

**AN ORDINANCE REZONING PROPERTIES LOCATED  
AT 3328, 3332, 3334, & 3326 MAYBANK HIGHWAY  
FROM THE COMMERCIAL TRANSITION (CT) DISTRICT  
TO THE PLANNED DEVELOPMENT (PD-149) DISTRICT**

WHEREAS, the properties located at 3328, 3332, 3334, & 3326 Maybank Highway, identified as Tax Map Parcel Numbers 279-00-00-031, -033, -034, & -303 and are currently zoned Commercial Transition (CT); and,

WHEREAS, the applicant requests the parcels be rezoned to Planned Development (PD) and has submitted a complete application for PD Development Plan approval pursuant to Article 4.23 of the Charleston County Zoning and Land Development Regulations (ZLDR); and,

WHEREAS, the Charleston County Planning Commission has reviewed the proposed PD Development Plan and adopted a resolution, by majority vote of the entire membership, recommending that County Council approve with conditions the proposed development plan, which recommendation is based on the Approval Criteria of Section 4.23.9.E.9 of the ZLDR; and,

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least 1 public hearing and after close of the public hearing, County Council approves with conditions the proposed PD Development Plan based on the Approval Criteria of Section 4.23.9.E.9 of Article 4.23 of the ZLDR; and,

WHEREAS, County Council has determined the PD Development Plan meets the following criteria:

- A. The PD Development Plan complies with the standards contained in Article 4.23 of the ZLDR;

- B. The development is consistent with the intent of the Charleston County Comprehensive Plan and other adopted policy documents;
- C. 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.

NOW, THEREFORE, be ordained it by Charleston County Council, in meeting duly assembled, finds 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. REZONING OF PROPERTIES

A. Charleston County Council rezones the properties located at 3328, 3332, 3334, & 3326 Maybank Highway, identified as Tax Map Parcel Numbers 279-00-00-031, -033, -034, & -303, from Commercial Transition (CT) to Planned Development (PD-149); and

B. The PD Development Plan submitted by the applicant and identified as the "Planned Development District Guidelines for Kulick Properties, LLC's 'The Tattooed Moose' Restaurant and Event Venue" dated October 8, 2012, including the changes that are attached hereto as Exhibit "A" and made part of this Ordinance by reference, approved by County Council as Planned Development 149 or PD-149, is incorporated herein by reference, and shall constitute the PD Development Plan for the parcels identified above; and

C. Any and all development of PD-149 must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and

laws; and

D. The zoning map for Tax Map Parcel Numbers 279-00-00-031, -033, -034, & -303 is amended to PD-149 in accordance with Section 4.23.10 of Article 4.23 of the ZLDR.

### 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 upon approval of County Council following third reading.

ADOPTED and APPROVED in meeting duly assembled this 22<sup>nd</sup> day of January, 2013.

CHARLESTON COUNTY, SOUTH CAROLINA

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

ATTEST:

By: \_\_\_\_\_  
Beverly T. Craven  
Clerk to Charleston County Council

First Reading: December 18, 2012  
Second Reading January 8, 2013  
Third Reading: January 22, 2013

**EXHIBIT 'A'**

**PLANNING AND PUBLIC WORKS COMMITTEE  
RECOMMENDED CHANGES AND CONDITIONS TO PD-149  
APPROVED BY COUNTY COUNCIL**

1. State that the sale/tasting of beer, wine, and liquor as part of the retail shop will not require additional zoning approvals/permits.
2. State that all special events will be coordinated with the appropriate public safety providers and the Charleston County Building Inspection Services Department prior to any special event and that all special events shall comply with the regulations of the appropriate agencies/departments.
3. State that the “smoke house” will only provide food for the restaurant/catering and special events.
4. State that the fence around the property will be a privacy fence and will be located in the side and rear buffers.
5. State that there will be a minimum average 35 foot buffer around all wetlands.
6. Clarify that the applicant will coordinate with S.C. DOT and Charleston County Transportation Development regarding transportation impacts.
7. Delete Art. 3.10 from the list of sections referenced on page 11.
8. Page 4, rewrite the statement that begins “The sale of beer, wine, and liquor...” to state that: The sale of beer, wine, and liquor shall not require a special zoning permit.
9. Page 5, remove the term “residential” from the sentence that begins “All residential and non-residential development...”