

AN ORDINANCE

REZONING 1,427.81 ACRES OF A PROPERTY LOCATED AT 3883 BETSY KERRISON PARKWAY AND 2501 MULLET HALL ROAD, JOHNS ISLAND, SOUTH CAROLINA, PARCEL IDENTIFICATION NUMBER 212-00-00-001 FROM SINGLE FAMILY RESIDENTIAL 4 ZONING DISTRICT (R-4) / AGRICULTURAL PRESERVATION ZONING DISTRICT (AG-8) TO PLANNED DEVELOPMENT ZONING DISTRICT (PD) IN CONJUNCTION WITH THE KIAWAH RIVER PLANTATION, JOHNS ISLAND, SOUTH CAROLINA DEVELOPMENT AGREEMENT BY AND AMONG KIAWAH RIVER PLANTATION, L.P.; OCEAN BOULEVARD PROPERTIES, L.P.; AND CHARLESTON COUNTY, SOUTH CAROLINA.

WHEREAS, the property located at 3883 Betsy Kerrison Parkway and 2501 Mullet Hall Road, identified as tax map parcel number 212-00-00-001 is currently zoned Single Family Residential 4 Zoning District (R-4) / Agricultural Preservation Zoning District (AG-8); and

WHEREAS, the applicant requests that 1,427.81 acres of the parcel, as identified on the approved, recorded plat attached hereto as Exhibit "B", be rezoned to Planned Development (PD) in conjunction with the Kiawah River Plantation, Johns Island, South Carolina Development Agreement by and among Kiawah River Plantation, L.P.; Ocean Boulevard Properties, L.P.; and Charleston County, South Carolina (the "Development Agreement").

WHEREAS, the applicant has submitted a complete application for PD Development Plan approval pursuant to Article 4.27 of the Charleston County Zoning and Land Development Regulations (the "ZLDR"); and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed PD Development Plan and adopted a resolution, by majority vote of the entire membership, recommending that the County Council approve the proposed PD Development Plan with conditions, which recommendation is based on the Approval Criteria of Section 4.27.9.C.6 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least 1 public hearing and after close of the public hearing, County Council approves with conditions the proposed PD Development Plan based on the Approval Criteria of Section 4.27.9.C.6 of Article 4.27 of the ZLDR; and

WHEREAS, the County Council has determined the PD Development Plan meets the following criteria:

- A. The PD Development Plan complies with the standards contained in

Article 4.27 of the ZLDR;

- B. The development is consistent with the intent of the Charleston County Comprehensive Plan;
- 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 IT ORDAINED, by the County Council of Charleston County, South Carolina, in meetings 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.

SECTION II. REZONING OF PROPERTY

A. The County Council rezones 1,427.81 acres of the property located at 3883 Betsy Kerrison Parkway and 2501 Mullet Hall Road, tax map parcel identification number 212-00-00-001, the acreage identified on the approved, recorded plat attached hereto as Exhibit "B", from the Single Family Residential 4 Zoning District (R-4) / Agricultural Preservation Zoning District (AG-8) to the Planned Development Zoning District (PD); and

B. The PD Development Plan submitted by the applicant and identified as the "Appendix A - Kiawah River Plantation Planned Development District Plan," including the changes and conditions approved by the County Council that are attached hereto as Exhibit "A" and made a part of this Ordinance by reference, shall constitute the PD Development Plan for the parcel which shall be identified as Planned Development 143 or PD-143; and

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

D. The zoning map for the platted portion of tax map parcel identification number 212-00-00-001, as identified in Exhibit "B", is amended to PD-143 in accordance with Section 3.4.7 of Article 3.4 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 following third reading by the County Council.