

**AN ORDINANCE  
REZONING THE GIFT PLANTATION PLANNED DEVELOPMENT  
(PD-78).**

WHEREAS, the properties located at 3900-3999 Willow Pointe Lane, 4130-4230 Cobble Trot Way, 3801-3939 Thorn Chase Lane, and 4500-4540 Stable Trot Circle, identified as Tax Map Parcel Numbers 249-00-00-026, 249-00-00-057 through 249-00-00-071, 249-02-00-066 through 249-02-00-070, 249-02-00-072 through 249-02-00-077, and 249-02-00-079, are currently zoned Gift Plantation Planned Development Zoning District (PD-78); and

WHEREAS, the applicant requests the parcels be rezoned to Gift Plantation Planned Development Zoning District (PD-78A) to clarify primary and accessory uses for the properties in the Planned Development on the west side of Chisolm Road and incorporate the Gift Plantation wetlands within the Planned Development Zoning District; and

WHEREAS, the applicant submitted a complete application for PD Development Plan approval pursuant to Article 4.23 of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR); and

WHEREAS, the Charleston County Planning Commission 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 based on the Approval Criteria of Section 4.23.9.E.9 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, Charleston County Council ("County Council") held at least one public hearing and after close of the public hearing, County Council approved with conditions the proposed PD Development Plan based on the Approval Criteria of Section 4.23.9.E.9 of Article 4.23 of the ZLDR;

WHEREAS, County Council determined the PD Development Plan meets the following criteria:

- A. The PD Development Plan complies with the standards contained in Article 4.23 of the ZLDR;
- B. The development is consistent with the intent of the Charleston County Comprehensive Plan and other adopted policy documents; and
- 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 3900-3999 Willow Pointe Lane, 4130-4230 Cobble Trot Way; 3801-3939 Thorn Chase Lane; and 4500-4540 Stable Trot Circle, identified as Tax Map Parcel Numbers 249-00-00-026, 249-00-00-057 through 249-00-00-071; 249-02-00-066 through 249-02-00-070; 249-02-00-072 through 249-02-00-077; and 249-02-00-079, from the Gift Plantation Planned Development Zoning District (PD-78) to Gift Plantation Planned Development Zoning District (PD-78A); and

B. The PD Development Plan submitted by the applicant and identified as the "Development Guidelines for Gift Plantation Planned Development District (PD-78A)" dated April 16, 2014, including the changes that are attached thereto as Exhibit "A" and made part of this Ordinance by reference, approved by County Council as Planned Development 78A or PD-78A, 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-78A 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 249-00-00-026; 249-00-00-057 through 249-00-00-071; 249-02-00-066 through 249-02-00-070; 249-02-00-072 through 249-02-00-077; and 249-02-00-079, is amended to PD-78A in accordance with Section 4.23.10 of Article 4.23 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 26<sup>th</sup> day of August 2014.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_  
Teddie E. Pryor, Sr.  
Chairman of Charleston County Council

ATTEST:

By: \_\_\_\_\_  
Beverly T. Craven  
Clerk of Charleston County Council

First Reading: June 17, 2014  
Second Reading: July 29, 2014  
Third Reading: August 26, 2014

**EXHIBIT 'A'**

**PLANNING AND PUBLIC WORKS COMMITTEE  
RECOMMENDED CHANGES AND CONDITIONS TO PD-78A  
APPROVED BY COUNTY COUNCIL**

1. Page 4, Section III, Setback Criteria, Subsection B: Delete the phrase “as required by the Restrictive Covenants for Gift Plantation.”
2. Page 6, Section VII, General Provisions, Subsection D: Clarify the language to state “Prior to issuance of Charleston County Zoning, Building, and Business License permits for properties on the west side of Chisolm Road, all permit applicants must submit written proof of consistency with the Gift Plantation Homeowners Association covenants and restrictions from the Gift Plantation Architectural Review Board and/or Gift Plantation Homeowners Association”.
3. Page 6, Section VII, General Provisions, Subsection H: Delete the phrase “height restrictions” from the third line and replace with the term “lot size”. This is being suggested to ensure compliance with S.C. Code Ann. §6-29-740, Planned Development Districts.
4. Pages 5 – 6, Section VII, General Provisions: Add a definition for “Gift Plantation” as it is used in the entire Planned Development (i.e., clarify if this term refers to the properties on both the east and west sides of Chisolm Road or only those on the west side).