

**AN ORDINANCE
AMENDING APPENDIX A, THE KIAWAH RIVER PLANNED DEVELOPMENT
ZONING DISTRICT (PD-143A), OF THE KIAWAH RIVER DEVELOPMENT
AGREEMENT, JOHNS ISLAND, SOUTH CAROLINA BY AND AMONG
KIAWAH RIVER INVESTMENT, LLC AND CHARLESTON COUNTY, SOUTH
CAROLINA.**

WHEREAS, the properties included in the Kiawah River Development Agreement are zoned PD, Planned Development Zoning District ("PD-143A"); and WHEREAS, the applicant seeks to amend PD-143A to add retirement housing units, change specific procedures relating to Grand Tree removals, and clarify terms and development standards in conjunction with amendments the Kiawah River Development Agreement, Johns Island, South Carolina Development Agreement, as amended by and among Kiawah River Investment, LLC and Charleston County, South Carolina (the "Development Agreement"); and WHEREAS, the applicant submitted a complete application for PD Development Plan amendment pursuant to Article 4.23 of the Charleston County Zoning and Land Development Regulations Ordinance ("ZLDR"); and

WHEREAS, the Charleston County Planning Commission ("Planning Commission") reviewed the proposed PD Development Plan amendments and adopted a resolution, by majority vote of the entire membership, recommending that the 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 two public hearings, and after close of the public hearings, County Council approved the proposed PD Development Plan amendments with conditions 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 amendments meet 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 approves the amendments to the Kiawah River Planned Development Zoning District (PD-143A), rezoning the subject properties to the Kiawah River Planned Development Zoning District (PD-143B);

B. The PD Development Plan amendments submitted by the applicant and identified as the "Kiawah River Planned Development," submitted September, 12, 2019, including the changes attached thereto as Exhibit "A" and made part of this Ordinance by reference, approved by the County Council as Planned Development 143B or PD-143B, is incorporated herein by reference, and shall constitute the PD Development Plan for the parcels included in PD-143B; and

C. Any and all development of PD-143B must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and laws; and

D. The zoning map for the properties included in the Kiawah River Planned Development Zoning District (PD-143A) is amended to PD-143B 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 10th day of March, 2020.

CHARLESTON COUNTY, SOUTH CAROLINA

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

ATTEST:

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

First Reading: February 4, 2020
Second Reading: February 25, 2020
Third Reading: March 10, 2020

EXHIBIT "A"

PLANNING COMMISSION RECOMMENDED CHANGES AND CONDITIONS

TO PD-143B APPROVED BY CHARLESTON COUNTY COUNCIL

1. Include a statement(s) in the appropriate location(s) of the Agreement and PD indicating that *Retirement Housing* and *Retirement Housing Units* shall not be used as Short-Term Rental Properties, and add the following definition of Short-Term Rental Properties: "A residential dwelling or any part thereof that is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members), for a fee or any form of compensation, for intervals of 29 days or less during a calendar year."
2. Amend PD Sec. 4.3.4, Assemblies and Special Events, 3rd sentence, and all other applicable sections of the Agreement and PD to state: Such special events on the *Real Property* owned by the declarant under the *Covenants*, the *Association*, or a *Hotel* or *Inn*, or the owner of the chapel on the *Real Property* shall be considered an *Accessory Use* and shall not require a zoning permit, special exception, conditional use permit, or other further approval from the County nor have a cap on the number in a calendar year, **provided that daily event attendance shall be limited to 750 people.**
3. Amend PD Sec. 9.B, Tree Removal, Replacement, Protection, Preservation and Mitigation, last sentence, and all other applicable sections of the Agreement and PD, to state: "The health of the trees shall be determined by the *Planning Director* **provided that the applicant shall pay the Grand Tree Variance application fee for each tree to be evaluated.**"
4. Allow amendments up to third reading.