

**AN ORDINANCE
REZONING THE REAL PROPERTY LOCATED AT 387 DUNMEYER HILL
ROAD FROM THE SINGLE FAMILY RESIDENTIAL 4 (R-4) ZONING DISTRICT
TO PLANNED DEVELOPMENT ZONING DISTRICT (PD-156).**

WHEREAS, the property located at 387 Dunmeyer Hill Road, identified as Tax Map Parcel Number 385-15-00-014, is currently zoned Single Family Residential 4 (R-4) Zoning District; and

WHEREAS, the applicant requests the parcel be rezoned to Dunmeyer Hill Estates Planned Development (PD-156) to allow for a maximum of 28 residential lots; 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 property located at 387 Dunmeyer Hill Road, identified as Tax Map Parcel Number 385-15-00-014, from Single Family Residential 4 Zoning District (R-4) to Dunmeyer Hill Estates Planned Development Zoning District (PD-156); and
- B. The PD Development Plan submitted by the applicant and identified as the "Planned Development District Guidelines for Dunmeyer Hill Estates (PD-156), Charleston County, South Carolina," dated May 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 156 or PD-156, 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-156 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 385-15-00-014 is amended to PD-156 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 1ST day of November, 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: **September 20, 2016**
Second Reading: **October 13, 2016**
Third Reading: **November 1, 2016**

EXHIBIT “A”
PLANNING AND PUBLIC WORKS COMMITTEE
RECOMMENDED CHANGES AND CONDITIONS TO PD-156
APPROVED BY CHARLESTON COUNTY COUNCIL

- Page 4, Sec. 5:
 - Second sentence of the first paragraph: delete the phrase “based on HOA approval”.
 - Change “note” to “not” in the last sentence of the first paragraph.
- Page 4, Sec. 7:
 - Delete the fourth paragraph.
 - In the last paragraph, add “Public Works” to the list of agencies for coordinating transportation impacts.
- Page 6, Sec. 13: Reference cemetery on adjacent parcel to the west of the development and require a 10-foot minimum vegetated buffer (utilizing the existing vegetation) in the Common Open Space along the western property line adjacent to the parcel containing the cemetery (not to count towards 40% requirement for Common Open Space).
- Page 6, Sec. 15:
 - Change “Front” to “Front/Street Side” and include a note that lots 14 and 15 on the conceptual plan shall have a 15-foot setback along all right-of-way frontages.
 - Reference Section 26.4 of PD in table note.
- Page 7, Sec. 18, last sentence: Delete “that are owned and maintained by the HOA”.
- Page 8, Sec. 24:
 - Revise the acreage of the pond to be 0.168 acres.
 - Add “comply” to the last sentence after, “Common Open Space shall...”
- Pages 8-9, Sec. 25:
 - Delete references to “(if private)” in the first paragraph of this section.
 - Fourth paragraph, first sentence: Change to read “The HOA shall fund, own, and maintain the stormwater system components, and structures, and shall ensure they are maintained to permitted standards.”
 - Include a statement that HOA approval is not required prior to submittal of applications for zoning permits.
- Exhibit 22: Change “Section 9” to “Chapter 9”.