to be removed, including dead and damaged Trees. In cases where a previously approved recorded Plat is utilized for the purpose of Tree plans, the name, address, phone number, signature, and seal of the licensed surveyor, civil engineer, or landscape architect registered in the State of South Carolina shall be provided. A scaled infrared or high resolution black-and-white aerial photograph or print of equal quality may be substituted in cases where the Director determines that it would provide the same information as a Tree plan. However, all Grand Trees within 40 feet of proposed construction and land disturbance areas and Trees within required buffers must be surveyed and mapped.

B. Subdivision Plats refer to the Subdivision Regulations of [CHAPTER 8](#) of this Ordinance.

#### C. **Commercial, Industrial, and Multi-Family, Civic/Institutional, and Other Uses.**

1. All Tree surveys must show the location, number, size, and species of all Trees with eight or more inches DBH, including those scheduled to be removed.
2. ***When the subject property has frontage along a designated Scenic Road, the tree survey must show the location, number, size, and species of all Trees six inches DBH and greater in areas proposed to be disturbed within the Right-of-Way of the designated Scenic Road.***
3. When there are no Trees that ***meet the above listed criteria*** ~~are eight or more inches DBH~~, documentation to that effect shall be provided from a licensed surveyor, civil engineer, forester, arborist, or registered landscape architect.

D. **Agricultural and Single-Family Detached Residential Uses** must show all Grand Trees within 40 feet of the area of construction land disturbance, Rights-of-Way, and Easements, and in conjunction with the Subdivision regulations at the time a Zoning or Building Permit application is made.

## ARTICLE 12.1 TERMS AND USES DEFINED

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### **TERM DEFINITION**

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**Protected Tree** Any Tree on a Parcel with a Diameter Breast Height of eight inches or greater prior to Development, and all Trees within required buffers or required landscape areas ***or any Tree within a Scenic Road Right-of-Way with a Diameter Breast Height of six inches or greater prior to Development.***