

**AN ORDINANCE
AMENDING THE KIAWAH RIVER PLANTATION, JOHNS ISLAND, SOUTH
CAROLINA DEVELOPMENT AGREEMENT FOR PROPERTIES LOCATED AT
LOCATED AT 3883 BETSY KERRISON PARKWAY, JOHNS ISLAND, SOUTH
CAROLINA, PARCEL IDENTIFICATION NUMBERS 212-00-00-001 AND 212-00-00-
005 THROUGH 212-00-00-014, BY AND AMONG KIAWAH RIVER INVESTMENT,
LLC AND CHARLESTON COUNTY, SOUTH CAROLINA.**

WHEREAS, Charleston County, South Carolina (County), acting by and through the Charleston County Council (County Council), is empowered under and pursuant to the provisions of the South Carolina Local Government Development Agreement Act, Title 6, Chapter 31, Code of Laws of South Carolina 1976, as amended (Act), to enter into development agreements relating to property within the County; and

WHEREAS, County Council approved the Development Agreement for Kiawah River Plantation, Johns Island, South Carolina by and among Kiawah River Plantation, L.P.; Ocean Boulevard Properties, L.P.; and Charleston County, South Carolina (Development Agreement) on December 9, 2009 (recorded in the office of the Register of Deeds on February 4, 2010), finding it consistent with the Charleston County Comprehensive Plan (Comprehensive Plan), the Charleston County Zoning and Land Development Regulations (ZLDR); and that it is a proper exercise of the police power and other authority granted to the County government; and benefits the general health, safety and welfare of the citizens of the County for the County to enter into the Development Agreement relating to the development of the property known as Kiawah River Plantation, Johns Island, South Carolina; and

WHEREAS, the properties have subsequently been acquired by Kiawah River Investment, LLC; and

WHEREAS, the applicant requests the Development Agreement be amended to clarify terms and development standards; and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed amendments and adopted a resolution, by majority vote of the entire membership, recommending that the Charleston County Council (County Council) approve the proposed amendments; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least two public hearings and after close of the public hearings, County Council approves the proposed amendments.

NOW, THEREFORE, BE IT ORDAINED, by the County Council of Charleston County, South Carolina, in meeting duly assembled, as follows:

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance. In addition to the recitals set forth above, which the County Council hereby adopts as findings of fact, the County Council specifically finds that the Development Agreement attached hereto as Exhibit "B" complies with the Act, the Comprehensive Plan, and the ZLDR.

SECTION II. DEVELOPMENT AGREEMENT

The amendments to the Development Agreement, including the changes attached thereto as Exhibit "A" and made part of this Ordinance by reference, are hereby approved in accordance with the Act and the ZLDR. The Development Agreement shall be effective immediately upon approval of this Ordinance after third reading and execution by the parties.

SECTION III. EXECUTION

The Chairman of the County Council is authorized to execute and deliver the Development Agreement on behalf of the County, and any and all other necessary documents or instruments incidental to the approval of this Ordinance and the Development Agreement.

SECTION IV. 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 V. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its approval following third reading by the County Council.

ADOPTED and APPROVED in meeting duly assembled this 9th day of October, 2018.

CHARLESTON COUNTY, SOUTH CAROLINA

By: _____
A. Victor Rawl
Chairman of County Council

ATTEST:

By: _____
Kristen L. Salisbury
Clerk to County Council

First Reading: September 11, 2018
Second Reading September 25, 2018
Third Reading: October 9, 2018

EXHIBIT "A"

**RECOMMENDED CHANGES AND CONDITIONS TO THE KIAWAH RIVER, JOHNS ISLAND,
SOUTH CAROLINA DEVELOPMENT AGREEMENT
APPROVED BY COUNTY COUNCIL**

Page 37 of the PD Plan, Table 10.1, Off-Street Parking Table: Change the first sentence to read
"In establishing the required minimum of off-street parking, the ARB shall may consider the
following..."

EXHIBIT "B"

THE KIAWAH RIVER, JOHNS ISLAND, SOUTH CAROLINA DEVELOPMENT AGREEMENT