

AN ORDINANCE

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

WHEREAS, the properties located at 3791 Betsy Kerrison Parkway and 4920, 4979 and 4982 River Road, identified as Tax Map Parcel Numbers 215-00-00-086, 215-00-00-008, 202-00-00-073, and 202-00-00-174 are currently zoned Planned Development District (PD-22B); and

WHEREAS, the applicant requests to amend the Planned Development District (PD-22B) and has submitted a complete application for PD Development Plan amendment 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 the proposed development plan with conditions, which recommendation is based on the Approval Criteria of Section 4.27.9.C.6 of Article 4.27 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 the proposed PD Development Plan with conditions based on the Approval Criteria of Section 4.27.9.C.6 of Article 4.27 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 4.27 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 IT ORDAINED by the County Council of Charleston County, South Carolina, in meeting duly assembled, 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 property located at 3791 Betsy Kerrison Parkway and 4920, 4979 and 4982 River Road, identified as Tax Map Parcel Numbers 215-00-00-086, 215-00-00-008, 202-00-00-073, and 202-00-00-174 from the Planned Development District (PD-22B) to the Planned Development District (PD-22C); and

B. The PD Development Plan submitted by the applicant and identified as the "Planned Development Guidelines for Johns Island Junction, Johns Island, South Carolina, Dated August 2009," including the changes and conditions approved by County Council that are attached hereto as Exhibit A and made a part of this Ordinance by reference, shall constitute the PD Development Plan for the parcel which shall be identified as Planned Development 22C or PD-22C; and

C. Any and all development of PD-22C 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 215-00-00-086, 215-00-00-008, 202-00-00-073, and 202-00-00-174 is amended to PD-22C 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.

EXHIBIT "A"

**PLANNING AND PUBLIC WORKS COMMITTEE
RECOMMENDED CHANGES AND CONDITIONS TO PD-22C
APPROVED BY COUNTY COUNCIL**

1. Bennett Hofford Construction Co, as the developer agrees to work cooperatively with the County on a more regional approach to wastewater services for the southern part of Johns Island. It is willing to transfer ownership and/or management of the wastewater system it builds to a public provider, if requested by the County and it is also willing to connect its wastewater system to a larger system, if one is built.
2. Once COG passes the minor amendment to the 208 Plan, Bennett Hofford will seek the necessary approvals from DHEC for the construction of the wastewater system for which DHEC has given technical approval. The DHEC permitting process requires the developer to provide financial protections for the continued economic viability of the system. DHEC regulations require that the system be managed by a class A licensed operator.