

Adopted: 6/4/19

Ord #: 2055

AN ORDINANCE

REZONING THE REAL PROPERTY LOCATED AT 1384 ORLEANS ROAD, PARCEL IDENTIFICATION NUMBER 351-06-00-038, FROM THE SINGLE FAMILY RESIDENTIAL 4 (R-4) ZONING DISTRICT TO THE PLANNED DEVELOPMENT ZONING DISTRICT (PD-168, CLEVELAND HOLDINGS PLANNED DEVELOPMENT FOR 1384 ORLEANS ROAD).

WHEREAS, the property identified as Parcel Identification Number 351-06-00-038 is currently zoned Single Family Residential 4 (R-4) Zoning District; 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 Charleston County Council ("County Council") disapprove 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 PROPERTY

- A. Charleston County Council rezones the property located at 1384 Orleans Road,

identified as Parcel Identification Number 351-06-00-038, from Single Family Residential 4 (R-4) Zoning District to Planned Development Zoning District (PD-168, Cleveland Holdings Planned Development for 1384 Orleans Road); and

B. The PD Development Plan submitted by the applicant and identified as the "Proposed Development Guidelines for The Cleveland Holdings Planned Development: 1384 Orleans Road Charleston County, South Carolina TMS No: 351-06-00-038," dated February 1, 2019, including the changes attached thereto as Exhibit "A" and made part of this Ordinance by reference, approved by County Council as Planned Development 168 or PD-168, 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-168 must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and laws; and

D. The zoning map for Parcel Identification Number 351-06-00-038 is amended to PD-168 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 4th day of June, 2019.

CHARLESTON COUNTY COUNCIL

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

ATTEST:

By: _____
Kristen L. Salisbury
Clerk to Charleston County Council

First Reading: May 7, 2019
Second Reading: May 21, 2019
Third Reading: June 4, 2019

EXHIBIT "A"

PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDED CHANGES AND CONDITIONS TO PD-168

- Statement of Objectives: Delete the last sentence and replace it with the following: "If the subject site is not used as an Extended Home Rental Short-Term Rental in accordance with this Planned Development, uses permitted in the Single Family Residential 4 (R-4) zoning district, at the time of subsequent development application submittal, shall be allowed on site."
- Site Information (PD-168): Amend the sentence to read as follows: "The total acreage of TMS 351-06-00-038 is 0.11 acres, consisting entirely of high ground. The property consists of no freshwater wetland, 0.00 acres, critical line wetland, or marsh acreage."
- Proposed Land Uses, first bullet point: Amend the bullet point to read as follows: "All permissible R-4 uses at the time of subsequent development application submittal, if not used as an Extended Home Rental Short-Term Rental in accordance with this PD."
- Proposed Land Uses, second bullet point:
 - Amend the bullet point to read as follows: "Extended Home Rental Short-Term Rental, up to 144 days annually, by right and without the need for Special Exception."
 - Add a sentence clarifying the number of bedrooms permitted to be rented out in the Short-Term Rental.
- Proposed Land Uses, third bullet point: Amend the bullet point to read as follows: "No accessory dwellings will be permitted on the property."
- Maximum Density & Dimensional Standards, first paragraph, second sentence: Add the following to the end of the sentence: "...at the time of subsequent development application submittal."
- Maximum Density & Dimensional Standards, second paragraph: Add the following to the end of the sentence: "...at the time of subsequent development application submittal."
- Compliance with the ZLDR, second paragraph: Amend the paragraph to read as follows: "The applicant agrees to proceed with the proposed development in accordance with provisions of the zoning regulations, applicable provisions of the Charleston County Comprehensive Plan, and with such conditions as may be attached to the rezoning to the applicable PD district."
- Compliance with the ZLDR:
 - Add a paragraph that reads as follows: "The provisions of Article 3.10, Variances, of this Ordinance shall not apply to the planned development and that all major changes to the planned development must be approved by County Council. Tree variances may be granted in accordance with this Article and all other sections of this Ordinance."

- Clarify how the proposed development complies with the approval criteria contained in ZLDR Section 4.23.9(E)(9), addressing each criterion separately.
- Historic and Archeological Information: Delete the last sentence.
- Architectural Guidelines: Add the following wording to the end of the sentence: "...at the time of subsequent development application submittal."
- Areas Designated for Future Use: Amend the paragraph to read as follows: "All areas designated for future expansion or not intended for immediate improvement or development shall remain in a natural state until such time as development permits are approved."
- Parking: Clarify and state the total number of parking spaces available on site for use by the Extended Home Rental Short-Term Rental.
- Sketch Plan: Amend the sketch plan to show all possible parking spaces available on site. e.g. in the driveway, the garage, or the grass portion of the rear yard. The number of parking spaces shown shall correspond with the number of spaces noted in the PD text and Note 8 on the sketch plan.