

**AN ORDINANCE**

**AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 3, DEVELOPMENT REVIEW PROCEDURES REGARDING REQUESTS FOR POSTPONEMENTS.**

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Section 6-29-310 et seq., of the South Carolina Code of Laws, 1976, as amended, authorizes the County of Charleston to enact or amend its zoning and land development regulations to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed amendments of the text of various chapters of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) in accordance with the procedures established in South Carolina law and the ZLDR and has recommended that the Charleston County Council (County Council) adopt the proposed amendments of the text of the ZLDR as set forth herein; 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 the proposed text amendments based on the Approval Criteria of Section 3.3.6 of Article 3.3 of the ZLDR; and

WHEREAS, County Council has determined the proposed text amendments meet the following criteria:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition; and

- B. The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5; and
- C. The proposed amendment is to further the public welfare in any other regard specified by County Council.

NOW, THEREFORE, be ordained it by the Charleston County Council in meeting 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. AMENDMENTS OF THE TEXT OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE**

The Charleston County Zoning and Land Development Regulations Ordinance is hereby amended to include the text amendments attached hereto as Exhibit "A" and made part of this Ordinance 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 following third reading by County Council.

ADOPTED and APPROVED in meeting duly assembled this 18th day of July, 2017.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_  
A. Victor Rawl  
Chairman of Charleston County Council

ATTEST:

By: \_\_\_\_\_  
Beverly T. Craven  
Clerk to Charleston County Council

First Reading: June 6, 2017  
Second Reading: June 20, 2017  
Third Reading: July 18, 2017

**EXHIBIT "A"**

**AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 3, DEVELOPMENT REVIEW PROCEDURES.**

### **Chapter 3, Design Review Procedures, Section 3.1.12 (E-F)**

#### **E. Requests for Postponements of Applications, Reconsiderations of Applications, and Reconsiderations of Conditions of Approval to the Board of Zoning Appeals**

Requests for postponements of applications from Board of Zoning Appeals Public Hearings must be made in writing by the applicant. Such requests received after advertisement of any public hearing or after any postings on the subject property shall be subject to all applicable fees as listed in the fee schedule approved by County Council. An application is deemed withdrawn if it is postponed for more than one (1) year from the date it was scheduled to be heard. If an application is deemed withdrawn, the applicant must submit a new application in compliance with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance, and all applicable fees must be paid. For requests for reconsiderations of applications or reconsiderations of conditions of approval to the Board of Zoning Appeals the applicant must file a reconsideration request. If the BZA decides to reconsider an application or conditions of approval, the applicant shall file the applicable Appeal, Special Exception, or Zoning Variance application fee prior to being scheduled for a BZA Public Hearing.

#### **F. Requests for Postponements of Applications to the Planning Commission**

Requests for postponements of all applications from Planning Commission meetings, with the exception of subdivision applications, must be made in writing and the letter must be signed by both the property owner(s) and the applicant(s). Postponement requests received within ten (10) calendar days of the Planning Commission meeting for which the application is scheduled shall be considered withdrawn. An application that is postponed for more than one (1) year from the date it was scheduled to be heard is deemed withdrawn. If an application is deemed withdrawn, the applicant must submit a new application in compliance with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance, and all applicable fees must be paid. The Planning Commission may waive the required fees when the request for postponement is made due to extenuating circumstances as determined in the sole discretion of the Planning Commission.