AN ORDINANCE ADOPTING THE 10-YEAR UPDATE OF THE CHARLESTON COUNTY COMPREHENSIVE PLAN

WHEREAS, Charleston County Council adopted Ordinance No. 1095, effective April 20, 1999, with subsequent additions and amendments made thereto, which enacted and amended comprehensive land use plan for the county ("Comprehensive Plan") in compliance with the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (Title 6, Chapter 29 of the Code of Laws of South Carolina 1976, as amended) ("Planning Act"); and

WHEREAS, pursuant to the Planning Act, the Charleston County Planning Commission performed its 10-year update of the Comprehensive Plan and made additions and amendments to it, and adopted Resolution 2008-1 recommending that Charleston County Council adopt the Comprehensive Plan Update; and

WHEREAS, pursuant to the Planning Act, Charleston County Council held a public hearing on the Comprehensive Plan Update on October 7, 2008; and

WHEREAS, there is a pending lawsuit filed in the Charleston County Court of Common Pleas styled *Grand Bees Development, LLC vs. County of Charleston*, Case Number 2008-CP-10-5402, where Grand Bees Development, LLC challenges whether Charleston County complied with the Charleston County Zoning and Land Development Regulations Ordinance ("ZLDR"), because the County did not obtain a special exception prior to initiating modifications to its existing Municipal Solid Waste (MSW) and Construction, Demolition and Land-Clearing Debris (C&D) areas of the Bees Ferry Landfill tract pursuant to S.C. DHEC permit modifications for vertical and lateral expansion of the MSW and C&D areas of the landfill; and

WHEREAS, Charleston County Council finds that at the adoption of the ZLDR, the Bees Ferry Landfill tract was zoned Industrial and that the entire tract was permitted as a Public Solid Waste Landfill (as an allowed use by-right) with no "use-specific conditions," to include but not limited to the need for a special exception to modify any existing facility, area, or the MSW and C&D portions of the Bees Ferry Land tract, except for any new property the County may acquire to expand the existing boundary of the tract; and

WHEREAS, Council finds that the Bees Ferry Landfill tract's continued use as a Public Solid Waste Landfill without "use-specific conditions" is consistent with the previous versions of the Comprehensive Plan, the ZLDR, and the 10-Year Update of the Charleston County Comprehensive Plan.

NOW, THEREFORE, be ordained it by Charleston County Council, in meeting duly assembled, as followed:

SECTION I. FINDINGS INCORPORATED

The above-referenced recitals are hereby incorporated by reference as legislative findings by Council and made a part of this Ordinance.

SECTION II. ADOPTION OF COMPREHENSIVE PLAN UPDATE

Charleston County Council adopts the Comprehensive Plan Update including all recitals, findings, text, maps, and reference documents, which is attached hereto and incorporated herein by reference.

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 following third reading.