

**AN ORDINANCE  
REZONING THE REAL PROPERTY LOCATED AT 3005 MAYBANK  
HIGHWAY, PARCEL IDENTIFICATION NUMBER 313-00-00-079, FROM  
SINGLE FAMILY RESIDENTIAL 4 (R-4) ZONING DISTRICT TO  
PLANNED DEVELOPMENT ZONING DISTRICT (PD-153).**

WHEREAS, the property located at 3005 Maybank Highway, identified as Tax Map Parcel Number 313-00-00-079, is currently zoned Single Family Residential 4 (R-4); and

WHEREAS, the applicant requests the parcel be rezoned to The Settlement at Johns Island Planned Development Zoning District (PD-153) to allow for limited commercial uses; 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 (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 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;
- 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 PROPERTY

A. Charleston County Council rezones the property located at 3005 Maybank Highway, identified as Tax Map Parcel Number 313-00-00-079, from Single Family Residential 4 (R-4) to The Settlement at Johns Island Planned Development Zoning District (PD-153); and

B. The PD Development Plan submitted by the applicant and identified as the "The Settlement at Johns Island Planned Development District Guidelines, Charleston County, South Carolina," November 13, 2015, including the changes thereto as Exhibit "A" and made part of this Ordinance by reference, approved by County Council as Planned Development 153 or PD-153, 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-153 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 Number 313-00-00-079 is amended to PD-153 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 22<sup>nd</sup> day of March, 2016.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_  
J. Elliott Summey  
Chairman of Charleston County Council

ATTEST:

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

First Reading:      January 26, 2016  
Second Reading:   February 9, 2016  
Third Reading      March 22, 2016

**EXHIBIT “A”**  
**RECOMMENDED CHANGES AND CONDITIONS TO PD-153**  
**APPROVED BY CHARLESTON COUNTY COUNCIL**

1. Section 5, first paragraph, third sentence: Regarding hours of operation, replace “shall” with “may” to allow flexibility for uses.
2. Section 5, Retail:
  - a. Clarify to state “Retail Sales and Retail Services in the Development shall include **uses as** permitted under the CN Zoning *District, provided, however, that Bar of Lounge uses; Liquor, Beer or Wine Sales; and alcohol sales, including but not limited to ABC package stores and the sale of alcohol at restaurants as defined in the ZLDR, shall be allowed on all properties and do not require special Exception approval*” (and remove the duplication of this last phrase regarding alcohol sales from page 9).
  - b. Restate “service station” as “service station, gasoline (with or without convenience stores)” in the list of prohibited uses.
  - c. Add the following to the list of prohibited uses: Accommodations uses and Landscaping and Horticultural Services.
3. Section 5, Drive Thru Windows: In item 4, change “Highway 17 North” to “Maybank Highway”.
4. Section 5, Bar or Lounge Uses: Delete this section (should be incorporated into a different section as noted in the bullets above).
5. Section 5, Professional Space: Clarify to state “shall include **uses as** permitted under...for CN Zoning District”.
6. Section 5, Professional Space: Delete the last sentence regarding hours of operation.
7. Section 5, Accessory Uses: Clarify to state: “An oyster shed shall be allowed as an accessory use/structure to the restaurant/bar and shall be located on the same property as the restaurant/bar **and shall comply with the principal structure setbacks contained in this PD. No other accessory structures shall be allowed. Outdoor storage is prohibited.**”
8. Land Use and Dimensional Standards Table: Under “Max. Accessory Building Size,” change “ALDR” to “ZLDR”.
9. Section 12, Access:
  - a. Add the following after the third sentence of the first paragraph: “One of the accesses to the site from Maybank Highway shall be aligned with Sailfish Drive (located directly across Maybank Highway), provided the alignment does not result in the removal of or damage to any Grand Trees. In addition, the developer will coordinate with the County and City of Charleston on an east-west road connection through the property.” In addition, the site plans must be revised accordingly.
  - b. Delete the last two sentences of this section and replace with the following statement, “All development will comply with ZLDR Section 5.4.10, Pedestrian Access.”
10. Section 17, Landscape Requirements: Replace the existing text with the following language: “Landscaping and buffer requirements will comply with ZLDR Article 5.4 and Chapter 9.”
11. Sketch Plans:

- a. Revise to align the access with Sailfish Drive per the applicable condition stated above.