

AN ORDINANCE

REZONING PROPERTY LOCATED AT 3791 BETSY KERRISON PARKWAY AND 4920, 4982, 4979 RIVER ROAD, PARCEL IDENTIFICATION 202-00-00-073 & 174; 215-00-00-008 AND 086, FROM PD-22 DISTRICT TO PLANNED DEVELOPMENT (PD-22-B) DISTRICT.

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

WHEREAS, the properties known as Parcel Identification **202-00-00-073 & 174; 215-00-00-008 & 086**, are currently zoned PD-22; 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, Charleston County Council held a Public Hearing on May 6, 2008, regarding this rezoning application in accordance with the 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 increased commercial development than currently permitted;
- B.** Allowing for inclusion of open space throughout the development;
- C.** Allowing in scale development with consideration for special site characteristics, locations, land use arrangements and provides for Sweetgrass Basket sales;
- D.** Maintaining the overall density of the development to remain unchanged, yet allowing for more commercial uses than would currently be permitted;
- E.** Maintaining permanently preserved common open space;
- F** Allowing efficient use of the land resulting in improved interconnectivity

throughout the land;

- G.** Allowing for creative use of land and related physical facilities that results in better development and design; and
- H.** Allowing for smaller commercial buildings designed to the scale and character of the surrounding rural area.

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 202-00-00-073 & 174; 215-00-00-008 & 086, BE AND HEREBY IS REZONED FROM PD-22 DISTRICT TO PLANNED DEVELOPMENT (PD-22-B) DISTRICT.**
- 3. THE ORIGINALLY APPROVED PLANNED DEVELOPMENT PLAN FOR PD-22 AS AMENDED BY THE PLANNED DEVELOPMENT PLAN, STIPULATIONS, AND GUIDELINES AMENDMENTS SUBMITTED BY THE APPLICANT AND DATED JULY 17,1985, INCLUDING CHANGES THERETO AND CONDITIONS, IF ANY, (THE PLANNED DEVELOPMENT PLAN FOR PD-22-B SUBMITTED BY THE APPLICANT AND DATED 3-17-08, INCLUDING CHANGES THERETO AND CONDITIONS, IF ANY) APPROVED BY COUNTY COUNCIL, ARE HEREBY INCORPORATED HEREIN BY REFERENCE, AND SHALL CONSITUTE 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.**