

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, TO ADD TRANSPORTATION AND STORMWATER MANAGEMENT INFRASTRUCTURE CRITERIA FOR REZONING TYPE APPLICATIONS THAT REQUEST HIGHER DENSITY AND/OR INTENSITY; TO CLARIFY AND EXPAND THE APPROVAL CRITERIA FOR PLANNED DEVELOPMENT APPLICATIONS; AND TO CLARIFY LAPSE OF APPROVAL PROVISIONS FOR SITE PLAN REVIEW APPROVALS AND PRELIMINARY PLAT APPROVALS AT THE FOLLOWING DOCUMENT LOCATIONS: CHAPTER 3, DEVELOPMENT REVIEW PROCEDURES; CHAPTER 4, BASE ZONING DISTRICTS; AND CHAPTER 8, SUBDIVISION REGULATIONS

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 amendments to Chapter 3, Development Review Procedures, Chapter 4, Base Zoning Districts and Chapter 8, Subdivision Regulations, 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 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 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 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 25th day of June 2026.

CHARLESTON COUNTY COUNCIL

By: _____
Joseph A. Boykin
Chairman of Charleston County Council

ATTEST:

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

First Reading: May 26, 2026
Second Reading: June 11, 2026
Third Reading: June 25, 2026

EXHIBIT "A"

ARTICLE 3.2 COMPREHENSIVE PLAN AMENDMENTS

Sec. 3.2.6 Approval Criteria

Comprehensive Plan Amendments may be approved by the County Council only if they determine that the proposed amendment is consistent with the overall purpose and intent of the *Comprehensive Plan* and that any one of the following criteria has been met:

- A. There was a significant error in the original *Comprehensive Plan* adoption;
- B. In adopting the *Comprehensive Plan*, the County Council failed to take into account facts, projections, or trends that were reasonably foreseeable to exist in the future;
- C. Events, trends, or facts after adoption of the *Comprehensive Plan* have changed the County Council's original findings made upon plan adoption;
- D. Events, trends, or facts after adoption of the *Comprehensive Plan* have changed the character or condition of an area, making the proposed amendment necessary;
- E. The proposed *Comprehensive Plan* Amendment is requested pursuant to and complies with Article [3.17](#), *Developments of County Significance*;
- F. The proposed *Comprehensive Plan* Amendment is consistent with the *Comprehensive Plan* Future Land Use recommendations of adjacent municipalities that have adopted extra-territorial jurisdiction for the subject Parcel(s); or
- G. The proposed amendment, if changing the Future Land Use designation of a property to a more intense Future Land Use category, as determined by the Zoning and Planning Director, will allow Development that can be served by available, adequate, and suitable traffic/transportation facilities and stormwater management.

ARTICLE 3.3 ZONING AND LAND DEVELOPMENT REGULATIONS TEXT AMENDMENTS

Sec. 3.3.6 Approval Criteria

Text amendments to this Ordinance may be approved if the following approval criteria have been met:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;
- B. The proposed amendment is consistent with the adopted Charleston County *Comprehensive Plan* and goals as stated in Article [1.5](#), *Purpose and Intent*;
- C. The proposed amendment is to further the public welfare in any other regard specified by County Council; and
- D. The proposed amendment, if changing the Zoning District designation of a property to a more intense zoning designation, as determined by the Zoning and Planning Director, will allow Development that can be served by available, adequate, and suitable traffic/transportation facilities and stormwater management.

ARTICLE 3.4 ZONING MAP AMENDMENTS [REZONINGS]

Sec. 3.4.6 Approval Criteria

Zoning Map Amendments may be approved by County Council only if the proposed amendment meets one or more of the following criteria

- A. The proposed amendment is consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance;
- B. The proposed amendment will allow Development that is compatible with existing uses, recommended Density, established Dimensional Standards, and zoning of nearby properties that will benefit the public good while avoiding an arbitrary change that primarily benefits a singular or solitary interest;
- C. The proposed amendment corrects a zoning map error or inconsistency;
- D. The proposed amendment addresses events, trends, or facts that have significantly changed the character or condition of an area; or
- E. The proposed amendment, if changing the Zoning District designation of a property to a more intense zoning designation, as determined by the Zoning and Planning Director, will allow Development that can be served by available, adequate, and suitable traffic/transportation facilities and stormwater management.

[Commentary-This provision does not require that the Applicant submit a special study in every instance of a Zoning Map Amendment request.]

ARTICLE 4.25 PD, PLANNED DEVELOPMENT ZONING DISTRICT

Sec. 4.25.9 Planned Development Guidelines and Sketch Plan Requirements

- A. The following shall be included in the proposed PD Guidelines:
 - 1. The name of the Planned Development, not duplicating the name of any other Planned Development or Subdivision, the Final Plat of which has been recorded in Charleston County, South Carolina;
 - 2. A statement of objectives of the proposed Development;
 - 3. The total acreage of the Planned Development, broken down into total acreage, total Highland acreage, total Freshwater Wetland acreage, and total Critical Line wetland, or marsh acreage;
 - 4. A table of proposed land uses including:
 - a. A table of proposed maximum and average residential Densities for each residential use (The applicant shall refer to the Density ranges listed in the Charleston County *Comprehensive Plan* for residential densities);
 - b. The maximum total acreage of each residential use;
 - c. The maximum allowable number of each type of residential Dwelling Unit requested (Single-Family Detached, Single-Family Attached, etc.); and;
 - d. Planned Developments that request increased Density for the inclusion of Affordable and Workforce Dwelling Units shall include the Affordable/Workforce Dwelling Unit Plan that complies with the requirements of Sec. 6.4.19.G.3 of this Ordinance.
 - 5. A statement that the requirements of the Zoning District in which the property is located prior to rezoning will apply, if the property is not developed in accordance with the approved PD Development Plan;

6. The maximum proposed Floor Area ratios (% of lot in relation to building floor area), maximum number of Buildings, maximum size of each Building, and maximum Building Coverage for each non-residential use;
7. All dimensional and lot standards proposed, for each land use type designated including Building/Impervious Surface Coverage, as applicable;
8. For Planned Developments that are requesting Density bonuses pursuant to Sec. 4.25.7, *Affordable and Workforce Dwelling Units*, all information required by Sec. 6.4.19 of this Ordinance shall be submitted as part of the PD Development Plan;
9. An analysis of the impact of the proposed Development on existing public facilities and services (e.g. roads and Streets, Water, Sewer, stormwater, etc.). Any proposed future improvements to these facilities and services to be made as part of the Planned Development shall also be included;
10. A Traffic Impact Study that complies with the requirements of Article 9.6, Traffic Impact Studies, of this Ordinance. Traffic Impact Studies are required for all Planned Development Zoning District applications that meet the thresholds described in ZLDR Sec. 9.6.2.B and for those that propose more intense Development than allowed by the existing zoning district, as determined by the Zoning and Planning Director. Traffic Impact Studies shall include any recommended on-site improvements with timeframes for completion of construction of such improvements. Letters of coordination regarding the Traffic Impact Study from the applicable transportation/public works entities (e.g., SCDOT, Charleston County Public Works Department, Municipal Public Works Department, BCDCOG), as determined by the Zoning and Planning Director, shall also be submitted;
11. A Development schedule with a generalized phasing schedule, if appropriate. The phasing schedule shall include the number of Dwelling Units, total acreage of each residential use, total gross Floor Area of each non-residential use, and percentage and acreage of Common Open Space to be included in each phase;
12. A statement indicating how any Common Open Space/recreation areas will be owned or managed;
13. A statement indicating how all roads and Alleys will be owned and maintained;
14. A narrative statement defining proposed Stormwater system design approach and system integration within proposed plan. Statement should include conceptual stormwater system design configuration including: site specific natural and man-made features (e.g. wetland, ditches, canals, rivers, Water bodies) incorporated within the Stormwater management system; system components; component purpose/function; stormwater system ownership; party(ies) responsible for maintenance. A compliance statement is required referencing applicable South Carolina Department of Health and Environmental Control (SCDHEC) and Charleston County Stormwater Program criteria;
15. A statement of inclusion and compliance with processes included in the Charleston County Zoning and Land Development Regulations that are not mentioned in the Planned Development Guidelines;
16. A statement of agreement to proceed with proposed Development in accordance with the provisions of these zoning regulations, applicable provisions of the Charleston County *Comprehensive Plan*, and with such conditions as may be attached to any rezoning to the applicable PD district;
17. A statement that proposed modifications to the approved PD Development Plan shall be processed in accordance with Section 4.25.10;

18. A description of how the proposed development complies with the approval criteria contained in Sec. 4.25.8(J), in a list format, addressing each criterion separately;
19. A historic and archeological survey identifying all historic and cultural sites, structures and landscapes on the subject property, consistent with Article 9.7, *Historic Preservation*, of this Ordinance. If there are no resources, a map from SCDAH indicating such must be included. Any required on-site mitigation must be detailed in the Planned Development Guidelines and proof of coordination with OCRM and/or the South Carolina State Historic Preservation Office must be included;
20. Letters of coordination as described below:
 - a. Letters of coordination from the applicable transportation/public works entities as required by Sec. 4.25.9.A.10 of this Ordinance;
 - b. A letter of coordination from the Charleston County Public Works Stormwater Division indicating the potential impacts of the proposed amendment on the stormwater system;
 - c. Letters indicating the availability of public water and/or sewer from applicable water and sewer providers if public water and/or sewer may be utilized;
 - d. A letter of coordination from the Charleston County School District indicating the potential impacts of the proposed amendment on school system capacity and operations;
 - e. Letters of coordination from Charleston County EMS, Charleston County Sheriff's Office, and the applicable Fire Department indicating the potential impacts of the proposed amendment on the ability of these agencies to provide emergency services;
 - f. A letter of coordination from the Charleston Area Regional Transportation Authority (CARTA) indicating the potential impacts of the proposed amendment on the ability of the CARTA system to provide service; and
 - g. Any other information that the Zoning and Planning Director determines is necessary to determine whether or not an application complies with the standards established in this Article.

At the request of the applicant, the Zoning and Planning Director may waive the letters of coordination required by subsections d, e, and f listed above provided that the applicant submits documentation of their attempts to obtain the required letters.

Sec. 4.25.8 Planned Development Procedure

- A. **Approval Criteria.** Applications for Planned Developments may be approved only if the County Council determines that the following criteria are met:
 1. The PD Development Plan complies with the standards contained in this Article;
 2. The proposed Development is consistent with the intent of the *Comprehensive Plan* and other adopted policy documents;-
 3. The proposed Development is compatible with existing uses, recommended Density, established Dimensional Standards, and zoning of nearby properties that will benefit the public good while avoiding an arbitrary change that primarily benefits a singular or solitary interest; and
 4. The County and other agencies will be able to provide necessary public services, facilities, and programs to serve the Development proposed, at the time the property is developed.

CHAPTER 3 | DEVELOPMENT REVIEW PROCEDURES

ARTICLE 3.7 SITE PLAN REVIEW

Sec. 3.7.10 Lapse of Approval

Site Plan Review approval shall lapse and be of no further effect two years after the date that the Site Plan Review application was approved by the Zoning and Planning Director, unless a Zoning Permit is issued in accordance with Article 3.8, Zoning Permits, or, if no Zoning Permit is required, unless construction or development has commenced and has not been suspended or abandoned for a period of more than two years.

Up to a maximum of five one-year extensions of Site Plan Review approval may be allowed if construction or development has not commenced but is being diligently pursued. The burden of proof for diligent pursuit of the completion of the project shall be upon the Applicant. The Applicant shall submit documentation demonstrating such pursuit to the Zoning and Planning Director for review and final determination. Applications for extensions of Site Plan Review approvals shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department at least 15 days prior to the expiration of the Site Plan Review approval or 15 days prior to the expiration of any previous extension of the Site Plan Review approval.

CHAPTER 8 | SUBDIVISION REGULATIONS

ARTICLE 8.4 PRELIMINARY PLAT

Sec. 8.4.6 Lapse of Preliminary Plat Approval

An approved Preliminary Plat shall lapse and be of no further force and effect if a Final Plat for the Subdivision (or a phase of the Subdivision) has not been approved within two years of the date of approval of the Preliminary Plat. If the Subdivision is to be developed in phases, a phasing plan, including a timetable for Development of the entire Subdivision, shall be approved as part of the Preliminary Plat approval. No Final Plats shall be accepted, and no construction shall be allowed for any phase not approved as part of the Preliminary Plat.

Up to a maximum of five one-year extensions of Preliminary Plat approval may be allowed if a Final Plat for the Subdivision (or a phase of the Subdivision) has not been approved but is being diligently pursued. The burden of proof for diligent pursuit of the completion of the project shall be upon the Applicant. The Applicant shall submit documentation demonstrating such pursuit to the Zoning and Planning Director for review and final determination. Applications for extensions of Preliminary Plat approvals shall be submitted to the Zoning and Planning Director on forms available in the Zoning and Planning Department at least 15 days prior to the expiration of the Preliminary Plat approval or 15 days prior to the expiration of any previous extension of the Preliminary Plat approval.