

**ARTICLE XIV. ADMINISTRATION, ENFORCEMENT & AMENDMENTS**

**Section 14.1 Administration**

**14.1.1 Zoning Administrator**

Pursuant to SC Code §6-29-950, the Dorchester County Zoning and Land Development Standards Ordinance shall be administered, interpreted and enforced by the County Zoning Administrator, except as otherwise specifically stated in this Ordinance. The Zoning Administrator may be assisted, as needed, in the administration and enforcement of this Ordinance by other County officials, pursuant to their respective fields. Specifically, the Zoning Administrator's duties and powers shall include:

- (a) Interpreting the Zoning and Land Development Standards Ordinance. In administering this Ordinance and rendering determinations as to the uses permitted in various zoning districts, the Zoning Administrator shall have the power and authority to render decisions whether a specific proposed use, although not listed as a permitted, conditional, or special exception use, is so substantially similar in substance and effect to a permitted, conditional or special exception use, that it should be allowed as if expressly permitted.
- (b) Administering permits and certificates where the requirements of this Ordinance have been met.
- (c) Processing applications for variances and special exception uses to the Board of Zoning Appeals.
- (d) Processing applications for subdivision approvals.
- (e) Processing appeals to the Board of Zoning Appeals and preparing the record for appeal to circuit court.
- (f) Collecting fees for the processing of applications for permits and certificates.
- (g) Investigating and resolving complaints pertaining to potential violation of ordinances.
- (h) Conducting inspections of buildings, structures and uses of land to determine compliance with the provisions of this Ordinance.
- (i) Maintaining public records related to zoning and land development approvals.
- (j) Enforcing the provisions of this Ordinance, the decisions of the Board of Zoning Appeals and conditions placed upon a project in conjunction with a land development approval by the BZA, Planning Commission and/or County Council.

- (k) Maintaining and making available for public inspection and copying the official Zoning Map and Zoning and Land Development Standards.
- (l) Other duties assigned by ordinance, County Council, BZA, or Planning Commission.

#### **14.1.2 Interpretations**

- (a) **Provisions are Minimum Requirements:** In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, and general welfare. Except where expressly provided herein, the Zoning Administrator shall not authorize a standard less than the minimum requirement.
- (b) **Unspecified Uses:** Except when specifically determined by the Zoning Administrator as included or implied within the description of another use listed in Article VI, Use Groups as authorized by Section 14.1.1(a), no uses are permitted unless specified in a use group or accessory use listed for a particular district. Land uses, buildings or other structures not specifically included or implied in the description of a use group shall not be permitted in any district.
- (c) **Adding Unspecified Uses to the District Regulations:** Uses other than those allowed in the applicable zoning district may be added to a district only upon a text amendment approved by County Council under the provisions of Section 14.6.

#### **14.1.3 Compliance**

No building permit or certificate of occupancy shall be issued, no building or structure shall be erected, altered, or occupied, no use or change in use commenced, and no land altering activity commenced relating thereto may occur prior to endorsement or verification by the Zoning Administrator that such activity shall be in compliance with this Ordinance and has received all approvals required under this ordinance. The County shall require the payment of fees for review of plans and issuance of permits as specified by fee schedules adopted by County Council.

### **Section 14.2 Violations and Enforcement**

The Zoning Administrator shall have the authority and the duty to ensure that all buildings and structures and the use of all land complies with the provisions of this Ordinance. Whenever the Zoning Administrator determines that a violation of this Ordinance has occurred, or whenever the Zoning Administrator has received reliable information indicating that a violation of this Ordinance is about to occur, he shall notify in writing the persons responsible for such violation, indicating the nature of the

violation; and take such action as is necessary to correct the violation and prevent further similar violations from occurring.

#### **14.2.1 General Provisions**

- (a) Any building or structure erected contrary to any of the provisions of this Ordinance and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this Ordinance or the provisions of any approval granted by the County under this Ordinance shall be a violation of this Ordinance and the same is hereby declared to be unlawful.
- (b) Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of the provisions of this Ordinance or the provisions of any approval granted by the County under this Ordinance shall be subject to the enforcement provisions of this Section.
- (c) Whenever a violation occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Zoning Administrator.
- (d) The Zoning Administrator shall record such complaint, investigate, and take action thereon as provided by this Ordinance.
- (e) Upon his becoming aware of any violation, the Zoning Administrator shall serve notice of such violation on the person committing or permitting the same, and the land owner, and if such violation has not ceased within such reasonable time as the Zoning Administrator has specified in such notice, he shall institute such action as may be necessary to terminate the violation.
- (f) In addition to the remedies provided in this Section, the Zoning Administrator may initiate injunction, mandamus, abatement or any other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use or to correct or abate the violation or to prevent the occupancy of the building, structure, or land.
- (g) If the person responsible for the alleged violation denies that a violation exists, he may appeal the decision of the Zoning Administrator pursuant to the provisions of Section 14.3 of this Ordinance; however, during such appeal process, the developer may not proceed in any manner in violation of these ordinances.

#### **14.2.2 Remedial Actions**

In order to correct a violation of this Ordinance, or to mitigate the adverse impacts resulting from violation of this Ordinance, the Zoning Administrator has the discretion to select among the following courses of action, as appropriate under the

circumstances. The intent of these steps is to allow the non-compliance to be eliminated or mitigated without necessitating legal action by the County with stature against the violator.

- (a) order a discontinuance of the illegal action;
- (b) issue a “stop order,” per SC Code of Laws §6-29-950(A), requiring cessation of construction, or of an unauthorized activity or use, pending the submission and approval of a building permit, site development plan or drainage plan, as provided for in this Ordinance;
- (c) withhold any or all zoning permits, building permits, or other permits or certificates of occupancy for any development that does not comply with the provisions of the Zoning and Land Development Standards Ordinance. Such permits and certificates will not be granted to the applicant until the development is brought into compliance with these ordinances;
- (d) require the developer or owner to take specific actions to bring the construction or activity in question into compliance with this Ordinance;
- (e) where compliance is not practical, require the developer or owner to take specific actions that will minimize the extent and impacts of the non-compliance so long as this will not work an undue hardship on adjoining or nearby property and uses;
- (f) where the severity of the situation warrants, require the removal of illegal structure, additions and uses;
- (g) require the developer or owner to take appropriate actions to mitigate the adverse impacts caused by, or associated with, the violating action or use; and/or
- (h) require the developer or owner to otherwise make reasonable restitution for damage caused or expenses incurred as a result of the violation of this Ordinance;
- (i) collect any fees or costs incurred by the County in taking remedial action including confiscation and disposal of illegal signage;
- (j) Confiscate and dispose of any illegal signage placed on public property, which shall be considered forfeited to the public.

### **14.2.3 Judicial Action**

The Zoning Administrator is empowered to seek injunctive relief or specific performance to enforce the provisions of this Ordinance, or of any requirements for remedial action taken under this section. Injunctive relief is especially

warranted when land altering activity is commenced, or is about to commence, contrary to the provisions of this Ordinance.

#### **14.2.4 Magistrate Action**

Any violation of the Dorchester County Zoning and Land Development Standards Ordinance is unlawful and any person violating this Ordinance shall be deemed guilty of a misdemeanor per SC Code of Laws §6-29-950 and upon conviction, shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) or imprisonment for not more than thirty (30) days. Each day such violation shall continue shall be deemed a separate offense.

### **Section 14.3 Appeals**

#### **14.3.1 Application Filing**

- (a) An appeal may be initiated by any person or any officer, department, board or bureau of the jurisdiction aggrieved by a decision or interpretation made by the Zoning Administrator.
- (b) An appeal shall be filed with the Zoning Administrator and Board of Zoning Appeals within fifteen (15) days following a receipt of a written decision from the Zoning Administrator.
- (c) Appeals must be in writing, specifying the grounds for which the appeal is being made. The appeal filing shall include the name and address of the person making the appeal and will include a daytime telephone number where the appellant can be reached.
- (d) A processing and mailing fee will be required with any appeal. Should an applicant decide to defer having the Board of Zoning Appeals' hearing of its application after the hearing has been advertised, additional fees for advertisement of the next hearing shall be imposed.

#### **14.3.2 Public Notice**

- (a) Public notice of all meetings shall be provided by publication in a newspaper of general circulation in the County, no less than fifteen (15) days prior to the meeting inviting all interested parties to attend.
- (b) The agenda for the meeting shall be posted on the Official Bulletin Board a minimum of 24 hours prior to the meeting.
- (c) The applicant and/or his representative, and any other party requesting notification in writing will be informed as to when and where the meeting will

be held. A note of this effort will become a matter of record in the minutes as per SC Code 30-4-80, (FOIA).

#### **14.3.3 Planning Staff Review**

- (a) The Zoning Administrator will have fifteen (15) days to investigate the matter and attempt to amend the decision. Should the application need additional consideration, the Zoning Administrator will immediately transmit the appeal and all papers constituting the record upon which the appeal is being taken to the Board of Zoning Appeals for their review and decision.
- (b) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board that by reasons of fact stated in the certification that a stay would, in his opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator, and on due cause.

#### **14.3.4 Decisions of the Board of Zoning Appeals**

- (a) In exercising the previously referenced powers, the Board of Zoning Appeals may, in conformity with the provision of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirements, decisions or determination of the administrative official, and to that end shall have all the powers of the officer from whom an appeal is taken and may issue or direct the issuance of a permit, and in case of contempt may certify such fact to the circuit court having jurisdiction.
- (b) A majority vote a quorum of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator; or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance; or to affect any variation of this Ordinance. On all matters brought before the Board of Zoning Appeals, the Board shall inform in writing all the parties involved of its decisions and the reasons therefore.

#### **14.3.5 Appeals from Decisions of the Board of Zoning Appeals**

Any person who may have a substantial interest in any decision of the Board of Zoning Appeals or an officer or agent of the appropriate governing authority may appeal any decision of the Board to the Circuit Court in and for County of Dorchester by filing with the clerk of court such a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the Board is mailed.

## **Section 14.4 VariANCES**

### **14.4.1 Application Filing**

- (a) A variance may be requested by any property owner who feels that the strict application of zoning requirements in this Ordinance will cause them unnecessary hardship.
- (b) A request for Variance can be submitted anytime. Such request shall be submitted to the County Zoning Administrator, on application forms provided by the Department of Planning and Zoning.
- (c) The Board shall hold one or more public hearings, at which any party may appear in person, by agent or attorney, prior to taking action on a request for a variance.
- (d) A processing and mailing fee will be required with any application for approval of a variance. Should an applicant decide to defer having the Board of Zoning Appeals' hearing of its application after the hearing has been advertised, additional fees for advertisement of the next hearing shall be imposed.

### **14.4.2 Public Hearing Notice**

- (a) Public notice of all meetings shall be provided by publication in a newspaper of general circulation in the County, no less than fifteen (15) days prior to the meeting inviting all interested parties attend.
- (b) A form letter will be sent via certified mail no less than fifteen (15) days prior to the meeting to all property owners abutting the affected property. The letter will specify the details of the application under consideration, the date, time and place of the Board of Zoning Appeals meeting.
- (c) The agenda for the meeting shall be posted on the Official Bulletin Board a minimum of 24 hours prior to the meeting.
- (d) The applicant and/or his representative, and any other party requesting notification in writing will be informed as to when and where the meeting will be held. A note of this effort will become a matter of record in the minutes as per SC Code 30-4-80, (FOIA).
- (e) Properties addressed in a request for a variance will be posted with a minimum of one sign, that is clearly visible from the abutting road/street, on all properties for which a Request for Variance has been received. Signs shall be posted a minimum of fifteen (15) days prior to the Board of Zoning Appeals meeting. Failure to comply with posting requirements will result in removal of the application from the Board's public hearing agenda and forfeiture of the

applications fee. It is the responsibility of the developer/owner of the property owner to notify the Zoning Administrator of the need for a replacement any time the sign has been damaged or removed.

#### **14.4.3 Planning Staff Review**

The Department of Planning & Zoning staff shall review all requests for variances and make written recommendations to the Board of Zoning Appeals.

#### **14.4.4 Approval Criteria**

- (a) Such Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing **all** of the following findings:
  - (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and
  - (2) Such conditions are peculiar to the particular piece of property involved and do not generally apply to other property in the vicinity; and
  - (3) Because of these conditions, the application of the Ordinance to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
  - (4) The authorization of a variance will not cause substantial detriment to adjacent property or to the public good, or impair the purpose and intent of the Ordinance or the comprehensive plan.
- (b) The Board may **NOT** grant a variance the effect of which would be:
  - (1) To allow the establishment of a use not otherwise permitted in a zoning district; or
  - (2) To extend physically a nonconforming use of land; or
  - (3) To change the zoning district boundaries shown on the official zoning map.
- (c) The fact that property may be utilized more profitably should a variance be granted, may **not** be considered grounds for a variance.

#### **14.4.5 Decisions of the Board of Zoning Appeals**

- (a) In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use



as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

- (b) A majority vote of a quorum of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator; or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance; or to affect any variation of this Ordinance. On all matters brought before the Board of Zoning Appeals, the Board shall inform in writing all the parties involved of its decisions and the reasons therefore.
- (c) All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail.

#### **14.4.6 Appeals from Decisions of the Board of Zoning Appeals**

Any person who may have a substantial interest in any decision of the Board of Zoning Appeals or an officer or agent of the appropriate governing authority may appeal any decision of the Board to the Circuit Court in and for County of Dorchester by filing with the clerk of court such a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the Board is mailed.

### **Section 14.5 Special Exceptions**

#### **14.5.1 Application Filing**

- (a) A request for approval of a Special Exception use can be submitted anytime. Such request shall be submitted to the County Zoning Administrator on application forms provided by the Department of Planning & Zoning.
- (b) A request for approval of a Special Exception use should include a statement of justification and a visual depiction of the site of the use demonstrating how establishment of the requested use shall address development conditions and/or the criteria for special exception uses in Section 10.5 of this Ordinance. Such visual depiction may be sketched on a recorded plat of the property or site where the special exception is proposed to operate.
- (d) The Board shall hold one or more public hearings, at which any party may appear in person, by agent or attorney, prior to taking action on a request for special exception use.

- (e) A processing and mailing fee will be required with any application for approval of a special exception use. Should an applicant decide to defer having the Board of Zoning Appeals' hearing of its application after the hearing has been advertised, additional fees for advertisement of the next hearing shall be imposed.

#### **14.5.2 Public Hearing Notice**

- (a) Public notice of all meetings shall be provided by publication in a newspaper of general circulation in the County, no less than fifteen (15) days prior to the meeting inviting all interested parties attend.
- (b) A form letter will be sent via certified mail no less than fifteen (15) days prior to the meeting to all property owners abutting the affected property. The letter will specify the details of the application under consideration, the date, time and place of the Board of Zoning Appeals meeting.
- (c) The agenda for the meeting shall be posted on the Official Bulletin Board a minimum of 24 hours prior to the meeting.
- (d) The applicant and/or his representative, and any other party requesting notification in writing will be informed as to when and where the meeting will be held. A note of this effort will become a matter of record in the minutes as per SC Code 30-4-80, (FOIA).
- (e) Properties addressed in a request for a special exception use application will be posted with a minimum of one sign, that is clearly visible from the abutting road/street. Signs shall be posted a minimum of fifteen (15) days prior to the Board of Zoning Appeals meeting. Failure to comply with posting requirements will result in removal of the application from the Board's public hearing agenda and forfeiture of the applications fee. It is the responsibility of the developer/owner of the property owner to notify the Zoning Administrator of the need for a replacement any time the sign has been damaged or removed.

#### **14.5.3 Planning Staff Review**

The Department of Planning & Zoning staff shall review all requests for special exceptions and make written recommendations to the Board of Zoning Appeals.

#### **14.5.4 Approval Criteria**

- (a) Such Special Exception use may be granted if the Board of Zoning Appeals makes and explains in writing findings certifying compliance with the criteria for a special exception in Section 10.5 and any other conditions and regulations applicable to the proposed use.

- (b) The Board of Zoning Appeals may hear and decide upon requests for special exception approval only for those uses specifically listed as special exception uses in a particular zoning district.

#### **14.5.5 Decisions of the Board of Zoning Appeals**

- (a) In approving a special exception, the Board may attach to it such conditions safeguards and restrictions upon the premises benefited by the special exception as may be necessary to avoid, minimize or mitigate any potentially adverse or injurious effect of such special exceptions upon other property in the neighborhood, and to carry out the general purpose and intent of this Ordinance. Conditions and restrictions may include, but are not limited to, those related to fencing, planting or other landscaping, additional setbacks from property lines, location and arrangement of lighting, setting of reasonable time limitations and other reasonable requirements deemed necessary to safeguard the interest of the general public. The Board may require a bond to ensure that conditions imposed will be complied with.
- (b) A majority vote of a quorum of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator; or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance; or to affect any variation of this Ordinance. On all matters brought before the Board of Zoning Appeals, the Board shall inform in writing all the parties involved of its decisions and the reasons therefore.
- (c) All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail.
- (d) The issuance of a permit for a special exception does not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the County, including, but not limited to, a building permit, a certificate of occupancy, site plan and subdivision approval and a zoning permit.
- (e) Unless a longer period of validity is specifically approved as a part of such application, no special exception permit shall be valid for a period longer than five (5) years from the date on which the special exception was granted, unless within such five (5) year period: (1) a building permit is obtained and the erection or alteration of a structure is started and diligently pursued, or (2) an occupancy permit is obtained and a use commenced; or 3) a zoning permit is issued. Such

period of validity may be extended for good cause shown, by application to the body that approved the special exception.

- (f) As a condition of approval, a special exception permit may be granted for a specific period of time less than five (5) years with expiration of the approval to occur at the termination of said period. In such case, an extension may be granted prior to expiration by the Board of Zoning Appeals, upon written application, without notice or hearing. After expiration, no extension may be granted without complying with the requirements for an initial application for a special exception.

#### **14.5.6 Appeals from Decisions of the Board of Zoning Appeals**

Any person who may have a substantial interest in any decision of the Board of Zoning Appeals or an officer or agent of the appropriate governing authority may appeal any decision of the Board to the Circuit Court in and for County of Dorchester by filing with the clerk of court such a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the Board is mailed.

### **Section 14.6 Zoning Map Amendments**

#### **14.6.1 Application Filing**

- (a) Proposed changes or amendments to the Official Zoning Map may be initiated by County Council, the County Planning Commission, or Board of Zoning Appeals.
- (b) All requests from landowners or any other action for change to applicable zoning of property shall be submitted on application forms provided by the Department of Planning & Zoning.
- (c) In no instance shall a property owner or owners initiate action for a zoning amendment affecting the same parcel of property or any part thereof, more often than once every twelve (12) months.
- (d) An application for any change or amendment to the text or map of this Ordinance shall be deemed as “complete” which includes at a minimum the following:
  - (1) A legal description and street address of the subject property, together with a property boundary map if subject property is not explicitly delineated on the Zoning Map;
  - (2) Name, address, and phone number of applicant;

- (3) Name of property owner(s) and applicant's interest in the property if not the owner in fee simple title;
  - (4) Filing date of application;
  - (5) Existing and proposed zoning and existing use of tract proposed for rezoning; and
  - (6) Any other information deemed relevant by the Zoning Administrator
- (e) When a proposed amendment to the Map is initiated by individuals or parties other than County Council or the Planning Commission, a fee shall be paid for each application to cover administrative and advertising expenses associated with its processing as specified in the most recent fee schedule adopted by County Council.

#### **14.6.2 Public Hearing Notice**

- (a) Notice of a public hearing on a rezoning shall be published in a newspaper of general circulation in the County at least fifteen (15) days prior to the hearing. Such notice shall specify the legal parcel number that is the subject of the hearing and the time and place of the hearing to be held.
- (b) If the landowner whose land is the subject of a proposed amendment will be allowed to present oral or written comments to the Planning Commission, at least ten (10) days notice, and an opportunity to comment in the same manner must be given to all other interested members of the public, including owners of adjoining properties.
- (c) In cases where the zoning of a property is proposed for change, the property for which a zoning change has been requested shall be posted with at least one (1) sign, in a conspicuous location or locations where it is clearly visible from all abutting road(s) and properties.
- (d) Such sign(s) shall be posted at least fifteen (15) days prior to the Planning Commission's review of the rezoning request; and/or, at least fifteen (15) days prior to any public hearing.
- (e) The developer or landowner must maintain such sign(s) so that they remain clearly visible from the abutting road(s) and properties, and shall notify the Zoning Administrator of the need for replacement signs immediately upon discovery that such sign(s) have been damaged or removed.
- (f) Failure to comply with the public notice or posting requirements will result in the removal of an application from the public hearing agenda.

### **14.6.3 Planning Staff Review**

The Department of Planning & Zoning staff shall review all requests for changes in the zoning of property and make written recommendations to the Planning Commission within thirty (30) days of initiation of a rezoning request by County Council or the Planning Commission or within thirty (30) days of receipt of a completed zoning amendment application.

### **14.6.4 Planning Commission Review**

All proposed amendments shall be submitted to the Planning Commission for its review and recommendation. The Planning Commission shall have thirty (30) days, from the first regularly scheduled meeting on which agenda the amendment is placed, within which to discuss the rezoning application at a public meeting and submit its report to County Council. If there are outstanding issues for the applicant to resolve prior to a recommendation being made by the Planning Commission, the applicant may request for the Commission to defer making its recommendation for a specified period of time. Unless a request for a deferral is received, if said Commission fails to submit a report summarizing its discussions, concerns and/or suggestions within the thirty (30) day period, it shall be deemed to have recommended approval of the requested amendment.

### **14.6.5 County Council Consideration**

- (a) No amendment to the Zoning map shall be approved by County Council, until a public hearing that has been advertised and conducted according to procedures prescribed in this Section, is held. If County Council has authorized the Planning Commission to hold a public hearing on a proposed amendment, Council may elect to consider the amendment proposal without holding a second public hearing.
- (b) After conducting a duly advertised public hearing on a proposed amendment to the Zoning Map, County Council shall consider all information presented at the public hearing, staff review comments, and the Planning Commission recommendation. Council shall have the option of forwarding the proposal and all such information to its Planning and Development and Building Committee in order to gain additional facts or seek a resolution of any disputes related to the rezoning case. In such cases, County Council may defer additional action on the application until the Planning and Development and Building Committee has reported out on its discussions and made a recommendation on the zoning amendment under consideration.
- (c) In accord with SC Code §6-29-760, Council shall inform the Planning Commission of any substantive changes or departures from the amendment proposal reviewed and recommended by the Planning Commission prior to taking action, allowing the Planning Commission opportunity to make further recommendations.

#### **14.6.6 Approval Criteria**

- (a) Before any map amendment is approved by County Council, the Planning Commission and County Council shall consider and make findings regarding the following:
  - (1) Whether the original zoning classification given to the property was improper or inappropriate given land use and development conditions at the time the classification was assigned.
  - (2) Whether there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the county's adopted Comprehensive Plan and which have substantially altered the basic character of such area. In the event that such finding is made, County Council shall subsequently initiate the preparation and adoption of an amendment to the Comprehensive Plan to reflect such changes.

#### **14.6.7 County Council Action**

- (a) No action will be taken on a rezoning request that has not been acted upon within four (4) months from the date of the original public hearing without placement of the request on the next available public hearing agenda. In such case, the request will be readvertised and property reposted in accord with Section 14.6.2, without requiring the applicant to pay an additional fee. The requirement for an additional public hearing may be waived if Council is actively considering a proposed text amendment or if active negotiations are under way between the applicant for a map change and the opposition in attempt to reach a compromise.
- (b) County Council may approve or disapprove any and all applications or requests for change in zoning (i.e. rezoning).
- (c) The record of County Council's final action shall specify Council's reasons for denial or approval of the proposed map amendment.
- (d) All findings shall be recorded in the minutes and records of the Planning Commission and County Council meetings on the proposed amendment.
- (e) Any ordinance affecting a change in the text of the Dorchester County Zoning and Land Development Standards Ordinance or official Zoning Map shall become effective the day following the Council meeting at which action has been taken.
- (f) An owner of adjoining land or his representative has standing to bring action contesting the ordinance or amendment approved by County Council.

However, this provision does not create any new substantive right in any party doing so.

- (g) No challenge to the adequacy of notice or challenge to the validity of a regulation or map, or amendment thereof, whether enacted before or after the effective date of this section, may be made more than sixty (60) days after the decision of County Council if there has been substantial compliance with the notice requirements of this section or established procedures of County Council or the Planning Commission.

## **Section 14.7 Zoning Text Amendments**

### **14.7.1 Application Filing**

- (a) Proposed changes or amendments to the Zoning and Land Development Standards Ordinance text may be initiated by County Council, the County Planning Commission, or Board of Zoning Appeals. Petitions for a text change or amendment by any interested property owner or resident of Dorchester County may be presented to Planning Commission.
- (b) An application for any change or amendment to the text of this Ordinance shall be deemed as “complete” which includes at a minimum the following:
  - (1) A letter of intent explaining the proposed amendment
  - (2) Copy of the proposed text amendment based on the current Ordinance in effect and showing proposed deletions as strike-through text and proposed additions in bold, italic text;
- (c) When a proposed amendment to the Ordinance is initiated by individuals or parties other than County Council or the Planning Commission, a fee shall be paid for each application to cover administrative and advertising expenses associated with its processing as specified in the most recent fee schedule adopted by County Council.

### **14.7.2 Public Hearing Notice**

Notice of a public hearing on a zoning text amendment, shall be published in a newspaper of general circulation in the County at least fifteen (15) days prior to the hearing. Such notice shall specify the ordinance section that is the subject of the hearing and the time and place of the hearing to be held.

### **14.7.3 Planning Staff Review**

The Department of Planning & Zoning staff shall review all proposed amendments and make written recommendations to the Planning Commission within thirty (30)



days of initiation of a text amendment proposal by County Council or the Planning Commission or within thirty (30) days of receipt of a completed zoning amendment application.

#### **14.7.4 Planning Commission Review**

All proposed amendments shall be submitted to the Planning Commission for its review and recommendation. The Planning Commission shall have thirty (30) days, from the first regularly scheduled meeting on which agenda the amendment is placed, within which to discuss the amendment proposal at a public meeting and submit its report to County Council. If there are outstanding issues for the applicant to resolve prior to a recommendation being made by the Planning Commission, the applicant may request, for the Commission defer making its recommendation for a specified period of time. Unless a request for a deferral is received, if said Commission fails to submit a report summarizing its discussions, concerns and/or suggestions within the thirty (30) day period, it shall be deemed to have recommended approval of the requested amendment.

#### **14.7.5 County Council Consideration**

- (a) No amendment to this Ordinance shall be approved by County Council, until a public hearing that has been advertised and conducted according to procedures prescribed in this Section, is held. If County Council has authorized the Planning Commission to hold a public hearing on a proposed amendment, Council may elect to consider the amendment proposal without holding a second public hearing.
- (b) After conducting a duly advertised public hearing on a proposed amendment to this Ordinance, County Council shall consider all information presented at the public hearing, staff review comments, and the Planning Commission recommendation. Council shall have the option of forwarding the proposal and all such information to its Planning and Development and Building Committee in order to gain additional facts or seek a resolution of any disputes related to the rezoning case. In such cases, County Council may defer additional action on the application until the Planning and Development and Building Committee has reported out on its discussions and made a recommendation on the zoning amendment under consideration.
- (c) In accord with SC Code §6-29-760, Council shall inform the Planning Commission of any substantive changes or departures from the amendment proposal reviewed and recommended by the Planning Commission prior to taking action, allowing the Planning Commission opportunity to make further recommendations.

#### **14.7.6 Approval Criteria**

- (a) Text amendments to this Ordinance may be approved if the following approval criteria have been met:
  - (1) The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;
  - (2) The proposed amendment is consistent with the adopted Dorchester County Comprehensive Plan; and
  - (3) The proposed amendment is to further the public welfare in any other regard specified by County Council.

#### **14.7.7 County Council Action**

- (a) No action will be taken on a rezoning request that has not been acted upon within four (4) months from the date of the original public hearing without placement of the request on the next available public hearing agenda. In such case, the request will be readvertised and property reposted in accord with Section 14.7.2, without requiring the applicant to pay an additional fee. The requirement for an additional public hearing may be waived if Council is actively considering a proposed text amendment or if active negotiations are under way between the applicant for a map change and the opposition in attempt to reach a compromise.
- (b) County Council may disapprove, approve, or conditionally approve any and all applications or requests for amendments to the zoning text.
- (c) The record of County Council's final action shall specify Council's reasons for denial or approval of the proposed text amendment and the specific conditions applicable to an amendment approved with conditions.
- (d) All findings shall be recorded in the minutes and records of the Planning Commission and County Council meetings on the proposed amendment.
- (e) Any ordinance affecting a change in the text of the Dorchester County Zoning and Land Development Standards Ordinance shall become effective the day following the Council meeting at which action has been taken.
- (f) No challenge to the adequacy of notice or challenge to the validity of a regulation or map, or amendment thereof, whether enacted before or after the effective date of this section, may be made more than sixty (60) days after the decision of County Council if there has been substantial compliance with the notice requirements of this section or established procedures of County Council or the Planning Commission.