

AN ORDINANCE

REZONING PROPERTY LOCATED AT HOOPSTICK ISLAND ROAD, PARCEL IDENTIFICATION 277-00-00-016, -017, -019, -020 & -049, FROM AGRICULTURAL PRESERVATION/AGRICULTURAL RESIDENTIAL (AG-8) (AGR) DISTRICTS TO PLANNED DEVELOPMENT (PD-134) DISTRICT.

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

WHEREAS, the properties known as Parcel Identification **277-00-00-016, -017, -019, -020 & -049**, are currently zoned **AGRICULTURAL PRESERVATION/AGRICULTURAL RESIDENTIAL (AG-8)(AGR) DISTRICTS**; 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 a more balanced and efficient use of land compared to the potential use of the island with multiple zoning districts;
- B.** Allowing for inclusion of open space at the island entrance as well as throughout each individual lot;
- C.** Allowing for greater critical area buffers and additional natural open space and vegetation into each lot;
- D.** Allowing the overall density of the development to be compatible with density ranges recommended for Rural Agricultural, Agricultural Preservation, and Agricultural Residential land uses;
- E.** Maintaining permanently preserved common open space, recreation areas and facilities;
- F.** Allowing for efficient use of the land;

G. Allowing for a creative approach to the use of land and related physical facilities that results in better development and design and the construction of amenities;

H. Allowing for a development pattern that incorporates adequate public safety and transportation-related measures in its design and compliments the developed properties in the vicinity and the natural features of the site;

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 277-00-00-016, -017, -019, -020 & -049, BE AND HEREBY IS REZONED FROM AGRICULTURAL PRESERVATION/AGRICULTURAL RESIDENTIAL (AG-8) (AGR) DISTRICTS TO PLANNED DEVELOPMENT (PD-134) DISTRICT.

3. THE PLANNED DEVELOPMENT PLAN FOR PD-134 SUBMITTED BY THE APPLICANT AND DATED 01-18-2008, 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.