

AN ORDINANCE
REZONING PROPERTIES LOCATED AT 2630 BRYANS DAIRY ROAD FROM
AN AGRICULTURAL PRESERVATION (AG-8) DISTRICT TO A PLANNED
DEVELOPMENT (PD-138) DISTRICT.

WHEREAS, the properties located at **2630 BRYANS DAIRY RD**, identified as Tax Map Parcel Number **259-00-00-074** and is currently zoned **AGRICULTURAL PRESERVATION (AG-8)**; and

WHEREAS, the applicant requests the parcels be rezoned to Planned Development (PD-138) and has submitted a complete application for PD Development Plan approval pursuant to Article 4.27 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 4.27.9.C.6 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 4.27.9.C.6 of Article 4.27 of the ZLDR;

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 4.27 of the ZLDR;
- B. The development is consistent with the intent of the Charleston County Comprehensive Plan;
- 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 **2630 BRYANS DAIRY RD**, identified as Tax Map Parcel Numbers **259-00-00-074**, from **AGRICULTURAL PRESERVATION (AG-8) DISTRICT TO PLANNED DEVELOPMENT DISTRICT PD-138**; and

B. The PD Development Plan submitted by the applicant and identified as the "Planned Development District Guidelines for **PD-138**, Charleston County, South Carolina Dated **December 9, 2008**", including the changes thereto and conditions, if any, approved by County Council as Planned Development **138**, 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-138** 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 **259-00-00-074** is amended to **PD-138** in accordance with Section 3.4.7 of Article 3.4 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.