

**AN ORDINANCE
AMENDING THE FOLLOWING SECTION OF THE CHARLESTON COUNTY ZONING
AND LAND DEVELOPMENT REGULATIONS ORDINANCE, ORDINANCE 1202, AS
AMENDED: SECTION 3.2.6 (COMPREHENSIVE PLAN AMENDMENTS –
APPROVAL CRITERIA)**

WHEREAS, Sections 6-29-310 et seq. and Sections 6-29-710 et seq. South Carolina Code of Laws, as amended, authorize the County to enact or amend Zoning and Land Development Regulations to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed text amendments in accordance with the procedures established in state law and the County Zoning and Land Development Regulations Ordinance (ZLDR), and has recommended that the County Council adopt the proposed text amendments to the Zoning and Land Development Regulations Ordinance as set forth herein; 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 text amendments based on the Approval Criteria of Section 3.3.6 of Article 3.3 of the ZLDR;

WHEREAS, County Council has determined the proposed text amendments meet the following criteria:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;
- B. The proposed amendment is consistent with the adopted Charleston County

Comprehensive Plan and goals as stated in Article 1.5; and

- C. The proposed amendment is to further the public welfare in any other regard specified by County Council.

NOW, THEREFORE, BE IT ORDAINED, 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. AMENDMENT OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

The Charleston County Zoning and Land Development Regulations Ordinance is hereby amended to include the text amendments as attached hereto as Exhibit "A" and made part of this Ordinance by reference.

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

First Reading: _____, 2011
Second Reading _____, 2011
Third Reading: _____, 2011

EXHIBIT "A"

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CRITERIA)**

CHAPTER/ARTICLE/SECTION #: Section 3.2.6 (Comprehensive Plan Amendments – Approval Criteria)

REASON FOR AMENDMENT: Implement the Developments of County Significance provisions of the Comprehensive Plan by inserting a new approval criterion to authorize the approval of Developments of County Significance applications and add a new criterion to authorize the approval of Comprehensive Plan Amendments that are consistent with comprehensive plan recommendations of adjacent jurisdictions for subject parcels through extra-territorial jurisdiction.

DATE: December 13, 2010

PROPOSED AMENDMENT:

§3.2.6 APPROVAL CRITERIA

Comprehensive Plan Amendments may be approved by the County Council only if they determine that the proposed amendment is consistent with the overall purpose and intent of the *Comprehensive Plan* and that any one of the following criteria has been met:

- A. There was a significant error in the original Comprehensive Plan adoption;
- B. In adopting the Comprehensive Plan, the County Council failed to take into account facts, projections or trends that were reasonably foreseeable to exist in the future;
- C. Events, trends, or facts after adoption of the Comprehensive Plan have changed the County Council's original findings made upon plan adoption; ~~or~~
- D. Events, trends, or facts after adoption of the *Comprehensive Plan* have changed the character or condition of an area, making the proposed amendment necessary;
- E. *The proposed Comprehensive Plan Amendment is requested pursuant to and complies with Article 3.17, Developments of County Significance; or*
- F. *The proposed Comprehensive Plan Amendment is consistent with the comprehensive plan future land use recommendations of adjacent municipalities that have adopted extra-territorial jurisdiction for the subject parcel(s).*