

**AN ORDINANCE
REZONING THE REAL PROPERTIES LOCATED AT 3844 and 3788
CHISOLM ROAD FROM THE AGRICULTURAL PRESERVATION (AG-
8) ZONING DISTRICT TO PLANNED DEVELOPMENT ZONING
DISTRICT (PD-152).**

WHEREAS, the properties located at 3844 and 3788 Chisolm Road, identified as Tax Map Parcel Numbers 249-00-00-013 and -015, are currently zoned Agricultural Preservation (AG-8) Zoning District; and

WHEREAS, the applicant requests the parcels be rezoned to Buckland Plantation Planned Development (PD-152) to allow for a maximum of 28 residential lots or a maximum of one dwelling unit per four acres, whichever is more restrictive; and

WHEREAS, the applicant has submitted a complete application for PD Development Plan approval pursuant to Article 4.23 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, and recommended that Charleston County Council (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, 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; 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 4.23 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 3844 and 3788 Chisolm Road, identified as Tax Map Parcel Numbers 249-00-00-013 and -015, from Agricultural Preservation Zoning District (AG-8) to Buckland Plantation Planned Development Zoning District (PD-152); and

B. The PD Development Plan submitted by the applicant and identified as the "Planned Development District Guidelines for Buckland Plantation (PD-152), Charleston County, South Carolina," dated March 2015, including the changes attached thereto as Exhibit "A" and made part of this Ordinance by reference, duly approved by County Council as Planned Development 152 or PD-152, is incorporated herein by reference and shall constitute the PD Development Plan for the parcel identified above;

and

C. Any and all development of PD-152 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 249-00-00-013 and -015 are amended to PD-152 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 27th day of October, 2015.

CHARLESTON COUNTY COUNCIL

By: _____
J. Elliot Summey
Chairman of Charleston County Council

ATTEST:

By: _____
Beverly T. Craven
Clerk of Charleston County Council

First Reading: September 29, 2015
Second Reading: October 13, 2015

Third Reading: October 27, 2015

EXHIBIT "A"

PLANNING AND PUBLIC WORKS COMMITTEE

RECOMMENDED CHANGES AND CONDITIONS TO PD-152

APPROVED BY CHARLESTON COUNTY COUNCIL

1. Land Use Master Plan: Remove the amount of acreage associated with Common Open Space #6.
2. Sec. 3.02, Table of Proposed Land Uses, Footnote 2: Clarify that Community Docks will also comply with Site Plan Review.
3. Sec. 3.02, Table of Proposed Land Uses, Footnote 5: Clarify that the Vehicle Storage Area will have to comply with Site Plan Review and buffer requirements of Section 3.07.
4. Sec. 3.02, Table of Proposed Land Uses, Footnote 6: Delete “site plan submittal” from the sentence so it states that resource extraction uses will comply with ZLDR Sec. 6.4.14, SCDOT, SCDHEC, and County regulations.
5. Sec. 3.04, Dimensional Standards: Add a footnote for Waterfront Development Standards Minimum Lot Width Average that states compliance with ZLDR Section 4.22.1 and attach the section with other ZLDR sections.
6. Sec. 3.07, Buffer: Add the following sentence, “The Vehicle Storage Area shall have a minimum buffer of 25’ and be comprised of at least three canopy trees, four understory trees, and 25 shrubs in compliance with Article 9.5 of the ZLDR.”
7. Sec. 3.08, Lots to Abut Common Open Space: Change the second sentence to read “The interior lots directly abut the common open space with their rear lot lines, and the remaining lots are oriented to the waterfront.”
8. Ensure the Common Open Space will be protected in perpetuity through a legally binding action (e.g. conservation easement, deed restriction, etc.).