

AN ORDINANCE

REZONING PROPERTY LOCATED AT 2299 Bailey Island Lane, PARCEL IDENTIFICATION 012-00-00-007, -009 and 013-00-00-001, -017 through -065 and 014-00-00-004, -006 through -015, FROM Planned Development (PD-64) to Planned Development (PD-64A) District.

Charleston County Council, in meeting duly assembled, hereby makes the following findings of fact:

WHEREAS, the properties known as Parcel Identification 012-00-00-007, -009 and 013-00-00-001, -017 through -065 and 014-00-00-004, -006 through -015, are currently zoned Planned Development (PD-64); and

WHEREAS, the applicant has submitted an application which constitutes a "complete application" pursuant to the requirements of Article 4.27 of the Charleston County Zoning and Land Development Regulations; and

WHEREAS, the County Planning Commission has reviewed the application in accordance with procedures established in State Law and the County Zoning and Land Development Regulations; and

WHEREAS, the rezoning complies in all respects with Article 3.4 of the Charleston County Zoning and Land Development Regulations; and

WHEREAS, the planned development plan meets or exceeds the criteria as defined in Article 4.27, including, inter alia, the intent and results in §4.27.4, A through H, in the Charleston County Zoning and Land Development regulations by:

- A.  
Allowing for larger accessory structures than currently permitted;
- B.  
Maintaining a large amount of open space;
- C.  
Maintaining large buffer requirements;
- D.  
Allowing the overall density of the development to remain unchanged, yet allowing for larger accessory structures than would currently be permitted;
- E.  
Maintaining permanently preserved common open space;
- F.  
Allowing efficient use of the land to remain unchanged;
- G.  
Maintaining large-lot, open space preservation design;
- H.  
Maintaining large buffers and a large amount of open space.

WHEREAS, the development plan conforms to and implements the Charleston County Comprehensive Plan;

NOW, THEREFORE BE IT ORDAINED BY CHARLESTON COUNTY COUNCIL AS FOLLOWS:

**1. THE ABOVE RECITALS ARE HEREBY INCORPORATED BY REFERENCE.**

**2. THE PROPERTY KNOWN AS PARCEL IDENTIFICATION 012-00-00-007, -009 AND 013-00-00-001, -017 THROUGH -065 AND 014-00-00-004, -006 THROUGH -015, BE AND HEREBY IS REZONED FROM PLANNED DEVELOPMENT (PD-64) TO PLANNED DEVELOPMENT (PD-64A) DISTRICT.**

**3. THE ORIGINALLY APPROVED PLANNED DEVELOPMENT PLAN FOR PD-64, AS AMENDED BY THE PLANNED DEVELOPMENT PLAN, STIPULATIONS, AND GUIDELINES AMENDMENTS SUBMITTED BY THE APPLICANT AND DATED FEBRUARY 7, 2007, INCLUDING CHANGES THERETO AND CONDITIONS, IF ANY, APPROVED BY COUNTY COUNCIL, ARE HEREBY INCORPORATED HEREIN BY REFERENCE, AND SHALL CONSITITUTE THE PLANNED DEVELOPMENT PLAN FOR THE PARCELS IDENTIFIED ABOVE.**

**4. ANY DEVELOPMENT ON THE SITE MUST CONFORM TO THE ABOVE-REFERENCED PLANNED DEVELOPMENT PLAN, ALL REQUIREMENTS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS AND OTHER APPLICABLE LAWS, RULES AND REGULATIONS.**

**5. THE PROVISIONS OF THIS ORDINANCE ARE HEREBY DECLARED TO BE SEVERABLE AND IF ANY SECTION, PHRASE, OR PROVISIONS SHALL FOR ANY REASON BE DECLARED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID OR UNENFORCEABLE, THAT DECLARATION SHALL NOT AFFECT THE VALIDITY OF THE REMAINDER OF THE SECTIONS, PHRASES, AND PROVISIONS HEREUNDER.**

**6. THE WITHIN ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON APPROVAL FOLLOWING THIRD READING.**