

AN ORDINANCE

REZONING 14,508 ACRES OF PROPERTY LOCATED AT 5613 NEW ROAD; 5610 HIGHWAY 174; 7926 OLD JACKSONBORO ROAD; 5670 HIGHWAY 174; 7925 OLD JACKSONBORO ROAD; 5640 OLD JACKSONBORO ROAD; 6731 OLD JACKSONBORO ROAD; 7117 HIGHWAY 165; 7900 SAVANNAH HIGHWAY; 6209 NEW ROAD, PARCEL IDENTIFICATION NUMBERS: 050-00-00-017; 099-00-00-012; 099-00-00-033; 099-00-00-089; 121-00-00-033; 121-00-00-035; 168-00-00-023; 175-00-00-009; 175-00-00-017; AND 186-00-00-062, FROM RESOURCE MANAGEMENT ZONING DISTRICT (RM) AND AGRICULTURAL/RESIDENTIAL ZONING DISTRICT (AGR) TO FORM-BASED ZONING DISTRICT (FBZD) IN CONJUNCTION WITH THE SPRING GROVE DEVELOPMENT AGREEMENT BY AND AMONG MWV-EAST EDISTO SPRING GROVE, LLC AND CHARLESTON COUNTY, SOUTH CAROLINA.

WHEREAS, the properties located at 5613 New Road (PID 050-00-00-017); 7925 Old Jacksonboro Road (PID 121-00-00-033); 5640 Old Jacksonboro Road (PID 121-00-00-035); 7117 Highway 165 (PID 175-00-00-009); 7900 Savannah Highway (PID 175-00-00-017) are currently zoned Resource Management Zoning District (RM); and

WHEREAS, the properties located at 5610 Highway 174 (PID 099-00-00-012); 7926 Old Jacksonboro Road (PID 099-00-00-033); 5670 Highway 174 (PID 099-00-00-089); 6731 Old Jacksonboro Road (PID 168-00-00-023); and 6209 New Road (PID 186-00-00-062) are currently zoned Agricultural/Residential Zoning District (AGR); and

WHEREAS, the applicant requests the parcels be rezoned to the Form-Based Zoning District (FBZD-1) in conjunction with the Spring Grove Development Agreement by and among MWV-East Edisto Spring Grove, LLC and Charleston County, South Carolina; and

WHEREAS, the applicant has submitted a complete application for Form-Based Zoning District (FBZD-1) approval pursuant to Chapter 7 of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR); and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed Form-Based Zoning District application and adopted a resolution, by majority vote of the entire membership, and recommended that Charleston County Council (County Council) approve with conditions the application based on the Approval Criteria of Section 3.4.6 and Section 7.2.2.D.5.d 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 Form-Based Zoning District application based on the Approval Criteria of Section 3.4.6 and Section 7.2.2.D.5.d of the ZLDR; and

WHEREAS, County Council has determined the Form-Based Zoning District application meets the Application Criteria of Section 3.4.6 of the ZLDR and the following:

- A. The proposed amendment is in accordance with the purpose and intent of the Comprehensive Plan, its goals and policies, and the Rural Guidelines;
- B. The proposed amendment complies with the stated purposes and requirements of Chapter 7 of the Zoning and Land Development Regulations Ordinance;
- C. The proposed amendment complies with Article 3.17, Developments of County Significance;
- D. The proposed amendment complies with the County and BCDCOG 208 Water Quality Management Plans and facilitates established levels of service for water and sewer supply, stormwater facilities, waste disposal and other public facilities and services and ensures such public facilities

and services will be available to serve development on the property concurrent with its impacts of such services and facilities;

- E. The applicant has provided documentation that the development proposed will not result in significant adverse impacts on other property in the vicinity of the subject property subject to the amendment;
- F. The applicant has provided documentation that the proposed amendment will not have an adverse impact on the environment, including air, water, noise, stormwater management, wildlife and natural resources; and
- G. The proposed amendment is suitable for the FBZD considering such things as parcel size, parcel configuration, road access, and the presence of cultural, historical, archaeological, and natural resources and amenities.

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 5613 New Road; 5610 Highway 174; 7926 Old Jacksonboro Road; 5670 Highway 174; 7925 Old Jacksonboro Road; 5640 Old Jacksonboro Road; 6731 Old Jacksonboro Road; 7117 Highway 165; 7900 Savannah Highway; 6209 New Road, Parcel Identification Numbers: 050-00-00-017; 099-00-00-012; 099-00-00-033; 099-00-00-089; 121-00-00-033; 121-00-00-035; 168-00-00-023; 175-00-00-009; 175-00-00-017; and 186-00-00-062 from the Resource Management Zoning District (RM) and Agricultural/Residential Zoning District (AGR) to the Form-Based Zoning District (FBZD-1); and

B. The Form-Based Zoning District application and Form District Master Plan submitted by the applicant, including the changes attached thereto as Exhibit "A"

and Exhibit "B" and made part of this Ordinance by reference, duly approved by County Council, are incorporated herein by reference and shall constitute the Form-Based Zoning District (FBZD-1) for the parcels identified above; and

C. Any and all development of the Form-Based Zoning District must comply with the Form District Master Plan, ZLDR, Development Agreement, and all other applicable ordinances, rules, regulations, and laws; and

D. The zoning map for Tax Map Parcel Numbers 050-00-00-017; 099-00-00-012; 099-00-00-033; 099-00-00-089; 121-00-00-033; 121-00-00-035; 168-00-00-023; 175-00-00-009; 175-00-00-017; and 186-00-00-062 are amended to FBZD-1 in accordance with Section 7.2.2.D.5.e 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 19th day of November, 2015.

CHARLESTON COUNTY COUNCIL

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

ATTEST:

By: _____
Kristen L. Salisbury
Deputy Clerk of Charleston County Council

First Reading: October 13, 2015
Second Reading: October 27, 2015
Third Reading: November 19, 2015

EXHIBIT "A"

PLANNING AND PUBLIC WORKS COMMITTEE

RECOMMENDED CHANGES AND CONDITIONS TO FBZD-1

APPROVED BY CHARLESTON COUNTY COUNCIL

Form-Based Zoning District Zoning Map Amendment Application – Zoning Change Application and Checklist Documentation:

1. Tab XI: Revise the Phasing Map to include a note stating that all areas not assigned a timeframe for development will develop pursuant to the applicable section of the development agreement.
2. Provide one updated paper copy and one digital version of this application incorporating the changes noted above.

Form-Based Zoning District Application – Form District Master Plan:

1. Page VIII: Remove the reference to the “Illustration 6.5.4: Frontage Buildout in T5-R District” from the Table of Contents.
2. Page 8, Map 1.1.6, Circulation Map, and other applicable sections: Revise as follows:
 - o Incorporate the revised Circulation Map (Exhibit B) and correct the legend to state “Proposed Primary Thoroughfare.”
 - o Include notes on Map 1.1.6 and text in FDMP Sec. 3.2.1 and in the Development Agreement stating:
 - The right-of-way(s) for the above referenced Primary Thoroughfares will be platted and dedicated to an appropriate entity prior to the issuance of any zoning permits for development contained in applicable Community or Special District Plans for the portion of the project located north of Savannah Highway.
 - The right-of-way width(s) and location(s) will be coordinated with the Charleston County Public Works Department and Zoning and Planning Department prior to plat submittal.
 - All proposed dedications of such right-of-ways to the public shall follow County approval and acceptance requirements and processes in effect at the time of submittal.
 - o Adjust the proposed evacuation traffic flow accordingly and provide an updated letter from Charleston County Emergency Management regarding the new configuration of the evacuation route.
 - o Amend Map 1.1.5, 75% Acreage and Trails Map accordingly.
 - o Make the same changes to all other application documents, as applicable, including, but not limited to, Tab IX (Trails Map), Tab X (Phasing Map), and Tab XVI (Transportation Report) of the Zoning Change Application and Checklist Documentation).
3. Include language in FDMP Sec. 3.4.2 stating that updated traffic studies submitted with land development applications must address compliance with the Circulation Map including anticipated impacts of future developments within the project boundaries on existing and proposed infrastructure.
4. Include language in FDMP Sec. 3.4.2 stating that updated traffic studies submitted with land development applications shall demonstrate proposed infrastructure meets all requirements; and, in addition, the traffic circulation plan is designed to minimize traffic impacts and maintain the rural character for Old Jacksonboro Road, Hyde Park Road, and Greenwood Road.
5. Page 70, Table 5.6.3.B.9: Submit a letter from the applicable utility company stating that the streetlights listed in the table have been approved by the utility company pursuant to ZLDR Table 7.4.P requirements.
6. Provide three updated paper copies and one digital version of this application incorporating the changes noted above.

EXHIBIT "B"

REVISED CIRCULATION MAP