

**AN ORDINANCE**

**REZONING A 9.35-ACRE PORTION OF THE REAL PROPERTY LOCATED AT 1649 YELLOW HOUSE ROAD, PARCEL IDENTIFICATION NUMBER 156-00-00-001, FROM THE AGRICULTURAL PRESERVATION (AG-15) ZONING DISTRICT TO THE AGRICULTURAL/RESIDENTIAL (AGR) ZONING DISTRICT.**

WHEREAS, the property identified as parcel identification number 156-00-00-001 is currently zoned Agricultural Preservation (AG-15) District; and

WHEREAS, the current owner or agent thereof requests a rezoning of a portion of the property consisting of 9.35-acres, and a complete application for rezoning the property was submitted to the Charleston County Zoning and Planning Department requesting, among other things, that a portion of the parcel be rezoned to the Agricultural/Residential (AGR) District, pursuant to Article 3.4 of the *Charleston County Zoning and Land Development Regulations (ZLDR)*; and

WHEREAS, the Charleston County Planning Commission reviewed the application for rezoning and adopted a resolution, by majority vote of the entire membership, recommending that Charleston County Council (County Council) approve the application for rezoning based on the procedures established in South Carolina law and the Approval Criteria of Article 3.4 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, the County Council held at least one public hearing and after close of the public hearing, County Council has determined the rezoning meets the following criteria of Section 3.4.6 of Article 3.4 of the ZLDR:

- A. The proposed amendment is consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses, recommended density, established dimensional standards, and zoning of nearby properties that will benefit the public good while avoiding an arbitrary change that primarily benefits a singular or solitary interest;
- C. The proposed amendment corrects a zoning map error or inconsistency;
- D. The proposed amendment addresses events, trends, or facts that have significantly changed the character or condition of an area.

NOW, THEREFORE, be ordained it by the 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 9.35-acre portion of the property identified as parcel identification number 156-00-00-001 is hereby rezoned from the Agricultural Preservation (AG-15) Zoning District to the Agricultural/Residential (AGR) Zoning District. The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the *Charleston County Zoning and Land Development Regulations* and other applicable laws, rules and regulations.

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 following third reading by County Council.

ADOPTED and APPROVED in meeting duly assembled this 15<sup>th</sup> day of December, 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: November 15, 2016

Second Reading: December 6, 2016

Third Reading: December 15, 2016