

**AN ORDINANCE**

**REZONING A PORTION OF THE REAL PROPERTY LOCATED AT 1245 ASHLEY HALL ROAD, PARCEL IDENTIFICATION NUMBER 351-12-00-129 FROM THE MIXED STYLE RESIDENTIAL 12 (M-12) DISTRICT TO THE SINGLE FAMILY RESIDENTIAL 4 (R-4) DISTRICT**

WHEREAS, the property identified as parcel identification number 351-12-00-129 is currently zoned Mixed Style Residential 12 (M-12) District; and,

WHEREAS, the current owner or agent thereof requests rezoning a portion of the property and a complete application for rezoning the property was submitted to the Charleston County Planning Department requesting, among other things, that the parcel be rezoned from the Mixed Style Residential 12 (M-12) District to the Single Family Residential 4 (R-4) District pursuant to Article 3.4 of the Charleston County Zoning and Land Development Regulations (ZLDR); and,

WHEREAS, the Charleston County Planning Commission reviewed the application for rezoning and adopted a resolution, by majority vote of the entire membership, recommending that Charleston County Council (the "County Council") approve the application for rezoning based on the procedures established in State law and the Approval Criteria of Article 3.4 of the ZLDR; and,

WHEREAS, upon receipt of the recommendation of the Planning Commission, the County Council held at least 1 public hearing and after close of the public hearing, the County Council has determined the rezoning meets the following criteria of Section 3.4.6 of Article 3.4 of the ZLDR:

- A. The proposed amendment is consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses, recommended density, established dimensional standards, and zoning of nearby properties that will benefit the public good while avoiding an arbitrary change that primarily benefits a singular or solitary interest;
- C. The proposed amendment corrects a zoning map error or inconsistency;
- D. The proposed amendment addresses events, trends, or facts that have significantly changed the character or condition of an area.

NOW, THEREFORE, be ordained it by the 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 PROPERTY

The property identified as a portion of parcel identification number 351-12-00-129 is hereby rezoned from Mixed Style Residential 12 (M-12) District to the Single Family Residential 4 (R-4) District. The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the Charleston County Zoning and Land Development Regulations and other applicable laws, rules and regulations.

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 26<sup>th</sup> day of February, 2013

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Sr.  
Chairman of Charleston County Council

ATTEST:

Beverly T. Craven  
Clerk to Charleston County Council

First Reading: January 22, 2013  
Second Reading February 5, 2013  
Third Reading: February 26, 2013