

AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT
REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED AT THE FOLLOWING
DOCUMENT LOCATIONS: CHAPTERS 3, 4, 8, 9, 11, AND 12

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 3, Development Review Procedures; Chapter 8, Subdivision Regulations; Chapter 9, Development Standards; Chapter 11, Violations, Penalties and Enforcement; 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 14th day of October 2025.



CHARLESTON COUNTY COUNCIL

By: Kylon J. Middleton
Rev. Dr. Kylon J. Middleton
Chairman of Charleston County Council

ATTEST:

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

First Reading: September 16, 2025
Second Reading: September 30, 2025
Third Reading: October 14, 2025

EXHIBIT A

CHAPTER 3 | DEVELOPMENT REVIEW PROCEDURES

ARTICLE 3.8 ZONING PERMITS

Sec. 3.8.1 Applicability

Except as expressly exempted in Sec. 3.8.2, *Exemptions*, of this Chapter, a Zoning Permit shall be required before any of the following activities:

- A. The issuance of a Building Permit under the Charleston County Building Code;
- B. Excavation preparatory to constructing a Structure for which a Building Permit is required;
- C. Improving any Zoning Lot by grading, filling, or surfacing, or by constructing a driveway in conjunction with the construction of a Single-Family Dwelling, or by constructing or enlarging parking areas containing more than six parking spaces. This includes all new impervious surfaces greater than 120 square feet in cumulative total on properties located in the Urban/Suburban Area with the exception of properties located in the S-3 Zoning District;
- D. Change in the use classification of any part of a Structure or Lot, including any increase in the number of Families or Dwelling Units occupying a Building or Lot;
- E. Installation of any Sign (On-Premises or Off-Premises);
- F. Moving of any Dwelling Unit or Manufactured Housing Unit;
- G. Prior to obtaining a business license;
- H. Any earth disturbing activity;
- I. Clearing and/or Grubbing, including grading, drainage, or the construction of roads or Utilities in a Subdivision;
- J. Prior to issuance of a Zoning Permit, a pre-construction planning conference for Tree preservation, as specified in Article 9.4, *Tree Protection and Preservation*, shall be required and shall include, at a minimum, the Zoning and Planning Director's representative, the Applicant, and any parties deemed appropriate for the purpose of determining if there is a need for additional Tree protection techniques and for designating placement of Tree barricades, construction employee parking, temporary construction Offices, and Dumpsters; and/or
- K. Redirecting or altering in any way a pre-existing stormwater conveyance feature on-site.

ARTICLE 3.10 ZONING VARIANCES

Sec. 3.10.1 Applicability; Limitations

The Board of Zoning Appeals shall be authorized to approve Zoning Variances to any zoning-related dimensional, design, or performance standard set forth in this Ordinance, provided that the Approval Criteria of Sec. 3.10.6, *Approval Criteria*, are met and provided that such Zoning Variance does not have the effect of:

- A. Permitting a use, activity, business, or operation that is not otherwise allowed by the Use Regulations of the Zoning District in which the property is located;
- B. Allowing the physical extension of a Nonconforming Use, except as expressly allowed in CHAPTER 10, *Nonconformities*, of this Ordinance;
- C. Increasing the Density of a Residential Use above that permitted by the Zoning District in which the property is located;
- D. Varying the Sign regulations of this Ordinance;
- E. Varying or waiving the Subdivision Regulations contained in CHAPTER 8, *Subdivision Regulations*, of this Ordinance; or
- F. Varying from the requirements of Sec. 6.8.3.A, *Use Limitations and Standards*, of this Ordinance;
- G. Varying from Tree Mitigation fees.

Applications for Zoning Variances to exceed the applicable maximum Impervious Surface Coverage requirements must include documentation showing how the proposed increase in Impervious Surface Coverage beyond the maximum allowed will be mitigated and documentation that the proposed mitigation has been approved by the Stormwater Division of the Charleston County Public Works Department. Mitigation may include, but shall not be limited to, green infrastructure and low impact design techniques. In no case shall the maximum Impervious Surface Coverage be increased beyond 70% of the Lot.

CHAPTER 4 | BASE ZONING DISTRICTS

ARTICLE 4.2 MEASUREMENTS, COMPUTATIONS AND EXCEPTIONS

Sec. 4.2.3 Setbacks

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a Structure and the property line of the Lot on which the structure is located, except as modified by the standards of this Section. The terms "unobstructed" and "unoccupied open area" in this section shall refer to anything that is constructed or erected within the setbacks that is determined to have a permanent location on the ground, and this includes fill material used structurally and non-structurally, unless otherwise approved by the Public Works Department Director.

CHAPTER 8 | SUBDIVISION REGULATIONS

ARTICLE 8.4 PRELIMINARY PLAT

Sec. 8.4.9 Construction Plans

Before approval of a Preliminary [Plat](#), road and drainage plans prepared by an engineer registered in the State of South Carolina shall be submitted to the Zoning and Planning Director for review and approval in accordance with both the Charleston County Stormwater Program Permitting Standards and Procedures Manual and the Charleston County Road and Drainage Construction Standards in Appendix A of this Ordinance. Roadways to be accepted by Charleston County Public Works shall not contain any permanent Best Management Practices (BMPs) such as ponds, underground storage systems, etc.

CHAPTER 8 | SUBDIVISION REGULATIONS

ARTICLE 8.5 FINAL PLATS

Sec. 8.5.2 Application

A. Final Plat Applications Requirements:

1. Applications for Final Plat approval shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department. Seven copies and a digital file of the Final Plat shall be filed with the application.
2. Construction As-Builts shall be submitted by the owner's design engineer and/or surveyor demonstrating the Subdivisions roads and drainage infrastructure have been constructed in accordance with the approved plans. As-built drawings shall contain all items specified within the Charleston County Stormwater Permitting Standards and Procedures Manual. As-built drawings shall be approved by the Public Works Department prior to Final Plat approval.
3. The Covenants for Permanent Maintenance of Stormwater Facilities shall be recorded with the Register of Deeds (ROD) with approved as-builts attached as an exhibit before Final Plat approval.
4. The Final Plat shall be drawn in ink on a material specified by the Register of Deeds Office for recording, on sheets 22 inches by 34 inches in size, and at an engineer's scale of one-inch equals 100 feet or larger. Where necessary the plat may be on several sheets accompanied by an index sheet or key map insert showing the entire Subdivision. Where necessary, the size of the Plat may be adjusted to a smaller scale than one-inch equals 100 feet with the approval of the Zoning and Planning Director.

CHAPTER 9 | DEVELOPMENT STANDARDS

ARTICLE 9.2 TREE PROTECTION AND PRESERVATION

Sec. 9.2.1 General

C. Definition of "Tree Removal." For the purpose of this Article, the term "Tree Removal" shall include, but not be limited to, damage inflicted to the root system by machinery; girdling; storage of materials and soil compaction, changing the natural Grade above or below the root system or around the trunk; damage inflicted on the Tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; excessive paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the Tree; excessive grading; or any act of malicious damage to a Tree. Pruning or thinning more than 25 percent of the leaf surface on both the lateral branch and the overall foliage of a mature Tree that is pruned within a growing season shall be considered excessive. Paving or grading more than 25 percent of the root zone of the Tree protection area shall also be considered excessive. Additionally, one-half of the foliage of a mature Tree is to remain evenly distributed in the lower two thirds of the crown and individual limbs upon completion of any pruning. Removal of branches, limbs, and/or stems with a DBH of 8 inches or greater that originate from below four and a half feet as measured from ground level shall not occur on Grand or Protected Trees unless the branch, limb, or stem is dead, diseased, dying, or hazardous as determined by the Zoning and Planning Director; otherwise, the removal must be approved by the Board of Zoning Appeals. The final determination of Tree Removal shall be made by the Zoning and Planning Director.

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.

ARTICLE 9.2 TREE PROTECTION AND PRESERVATION

Sec. 9.2.4 Required Tree Protection

A. General.

1. All Grand Trees and any other Trees required to remain on a site must be protected during construction and Development of a Parcel. Tree protection must be shown on all Development plans prior to site plan approval. A site inspection of the Tree barricades must be scheduled by the Applicant with the Zoning and Planning Department for approval prior to the issuance of permits or the start of Development activities.
 2. Prior to issuance of a Zoning Permit, a pre-construction planning conference is required for on-site Tree preservation with the Zoning and Planning Director or staff representative, the Applicant(s), and any appropriate parties for determining if there is need for additional Tree protection techniques and for designating placement of Tree barricades, construction employee parking, temporary construction office, and dumpsters.
- B. Prior to the start of Land Development activities, protective Tree barricades shall be placed around all Required Trees in or near Development areas. The barricades shall be constructed of wood, metal, or plastic fencing or other materials approved by the Zoning and Planning Director, and include a top rail. Tree barricades shall be placed beneath the canopy Drip Line or one foot times the DBH of the Tree as a radius from the trunk, whichever is greater. Other protective devices or construction techniques may be used as approved by the Zoning and Planning Director. Three inches of mulch shall be installed and maintained within all Tree barricade areas. The mulch shall remain in place throughout Development activities. The area within the Tree barricade shall remain free of all Building materials, dirt, fill, and other construction debris, vehicles, and Development activities. All Required Trees are also subject to the requirements of Sec. 9.4.6, *Landscape Materials Standards*, and Article 11.3, *Enforcement Responsibility and Complaints*.
- C. In no case shall any paving, filling, grading, Building, or construction footing occur or be placed within three times the DBH in inches from the trunk of the Tree, unless otherwise approved by the Board of Zoning Appeals.
- D. Limited Clearing and/or Grubbing may be authorized by the Zoning and Planning Director prior to the installation of Tree barricades on sites that exhibit unusually heavy undergrowth and where access to the interior of the site and its Protected Trees is impractical. Limited Clearing shall be for the express purpose of accessing the property and Protected Trees to erect the Required Tree barricades and silt fencing. Such limited Clearing shall be done with hand tools, push or walk - behind equipment, or lightweight bush-hog type equipment designed for brush and undergrowth Clearing and which is not capable of removing vegetation greater than three inches in diameter. Under no circumstances may metal-tracked bulldozers, loaders, or similar rider/operator equipment be allowed on site until the Tree barricades are erected and a Zoning Permit is issued.
- E. Limited encroachments into the area located within Tree barricades may be allowed by the Zoning and Planning Director provided that encroachments do not constitute more than 25 percent of the protected area beneath a Tree and do not occur in the area located within three times the DBH in inches from the trunk of the Tree unless

otherwise approved by the BZA. The Zoning and Planning Director may allow administrative approval of encroachments of up to 35 percent of the protected area when the Zoning and Planning Director approves a Tree Preservation Plan submitted by the applicant. The Tree Preservation Plan must be adhered to by the applicant as directed by the Zoning and Planning Director; otherwise, it shall constitute a violation of this Ordinance. Any paving, Grading, trenching, or filling of the protected area must be pre-approved by the Zoning and Planning Director or the Board of Zoning Appeals, as required by this Ordinance, and may require specific construction techniques to preserve the health of the Tree. When grading and construction within the protected area of a Tree has been approved, all damaged roots shall be severed clean.

ARTICLE 9.2 TREE PROTECTION AND PRESERVATION

Sec. 9.2.6 Tree Replacement

- A. Tree replacement shall be required accompanying Development on all non-exempt properties in the manner described below:
 - 1. When replacement Canopy Trees are required in fulfillment of the requirements of this Article, they shall be no smaller than two and one-half-inch Caliper, except where caliper is otherwise identified
 - 2. The Zoning and Planning Director or Board of Zoning Appeals is empowered to require Trees of larger Caliper as determined appropriate for site-specific conditions and the circumstances, lawful or illegal, under which removal occurred.
- B. When Trees of eight inches DBH or greater have been removed in violation of this Ordinance, replacement Trees shall be planted in the same general area according to a replacement schedule approved by the Zoning and Planning Director.
- C. Where sites were cleared of Trees prior to the adoption of this Article or have been cleared subsequently for activities exempted from this Article, replacement Trees shall be planted, the combined Caliper of which equals or exceeds 40 inches per acre. Replacement schedules, including number, species, Caliper, and placement shall be approved by the Zoning and Planning Director.
- D. The Tree Fund is established to receive monies exacted from tree removal violation fines or other Tree removal mitigation, to include, but not limited to, removal, damage, destruction, or as defined in Sec. 9.2.1.C of this Chapter, and as a form of mitigation when planting of the Required Trees is determined to be detrimental to the overall health of existing Trees or impractical for the intended site design. The Zoning and Planning Director shall impose a Tree Mitigation fee of \$250 per inch required to meet the total mitigation inches amount. In cases of unpermitted Grand Tree removal in violation of this Ordinance, the inches required to be mitigated shall be equal to or greater than three times the diameter of the Grand Tree removed. All Tree Mitigation fees collected shall be paid to the County Treasurer and placed in an account established exclusively for public beautification through the planting of trees in Charleston County.
- E. When Trees have been removed through an approved mitigation program and the project will not be completed for any reason (i.e., bankruptcy, abandonment, change in ownership, etc.), the owners of the Subject Property are responsible for the mitigation of the removed Trees as outlined and agreed or subject to Sec. 9.2.6.D of this Chapter.

CHAPTER 11 | VIOLATIONS, PENALTIES AND ENFORCEMENT

ARTICLE 11.6 TREE PROTECTION AND PRESERVATION VIOLATIONS

In addition to the provisions of Article 11.4 of this Chapter, the following shall apply.

Sec. 11.6.1 Trees Removed Without Permits

A. Generally

If commercial sites are cleared of protected trees prior to obtaining a zoning permit (a violation), trees shall be replaced in accordance with a replacement schedule approved by the Planning Director. The Planning Director's replacement schedule shall specify the number, species, caliper and location of replacement trees, according to the following minimum criteria:

1. Combined caliper of which equals or exceeds 80 inches per acre; and
2. One-half of individual replacement trees are four inches or greater caliper.

B. Grand Trees

1. Where Grand Trees have been removed in violation of this Ordinance or where removal is necessitated at any time due to acts of negligence, trees shall be replaced in accordance with a replacement schedule approved by the Planning Director. The replacement schedule shall establish the number, species, caliper, and location of replacement trees, and at a minimum shall require:
 - a. That the combined caliper of replacement trees is equal to or greater than three times the diameter at breast height of the Grand Tree removed; and
 - b. Individual replacements of trees are of the largest transplantable caliper available or equal to the loss of DBH inches.
2. Where Grand Tree removal is necessitated by emergencies as defined in **CHAPTER 9** of this Ordinance, or death and disease of trees due to natural causes, as determined by the Planning Director, replacement will not be required.

CHAPTER 12 | DEFINITIONS

ARTICLE 9.2 TREE PROTECTION AND PRESERVATION

TERM DEFINITION

Temporary Driveway An access path from a roadway allowed for a period of 6 months from the date of encroachment permit issuance, unless otherwise specified within the encroachment permit approved by the Public Works Department.

Tree Preservation Plan A Tree Preservation Plan is a process by which trees are protected from construction damage with the use of various arboricultural services/practices including, but not limited to, canopy and root pruning, soil amendments, fertilization, root growth enhancements, and pesticides. In most cases, a Tree Protection Plan contains a set schedule which details when a service is to be administered and for which trees. A Tree Preservation Plan must be developed by a certified arborist.