

**AN ORDINANCE
REZONING PROPERTY LOCATED
AT 4398 HIGHWAY 174, TAX MAP PARCEL NUMBER 061-00-00-091, FROM THE
AGRICULTURAL PRESERVATION (AG-10) DISTRICT TO THE PLANNED
DEVELOPMENT (PD-148) DISTRICT**

WHEREAS, the property located at 4398 Highway 174, identified as Tax Map Parcel Number 061-00-00-091, and is currently zoned Agricultural Preservation (AG-10) District; and

WHEREAS, the applicant requests the parcels be rezoned to the Planned Development (PD-148) District and has submitted a complete application for PD-148 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 IT ORDAINED, by County Council of Charleston County, South Carolina, 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 property located at 4398 Highway 174 , identified as Tax Map Parcel Number 061-00-00-091, from the Agricultural Preservation (AG-10) District to the Planned Development (PD-148) District; and

B. The PD Development Plan submitted by the applicant and identified as the "Planned Development District Guidelines for Captain Jimmy Bell's Right off the Boat Restaurant and Market" dated February 14, 2011 including the changes thereto 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 148 or PD-148; and

C. Any and all development of PD-148 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 Number 061-00-00-091 is amended

to PD-148 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.

ADOPTED and APPROVED in meeting duly assembled this ____ day of April, 2011.

CHARLESTON COUNTY, SOUTH CAROLINA

By: _____
Teddie E. Pryor, Sr.
Chairman of County Council

ATTEST:

By: _____
Beverly T. Craven
Clerk to County Council

EXHIBIT 'A'

**PLANNING AND PUBLIC WORKS COMMITTEE
RECOMMENDED CHANGES AND CONDITIONS TO PD-148
APPROVED BY COUNTY COUNCIL**

1. Revise the PD document to indicate the correct property address of “4398 Highway 174.”
2. Include a definition of the use term, “Boat Charter Services/Rentals” and provide more detail about this proposed accessory use.
3. An encroachment permit from the S.C. DOT shall be required for ingress/egress to Highway 174 and Little Britton Road.
4. The Special Exception procedures of the *ZLDR*, Article 3.6, shall apply to any liquor, beer, or wine sales not associated with the restaurant.
5. Page 7, Section 10 (Architectural Guidelines) replace “follow” with “following”
6. Page 10, Section 20 (Letters of Support) remove the term “potential”
7. Include a statement indicating that all temporary signage shall comply with Table 9.11.2-C of the *ZLDR*.
8. Include a copy of the applicable sections of the *Zoning & Land Development Regulations Ordinance (ZLDR)*, as amended on December 16, 2010, in digital format (i.e. CD).