Article III: Development Review Procedures

**Section 3.1 General**

The general provisions of this Section apply to all development applications and procedures under this Article unless otherwise stated.

*3.1.1 Authority to File Applications*

 Applications for review and approval under this Article may be initiated by: (1) petition of all the owners of the property that is the subject of the application; (2) the owners' authorized agents; or (3) Review and Decision-Making Bodies.

*3.1.2 Form of Application*

Applications required under this Article shall be submitted in a format and in such numbers as required by the official responsible for accepting the application. Application submittal requirements and format information shall be available to the public at the Town Hall.

*3.1.3 Filing Fees*

Applications shall be accompanied by the fee amount that has been established by the Town Council for the respective type of application.

*3.1.4 Application Completeness and Submission Deadlines*

1. Applications required under this Ordinance shall be considered complete only if they are submitted in the required format, include all mandatory information and are accompanied by the established fee.
2. Applications for consideration by the Board of Zoning Appeals shall be submitted no later than 12:00 p.m. on the Friday, five (5) weeks prior to the regularly scheduled Board of Zoning Appeals meeting, unless otherwise provided in this Ordinance or as directed by the Chairman of the Board of Zoning Appeals. Application filing deadlines and Board of Zoning Appeals meeting dates are available at the Town Hall. Within 15 days of submittal of the application, staff will determine if the application is complete and can be scheduled for the next available Board of Zoning Appeals meeting. The requirements for applications deemed incomplete by the Zoning Administrator are listed in Section 3.1.4(D) below.
3. Applications for consideration by the Planning Commission shall be submitted no later than 12:00 p.m. on the Friday, five (5) weeks prior to the regularly scheduled Planning Commission meeting, unless otherwise provided in this Ordinance or as directed by the Chairman of the Planning Commission. Application filing deadlines and Planning Commission meeting dates are available at the Town Hall. Within 15 days of submittal of the application, staff will determine if the application is complete and can be scheduled for the next available Planning Commission meeting. The requirements for applications deemed incomplete by the Zoning Administrator are listed in Section 3.1.4(D) below.
4. Any application that is determined to be incomplete shall, within 15 days of its submittal, be returned to the applicant along with an explanation of the application's deficiencies. Fees shall not be refunded. No further processing of the application shall occur until the deficiencies are corrected. Once the deficiencies are corrected, the application may be resubmitted without the payment of additional fees, provided that it is resubmitted within six (6) months of the date that the application was returned to the applicant. Applications resubmitted more than six (6) months after the date that the application was returned as incomplete shall require repayment of applicable fees, provided, however, that the Zoning Administrator may approve extensions of up to one (1) year from the date that any development application of town significance was returned as incomplete without requiring repayment of applicable fees.

*3.1.5 Application Submittal*

1. Whenever the procedures of this Ordinance expressly state that applications are to be submitted after a "pre-application conference," applicants shall be responsible for scheduling and attending such meetings. When pre-application conferences are required, an application shall not be accepted until the pre-application conference has been conducted, and any errors or omissions noted in review of the application for completeness have been addressed by the applicant.
2. Until an application is deemed complete pursuant to this Article, all related materials shall be treated as proprietary information.

*3.1.6 Notices*

**A. Content**

All notices with the exception of Posted Notices required under this Ordinance shall:

(1) indicate the date, time and place of the public hearing or date of action that is the subject of the notice; (2) describe the property involved in the application by street address and, if required, by legal description; (3) describe the nature, scope and purpose of the application or proposal; and (4) indicate where additional information on the matter can be obtained. Posted Notices under this Ordinance shall indicate time and place and indicate where any additional information on the subject of the notice can be obtained.

*[Commentary—References to "days" are to Holly Hill Government work days, unless otherwise indicated.]*

Table 3-1, Responsibilities for Procedure Reviews and Notices

|  |  |  |
| --- | --- | --- |
| **Procedure** | **Review (R), Decision-Making (DM) and Appeal (A) Bodies** | **Notices****See Section 3.1.6** |
|  | **Staff** | **PC** | **TC** | **BZA** | **News** | **Post** | **Neighbor** | **Parties in interest & Community Interest** |
| Comprehensive Plan Amendments  | R | R | DM |  |  |  |  |  |
| Ordinance Text Amendments | R | R | DM |  |  |  |  |  |
| Zoning Map Amendments  | R | R | DM |  |  |  |  |  |
| Planned Development (PD) Zoning Map Amendment | R | R | DM |  |  |  |  |  |
| Special Exceptions | R |  |  | DM |  |  |  |  |
| Site Plan Review | DM |  |  | A |  |  |  |  |
| Variances | R |  |  | DM |  |  |  |  |
| Written Interpretations | DM |  |  | A |  |  |  |  |
| Public Project Review | R | DM |  |  |  |  |  |  |
| Appeals of Zoning-Related Administrative Decisions |  |  |  | DM |  |  |  |  |
| Appeals of Subdivision-Related Administrative Decisions |  | DM |  |  |  |  |  |  |

*Notes: In cases where no Appeal Body is shown or where the Town Council is shown as final Decision-Making Body, appeals shall be taken to the Circuit Court as provided by law.*

R = Review Body (Responsible for Review and Recommendation)

DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny)

A = Authority to hear and decide appeals of Decision-Making Body’s action

Neighbor and Community interest notice is a courtesy notice; failure to provide will not invalidate any action taken.

**B. Types**

1. Newspaper Notice

When the provisions of this Ordinance require that "Newspaper Notice” be provided, the official responsible for accepting the application shall ensure that notice is published in a newspaper of general circulation. Unless otherwise expressly provided in state statutes or this Ordinance, the first required newspaper notice shall be published at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Newspaper Notice shall indicate the time and place or date of action that is the subject of the notice, describe the property involved in the application by street address and, if required, by legal description, describe the nature, scope and purpose of the application or proposal.

2. Posted Notice

When the provisions of this Ordinance state that "Posted Notice" should be provided, the official responsible for accepting the application shall post the notice on the subject property in a manner that makes the notice clearly visible to neighboring residents and passers-by from each public street bordering the subject property. Unless otherwise expressly provided in state statutes or this Ordinance, Posted Notice shall be in place at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice.

3. Neighbor Notice

When the provisions of this Ordinance require that "Neighbor Notice" be provided, the official responsible for accepting the application shall mail notice to the applicant and all property owners within 300 feet of the subject property. Unless otherwise expressly provided in state statutes or this Ordinance, required Neighbor Notices shall be deposited in the U.S. mail at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice.

4. Parties in Interest

 When the provisions of this Ordinance require that notice be sent, the following “Parties in Interest” shall be notified: the applicant and the owner of the property (if other than applicant). Parties in Interest shall mean any individual, associations, corporations or others who have expressed an interest in writing in an application pending before the Zoning Department and that has been received by the Zoning Administrator. It is the responsibility of the Parties in Interest to provide updated contact information to the Zoning Department. The Department will keep the Parties in Interest contact information on file for one year from the initial date received.

*3.1.7 Action by Decision-Making Bodies*

Unless otherwise expressly stated, Decision-Making Bodies shall be authorized to approve, approve with conditions or deny applications and permit requests based on compliance with the applicable review and approval criteria. Decision-Making Bodies shall also be authorized to refer an application back to a review body or to defer action while additional information is being obtained.

*3.1.8 Inaction by Review and Decision-Making Bodies*

When a Review or Decision-Making Body fails to take action on an application within the time required, such inaction shall be interpreted as a recommendation of approval of the application, respectively. Time frames for action may be extended if the applicant consents to the extension. When a Review Body fails to take action on an application within the time required, the Decision-Making Body shall be free to proceed with its own action on the matter without further awaiting the recommendation of the Review Body.

*3.1.9 Conditions of Approval*

Unless otherwise expressly stated, Decision-Making Bodies shall be authorized to impose conditions of approval as allowed by law. Conditions may be those deemed necessary to reduce or minimize any potential adverse impact upon other property in the area or to carry out the general purpose and intent of this Ordinance. All conditions must relate to a situation created or aggravated by the proposed use and be roughly proportional to the impact of the approved use or activity.

*3.1.10 Approval Criteria: Burden of Persuasion*

In all cases, the applicant shall have the burden of establishing that an application complies with applicable approval criteria.

*3.1.11 Public Hearings*

A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Ordinance, provided that the continuance is set for a certain date and time and the date and time is announced at the public hearing.

*3.1.12 Successive Applications*

**A. Time Limit**

If a final Decision-Making Body denies an application for a Zoning Map Amendment, Planned Development or Special Exception use, an application for the same or more intensive zoning, development or use on the subject parcel, whether the parcel is in its original configuration, expanded or reduced in area, shall not be accepted for 12 months from the date that the Decision-Making Body acted to deny the application.

**B. Waivers**

The time limit of Section 3.1.12A notwithstanding, Decision-Making Bodies may, after receipt of written petition by the property owner, waive the waiting period requirement by a 2/3 vote of members present and voting. If the time limit is waived, the Decision-Making Body shall give written notice to the Zoning Administrator, directing staff to process the application. All resubmissions shall be processed as new applications, with prescribed fees. All documents and fees required for the respective type of application shall be included with the new application. Denial of the application shall be final and the 12-month waiting period shall be met before further consideration of a similar application on the subject property.

**C. Applications Withdrawn Before Public Hearing Notice**

Withdrawal of an application by the applicant before advertisement of any public hearing and before any required signs have been posted on the subject property shall be considered a termination of the application. Although no fees shall be refunded, reapplication in such cases shall not be subject to the 12- month waiting period.

**D. Applications Withdrawn After Public Hearing Notice**

Withdrawals of applications that occur after advertisement of any public hearing or after any required signs have been posted on the subject property shall be treated the same as a denied application. Application processing shall terminate upon receipt of written notice from the applicant or owner. Reapplication shall be subject to a 12-month waiting period unless a waiver is granted in accordance with Section 3.1.12B of this Article.

**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 required signs have been posted on the subject property shall be subject to all applicable application fees as listed in the fee schedule approved by Town Council. 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 withdrawals. In the event an application is withdrawn for failure to meet the ten (10) day provision, 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.

*3.1.13 Vested Rights*

1. Definition

'Vested right' means the right to undertake and complete the development of property under the terms and conditions provided in this section.

1. Duration

A vested right is established for two (2) years upon the approval of a PD plan, including a phased development plan, and preliminary plan for a Major Subdivision, as provided herein.

A vested right may be extended at the end of the vesting period for an additional 12 months, or 36 months for a phased development plan, upon request by the applicant and a determination by the Planning Commission that there is just cause for extension and that the public interest is not adversely affected.

A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code.

1. Amendment

A vested site-specific development plan or vested phased development plan may be amended if approved by the Planning Commission or Town Council, as applicable, pursuant to the provisions of this ordinance.

1. Revocation

A vested right to a site-specific development plan or phased development plan is subject to revocation by the Planning Commission or Town Council, as applicable, upon determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

1. Applicability of Other Regulations

A vested site specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit;

A vested site specific development plan or vested phased development plan is subject to subsequent local governmental overlay zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses;

A change in the zoning district designation or land use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a vested site specific development plan or vested phased development plan without consent of the landowner;

The Planning Commission or Town Council, as applicable, must not require a landowner to waive his vested rights as a condition of approval of a site specific development plan or a phased development plan.

1. Vested Right to Run with Property

A vested right pursuant to this section is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this Section may rely upon and exercise the vested right for its duration subject to applicable federal, state, and local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and non-conforming structure and use regulations which do not provide for the grandfathering of the vested right. This Section does not preclude judicial determination that a vested right exists pursuant to other statutory provisions. This Section does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Government Development Agreement Act in Chapter 31 of Title 6.

**Section 3.2 Comprehensive Plan Amendments**

*3.2.1 Pre-Application Conference and Application Filing*

1. Prior to the submittal of an application for a Comprehensive Plan amendment, applicants shall participate in a pre-application conference scheduled with the Zoning Administrator. A pre-application conference is not required for applications submitted by the Town.
2. Applications for amendments to the Comprehensive Plan shall be submitted by individuals or groups of individuals to the Zoning Administrator on forms available in the Planning Department.
3. No application for a Comprehensive Plan Amendment shall be accepted as complete unless it includes the required fee and the following information:
4. Completed Comprehensive Plan Amendment application signed by the current property owner(s) or applicant(s).
5. One (1) paper copy and one (1) digital copy of the applicant’s letter of intent explaining the objective of the proposed amendment(s) and how the criteria listed in Section 3.2.1(B) are met;
6. One (1) paper copy and one (1) digital copy of the proposed changes to the Comprehensive Plan based on the current Comprehensive Plan in effect and showing proposed text deletions as strike-through text and proposed text additions in bold, italic text. Proposed changes to any Comprehensive Plan map shall be illustrated in a map format similar to the existing Comprehensive Plan maps and shall be labeled as “proposed amendment”; and
7. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Article.
8. Applications for Comprehensive Plan Amendments shall comply with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance.
9. The applicant may hold a community workshop for the proposed Comprehensive Plan amendment. The purpose of a community workshop is to ensure early citizen participation in an informal forum, in conjunction with development applications and to provide an applicant the opportunity to understand and try to mitigate any impacts an application may have on an affected community. The workshop shall ensure that citizens and property owners have an adequate opportunity to learn about applications that may affect them and to work with the applicant to resolve any concerns at this stage of the process. A community workshop is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors. If the applicant chooses to hold a community workshop, a summary of the workshop may be submitted with the application for the Comprehensive Plan amendment.

*3.2.2 Zoning Administrator Review and Report*

The Zoning Administrator shall review each proposed Comprehensive Plan amendment and distribute the application to other agencies and reviewers. Based on the results of those reviews, the Zoning Administrator shall provide a report on the proposed amendment to the Planning Commission. The Zoning Administrator shall have at least 30 calendar days to conduct required reviews.

*3.2.3 Planning Commission Review and Recommendation*

Newspaper notice of Planning Commission meeting on Comprehensive Plan amendments shall be provided at least 15 calendar days before the hearing. Newspaper and Parties in Interest notice shall be provided in accordance with Section 3.1.6 of this Chapter. The Planning Commission shall review the proposed amendment and adopt a resolution, by majority vote of the entire membership, recommending that the Town Council approve, deny, or approve with conditions the proposed amendment. Planning Commission may hold a special meeting to gather community input as outlined in Section 3.2.1(E) of this Ordinance prior to making a recommendation to Town Council.

*3.2.4 Public Hearing Notice*

Newspaper Notice of public hearings on Comprehensive Plan amendments shall be provided at least 30 calendar days before the hearing.

*3.2.5 Town Council Hearing and Decision*

1. After receiving the recommendations of the Planning Commission, the Town Council shall take action to approve, approve with conditions or deny the proposed Comprehensive Plan amendment based on the Approval Criteria of Section 3.2.6. Town Council shall hold a public hearing prior to giving second reading to Comprehensive Plan amendment applications.
2. A simple majority vote of the entire membership of Town Council shall be required to approve, approve with conditions, or disapprove the amendment.
3. Comprehensive Plan amendments shall be adopted by ordinance.

*3.2.6 Approval Criteria*

Comprehensive Plan amendments may be approved by the Town Council only if they determine that the proposed amendment is consistent with the overall purpose and intent of the Comprehensive Plan and that any one of the following criteria has been met:

1. There was a significant error in the original Comprehensive Plan adoption;
2. In adopting the Comprehensive Plan, the Town Council failed to take into account facts, projections or trends that were reasonably foreseeable to exist in the future;
3. Events, trends, or facts after adoption of the Comprehensive Plan have changed the Town Council's original findings made upon plan adoption;
4. Events, trends, or facts after adoption of the Comprehensive Plan have changed the character or condition of an area, making the proposed amendment necessary; or
5. The proposed Comprehensive Plan amendment is consistent with the Comprehensive Plan future land use recommendations of the adjacent unincorporated County that have adopted extra-territorial jurisdiction for the subject parcel(s).

*3.2.7 Notice of Decision*

Following final action by the Town Council, the Zoning Administrator shall be responsible for providing the applicant with written notice of the decision.

**Section 3.3 Zoning Regulations Text Amendments**

*3.3.1 Application Filing*

1. Applications for amendments to the text of this Ordinance shall be submitted to the Zoning Administrator on forms available at Town Hall.
2. No application for a Zoning Regulations Text Amendment shall be accepted as complete unless it includes the required fee and the following information:
3. Completed Zoning Regulations Text Amendment application signed by the current property owner(s) or applicant(s);
4. One (1) paper copy and one (1) digital copy of the applicant’s letter of intent explaining the proposed amendment(s) and how it meets the criteria listed in Section 3.3.6;
5. One (1) paper copy and one (1) digital 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;
6. Restrictive covenants affidavit(s) signed by the applicant or current property owner(s) in compliance with state law, if applicable; and
7. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Article.
8. Applications for Zoning Regulations Text Amendments shall comply with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance.

*3.3.2 Public Hearing Notice*

Notice of the Town Council's public hearing shall be provided in accordance with the requirements of Section 3.1.6. Newspaper Notice of a public hearing regarding any proposed amendments to Article 10, General Provisions and Regulations, shall be made at least thirty (30) calendar days prior to a public hearing on any proposed amendments.

 *3.3.3 Zoning Administrator Review and Report*

The Zoning Administrator shall review each proposed text amendment in light of the Approval Criteria of Section 3.3.6 and provide a report to the Planning Commission. The Zoning Administrator shall have at least 30 calendar days to conduct required reviews.

*3.3.4 Planning Commission Review and Recommendation*

The Planning Commission shall review the proposed amendment and take action by majority vote of the entire membership, recommending that the Town Council approve or deny the proposed amendment. The Planning Commission's recommendation shall be based on the Approval Criteria of Section 3.3.6. The Planning Commission shall submit its recommendation to the Town Council within thirty (30) calendar days of the Planning Commission meeting at which the amendment was introduced.

*3.3.5 Town Council Hearing and Decision*

After receiving the recommendation of the Planning Commission, the Town Council shall take action to approve, approve with conditions or deny the proposed text amendment based on the Approval Criteria of Section 3.3.6. Town Council shall hold a public hearing prior to giving second reading to zoning text amendment applications. A simple majority vote of Town Council members present and voting shall be required to approve the amendment.

*3.3.6 Approval Criteria*

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 Town of Holly Hill Comprehensive Plan and its goals; and
3. The proposed amendment is to further the public welfare in any other regard specified by Town Council.

*3.3.7 Final Action*

Text amendments shall be adopted by ordinance.

*3.3.8 Notice of Decision*

Following final action by the Town Council, the Zoning Administrator shall be responsible for providing the applicant with written notice of the decision.

*3.3.9 Pending Text Amendments*

No application for a Zoning Permit, Building Permit or Certificate of Occupancy shall be accepted for property within any area involved in or affected by a pending Ordinance text amendment if the Zoning Permit, Building Permit or Certificate of Occupancy would allow uses or activities that would be forbidden under the proposed amendment. This prohibition on acceptance of applications shall apply from the date that the application is filed until action on the amendment is taken by Town Council.

**Section 3.4 Zoning Map Amendment (Rezoning)**

*3.4.1 Application Filing*

1. Applications for amendments to the Official Zoning Map (rezoning) shall be submitted to the Zoning Administrator on forms available at Town Hall.
2. Upon submission of a Rezoning application, no additional rezoning applications shall be accepted for the subject property until the original application has been withdrawn or the Town Council has rendered its final decision and all applicable time limits on refiling have expired.
3. No application for a Zoning Map Amendment shall be accepted as complete unless it includes the required fee and the following information:
	1. Completed Zoning Map Amendment application signed by the current property owner(s);
	2. A copy of a legible approved and recorded plat showing current property boundaries;
	3. A copy of the current, recorded deed;
	4. Restrictive covenants affidavit(s) signed by the applicant or current property owner(s) in compliance with state law; and
	5. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Section.
4. Applications for Zoning Map Amendments shall comply with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance.

*3.4.2 Public Hearing Notice*

 Newspaper, Neighbor, Parties in Interest, and Posted Notice of the Town Council's public hearing shall be provided in accordance with the requirements of Section 3.1.6 of this Article.

*3.4.3 Zoning Administrator Review and Report*

The Zoning Administrator shall review each proposed zoning map amendment in light of the Approval Criteria of Section 3.4.6, and if deemed necessary, distribute the application to other agencies and reviewers. Based on the results of those reviews, the Zoning Administrator shall provide a report on the proposed amendment to the Planning Commission. The Zoning Administrator shall have at least thirty (30) working days to conduct required reviews.

*3.4.4 Planning Commission Review and Recommendation*

The Planning Commission shall review the proposed zoning map amendment and adopt a resolution, by simple majority vote of the entire membership, recommending that the Town Council approve or deny the proposed zoning map amendment. The Planning Commission's recommendation shall be based on the Approval Criteria of Section 3.4.6 of this Article. The Planning Commission shall submit its recommendation to the Town Council within thirty (30) calendar days of the Planning Commission meeting at which the zoning map amendment was introduced.

*3.4.5 Town Council Decision*

After receiving the recommendation of the Planning Commission, the Town Council shall take action to approve or deny the proposed zoning map amendment based on the Approval Criteria of Section 3.4.6. A simple majority vote of Town Council members present and voting shall be required to approve the amendment.

 *3.4.6 Approval Criteria*

Zoning map amendments may be approved by Town Council only if the proposed amendment meets one or more of the following criteria:

1. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this Ordinance;
2. The proposed amendment will allow development that is compatible with existing uses, recommended density, established dimensional standards, and zoning of nearby properties that will benefit the public good while avoiding an arbitrary change that primarily benefits a singular or solitary interest;
3. The proposed amendment corrects a zoning map error or inconsistency;
4. The proposed amendment addresses events, trends, or facts that have significantly changed the character or condition of an area.

*[Commentary-This provision does not require that the Applicant submit a special study in every instance of a zoning map amendment request.]*

*3.4.7 Final Action*

Zoning map amendments shall be adopted by ordinance.

*3.4.8 Notice of Decision*

Following final action by the Town Council, the Zoning Administrator shall be responsible for providing the applicant with written notice of the decision and for revising the Official Zoning Map, if the amendment was adopted.

**Section 3.5 PD, Planned Development Zoning District**

*3.5.1 Establishment of PD*

There are hereby created two types of PD Districts. Type A and Type B.

**Type A (Cluster Zoning)**. A Type "A" PD is one which is similar in use and intensity to the district in which it is to be located.

Type “A” PDs may be established in any zoning district, subject to the requirements of this section and review and approval by the Planning Commission. Rezoning is not required to establish a Type “A” PD. Planning Commission approval shall be final for Type “A” PDs.

**Type B (PD)**. A Type "B" PD is one that may include any use or combination of uses and intensity levels regardless of prevailing zoning district requirements where it is to be located.

Type B PDs shall be established on the official Zoning Map by the same procedure as for amendments generally (Section 3.3 and Section 3.4), and in accord with the requirements of this section.

Additionally, a prefix and number indicating the particular district, as for example

"PD-02-1" (Zone-Year-Number), shall identify each PD, together with whatever other identification appears appropriate.

*3.5.2 Permitted Uses in PD*

**Type “A” PDs**

Permitted uses in Type “A” PDs shall include only those listed in Table 1 for the district in which the PD is to be established. No use shall be permitted in a Type “A” PD that is not clearly permitted in the district in which it is to be established.

**Type “B” PDs**

Any use or combination of uses meeting the objectives of this section may be established in a Type “B” PD upon review and approved amendatory action by the Planning Commission and Town Council. Once approved, the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed on the basis of classification, i.e. retail, office, wholesale, residential, multi-family residential, single-family detached housing, manufactured housing, etc. The list of approved uses shall be binding on the applicant and any successor in title, so long as the PD zoning applies to the land, unless otherwise amended by Ordinance.

*3.5.3 Development Standards*

1. Qualifications and Minimum Area Required

Qualifications for the establishment of a PD shall include the conditions contained in Section 5.3. There shall be no minimum site area requirement for a PD as long as the PD meets all requirements of Article 4 of this Ordinance.

1. Overall Site Design Criteria

Overall site design shall be harmonious in terms of landscaping, enclosures of principal and accessory uses, size of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.

1. Specific Site Design Criteria

Residential density, setbacks, impervious surface ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities, i.e. transportation, water, and sewerage systems, recreation facilities, fire and police protection, etc.

Additional design criteria shall be as prescribed in Article 9 General Provisions and Regulations.

1. Parking and Loading

Off-street parking and loading spaces for each PD shall comply with the requirements of Section 8 of this ordinance.

1. Buffer Areas

Buffer areas shall be required for peripheral uses only, and shall be provided in accord with the minimum requirements for adjacent uses prescribed by Article 8 Buffer areas are not required for internal use.

1. Streets and Street Improvements

Private streets may be permitted in a PD; provided such streets meet all applicable street and road design standards contained in Article 10; further provided that an acceptable maintenance plan is submitted to and approved as part of the PD plan.

1. Landscaping and Common Open Space

Landscaping and open space requirements for each PD shall comply with the provisions of Article 8 of this Ordinance.

1. Signage

Signage shall be in harmony and scale with and reflective of the proposed PD.

*3.5.4 Plan Requirements*

Preliminary plan requirements, final pre-construction plan requirements and final as-built plat requirements shall be as prescribed in Section 3.7 of this Ordinance.

*3.5.5 Financial Guarantees*

Where public improvements and/or "common" amenities or infrastructure are proposed, such improvements shall be installed in accord with a development schedule to be approved as part of the PD Plan.

Where proposed or required improvements have not been completed by the applicant/developer prior to the scheduled target date and certified by the Zoning Administrator, the applicant/developer may provide financial guarantees acceptable to the Town to ensure the proper installation of such required improvements. The nature and duration of the guarantees shall be structured to achieve this goal without adding unnecessary costs to the developer.

*3.5.6 Action by Planning Commission and Council*

Action by the Planning Commission and/or Council may be (1) to approve the Plan and application to establish a PD, (2) to include specific modifications to the Plan, or (3) to deny the application to rezone or establish a PD. If the Plan and/or rezoning are approved, the applicant shall be allowed to proceed in accord with the approved PD Plan as supplemented or modified in a particular case, and shall conform to any time or priority limitations established for initiating and/or completing the development in whole, or in specified stages. If the application is denied, the applicant shall be so notified.

*3.5.7 Administrative Action*

After a PD Plan has been approved and the zone classification established on the official zoning map, building and sign permits shall be issued in accord with the approved Plan as a whole or in stages, or portions thereof, as approved. Said permits shall be issued in the same manner as for building and sign permits generally.

*3.5.8 Changes in Approved PD Plans*

Except as provided in this section, approved PD Plans shall be binding on the owner and any successor in title.

Any change in use from one use group to another shall constitute a change requiring the reestablishment of the PD through the amendatory process.

**Section 3.6 Special Exceptions**

 *3.6.1 Application Filing*

1. Applications for Special Exceptions shall be submitted to the Zoning Administrator on forms available at Town Hall.
2. Upon submission of a Special Exception application, no additional Special Exception applications shall be accepted for the subject property until the original application has been withdrawn or the Decision-Making Body has rendered its final decision and all applicable time limits on refiling have expired.
3. Special Exception applications shall comply with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance.
4. No application for a Special Exception shall be accepted as complete unless it includes the required fee and the following information:
5. Completed Special Exception application signed by the current property owner(s).
6. Applicant’s letter of intent explaining the proposed use and how it meets the Approval Criteria of Section 3.6.5.
7. Site plan drawn to an engineer’s scale showing the property dimensions, dimensions and locations of existing and proposed structures and improvements, parking areas, Grand trees, wetlands, holding basins and buffers when applicable. However, if the property was developed before October 1998, no site improvements have been made since, and the proposed use does not require site improvements, as determined by the Zoning Administrator, the applicant may submit an aerial photograph printed to engineer’s scale showing the property lines, locations of existing structures and improvements, parking areas, etc. as the site plan. One (1) 24 x 36 copy and five (5) 11 x 17 copies shall be submitted.
8. A copy of a legible approved and recorded plat.
9. Restrictive covenants affidavit(s) signed by the applicant or current property owner(s) in compliance with State law.
10. Any other information that the Zoning Administrator determines is necessary to make an informed decision as to whether the application complies with the standards required by Section 3.6.
11. All proposed Special Exception uses, except placement of Manufactured Housing, shall satisfy the Site Plan Review process.

*3.6.2 Public Hearing Notice*

Newspaper, Neighbor, Parties in Interest and Posted notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with the requirements of Section 3.1.6 of this Article.

*3.6.3 Zoning Administrator Review and Report*

The Zoning Administrator shall review each proposed Special Exception in light of the Approval Criteria of Section 3.6.5 of this Article, and if deemed necessary, distribute the application to other agencies and reviewers. Based on the results of those reviews, the Zoning Administrator shall provide a report on the proposed Special Exception to the Board of Zoning Appeals.

*3.6.4 Board of Zoning Appeals Hearing and Decision*

1. The Board of Zoning Appeals shall hold at least one (1) public hearing on the proposed Special Exception. Within a reasonable time after the close of the public hearing, the Board of Zoning Appeals shall approve, approve with conditions or deny the proposed Special Exception based on the Approval Criteria of Section 3.6.5.
2. A majority of the Board of Zoning Appeals constitutes a quorum.
3. A majority of the members present and voting are required to approve a Special Exception.

*3.6.5 Approval Criteria*

1. Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use:
2. Is consistent with the recommendations contained in the Comprehensive Plan and the character of the underlying zoning district “Purpose and Intent”;
3. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
4. Adequate provision is made for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors;
5. Where applicable, will be developed in a way that will preserve and incorporate any important natural features;
6. Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and
7. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.
8. In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure 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.

*3.6.6 Final Decision and Orders*

Final decisions and orders of the Board must be in writing and be filed with the Zoning Administrator as a public record. Final decisions shall be available for public inspection during regular office hours. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board.

*3.6.7 Notice of Decision*

The written final decision shall be mailed to applicant and published once in a newspaper of general circulation in the Town.

*3.6.8 Appeals*

Any person with a substantial interest in a decision of the Board of Zoning Appeals or any officer, board, or bureau of the Town may appeal a final decision of the Board of Zoning Appeals to the Holly Hill Circuit Court. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

*3.6.9 Lapse of Approval*

An approved Special Exception shall lapse and be of no further effect twelve (12) months after the date that the Special Exception was approved by the Board of Zoning Appeals unless a complete application of a Zoning Permit is submitted in accordance with Section 3.8, or if no Zoning Permit is required, unless construction or development has commenced and is being diligently pursued.

One (1) one-year extension of a Special Exception approval may be allowed if construction or development has commenced and is being diligently pursued. Applications for extensions of Special Exception approvals shall be submitted to the Zoning Administrator on forms available at Town Hall at least fifteen (15) days prior to the expiration of the Special Exception approval.

**Section 3.7 Site Plan Review**

*3.7.1 Applicability*

Except as expressly exempted in Section 3.7.4, the Site Plan Review procedures shall apply to any of the following: (A) new development, redevelopment and property improvements that increase by more than 25 percent (25%) the area devoted to vehicular use, or the gross floor area of buildings; (B) any change in use to a more intensive use, as determined by the Zoning Administrator; and (C) any earth disturbing activity greater than or equal to 5,000 square feet. The entire site shall be brought into compliance with all applicable Ordinance standards at the time of Site Plan Review.

*3.7.2 Definitions*

 For the purposes of this Section, a change in use to a more intensive use shall include any occupancy of a building that has not been occupied by a business for more than two (2) years as determined by Town records or other reasonable investigation.

*3.7.3 Exemptions*

 Applications for placement of manufactured housing units and proposals for single family residential development on existing approved and recorded plats shall be expressly exempt from the Site Plan Review procedures of this Section.

*3.7.4 Applications*

 Applications for Site Plan Review must be submitted to the Zoning Administrator on forms available at Town Hall. Upon submission of an application for Site Plan Review, no additional applications for Site Plan Review shall be accepted for the subject property until the original application has been withdrawn or the Decision-Making Body has rendered its final decision and all applicable time limits on refilling have expired. Formal approval for applications is also received from other relevant Town departments.

*3.7.5 Approval Criteria*

A Site Plan application may not be approved unless the Zoning Administrator finds that the proposed project complies with all applicable provisions of this Ordinance.

*3.7.6 Appeals*

Appeals shall be processed in accordance with the procedures of Section 3.13 of this Article. Applications for Appeals of approved site plans shall clearly state the error in any order, requirement, decision or determination that was made by the administrative official when approving the site plan.

*3.7.7 Amendments*

The procedure for amending a Site Plan shall be the same as required for the original approval.

**Section 3.8 Zoning Permits**

*3.8.1 Applicability*

Except as expressly exempted in Section 3.8.2 of this Article, a Zoning Permit shall be required before any of the following activities:

1. The issuance of a building permit under Orangeburg County Building Code;
2. Excavation preparatory to constructing a structure for which a building permit is required;
3. Improving any zoning lot by grading, filling, or surfacing, or by constructing a driveway in conjunction with the construction of a single family residence, or by constructing or enlarging parking areas containing more than six parking spaces;
4. Change in the use classification of any part of a structure or lot, including any increase in the number of families or dwelling units occupying a building or lot;
5. Installation of any sign (on-premises or off-premises);
6. Moving of any house or mobile home;
7. Prior to obtaining a business license;
8. Any earth disturbing activity; or
9. Clearing and grubbing, including and grading, drainage, or the construction of roads or utilities in a subdivision.

*3.8.2 Exemptions*

1. Agriculture

A Zoning Permit shall not be required with respect to any parcel of land being used for a bona fide, principal agricultural use as of October 1998, including: farming, dairying, pasturage, agriculture, horticulture, floriculture, viniculture, animal and poultry husbandry, forestry, and other uses or enterprises customarily carried on in the field of general agriculture, including the necessary accessory uses for packing, treating, or storing of produce, in any zoning district. The operation of any accessory use shall be secondary to that of the normal agricultural activity.

1. Utility Lines

 A Zoning Permit shall not be required for a service connection with established electric distribution or transmission lines, water lines, sewer, gas or other pipelines, provided that such facilities shall comply with all other applicable standards of this Ordinance. Installation of new main or distribution trunk lines for water, sewer or gas shall not be exempt.

1. Fences

A Zoning Permit shall not be required for the installation of any fence that is less than six (6) feet in height and exempt from Orangeburg County Building Code requirements, as amended. Fence installation must also comply with the vision clearance requirements of Section 4.1 of this Ordinance.

1. Accessory Structures

A Zoning Permit shall not be required for the placement of one (1), one-story detached accessory structure used as a tool or storage shed, playhouse, or similar accessory structure, provided the building footprint does not exceed 120 square feet. In the event that one detached accessory structure already exists on the subject property, a Zoning Permit is required for any additional detached accessory structure. Detached accessory structures must also comply with all applicable standards of the Zoning Ordinance.

*3.8.3 Application Filing*

Applications for Zoning Permits shall be filed with the Zoning Administrator on forms available at Town Hall. Zoning Permit applications shall include the following information:

1. For all new construction or changes in building footprint, applications shall include a site plan drawn to engineer's scale that shows proper dimensions, dimensions and locations of all existing and proposed structures and accessories, setbacks, driveways, and wetlands, if applicable;
2. Applications shall include an approved, recorded plat indicating Town Parcel ID Number or if an approved, recorded plat is not available, the application shall include a Parcel Boundary Map showing the subject parcel, surrounding properties, and Town Parcel ID Number;
3. Proposed construction, including accessory uses and structures, if occurring on more than one abutting lot of record, shall not be placed on property lines and must meet all setback requirements;
4. Applications shall include paid receipt(s) from local providers for public water and/or sewer, or a letter from the utility company stating the fee(s) have been paid. If water and/or sewer service is not available, a well and/or septic tank permit final approval from SC DHEC shall be required;
5. For all structures requiring a new address (e.g., new building construction, power poles, irrigation systems, or accessory structures with electrical service), written address confirmation must be obtained from Town Hall. A site plan showing the location of the proposed structure and street access is required for address confirmation. The site plan should also show the street access for all existing structures; and
6. Commercial, Multifamily, Office, Industrial and other nonresidential uses require Site Plan Review approval prior to an application for a Zoning Permit.

*3.8.4 Zoning Administrator Review and Action*

1. When an application is made for a Zoning Permit for improvements and uses that comply with all requirements of this Ordinance, the Zoning Administrator shall issue a Zoning Permit and return a signed copy of the application, including plan, to the applicant within ten (10) working days of receipt of the application.
2. When the Zoning Administrator receives a Zoning Permit application for improvements or uses that do not comply with all requirements of this Ordinance, the Zoning Administrator shall deny the Zoning Permit application, and within ten (10) days of receipt of the application, return the application, including plan, to the applicant along with written notice of the denial. The written notice shall state the reasons for the denial and cite the sections of this Ordinance with which the application does not comply.
3. When a Zoning Permit application includes a request for a Variance or an Appeal of an Administrative Decision, the Zoning Administrator shall transmit such application, together with all supporting information, within 30 working days of receipt of the application, to the Board of Zoning Appeals for their review. Upon receipt of a written order from the Board of Zoning Appeals, the Zoning Administrator shall complete the ordered action within ten (10) working days of receipt of the order.

*3.8.5 Effect of Permit Issuance*

1. After a Zoning Permit is issued for construction requiring a building permit, the Building Inspection Department shall issue a building permit when the requirements of the Building Codes have been met.
2. After a Zoning Permit is issued for a use or construction not requiring a building permit, the applicant may proceed to carry out the improvement described in the approved Zoning Permit application.

*3.8.6 Lapse of Approval*

1. A Zoning Permit issued for construction that requires a building permit shall lapse and be of no further effect if a building permit is not issued within six (6) months of the date of issuance of the Zoning Permit.
2. A Zoning Permit issued for use or construction that does not require a building permit shall lapse and be of no further effect if the authorized development has not commenced within six (6) months, or if after the development has commenced, the work is suspended or abandoned for a period of more than one (1) year.
3. Zoning Permit extensions, for periods of up to 90 days, shall be approved by the Zoning Administrator. No more than four (4) 90-day extensions will be allowed. An application for a Zoning Permit extension shall be submitted to the Zoning Administrator prior to the expiration of the Zoning Permit.

**Section 3.9 Certificates of Occupancy**

*3.9.1 Applicability*

No structure or zoning lot or part thereof for which a Zoning Permit has been issued shall be used or occupied until the Building Inspection Department has, after final inspection, issued a Certificate of Occupancy indicating that the use or structure complies with all applicable requirements of the Zoning Permit and this Ordinance. This Certificate of Occupancy may be combined with or made a part of the Certificate of Occupancy required under the Building Code. The issuance of a Certificate of Occupancy shall not be construed as waiving any provision of this Ordinance or the applicable Zoning Permit.

*3.9.2 Utility Connections*

1. Electric or gas utility companies or cooperatives shall not provide their respective utility until receipt of an approved Certificate of Occupancy.
2. Temporary electrical power permits shall require authorization from the Zoning Administrator prior to such services being provided by the utility companies.

**Section 3.10 Zoning Variances**

*3.10.1 Applicability; Limitations*

The Board of Zoning Appeals shall be authorized to approve Zoning Variances to any zoning related dimensional, design or performance standard set forth in this Ordinance, provided that the Approval Criteria of Section 3.10.6 are met and provided that such Zoning Variance does not have the effect of:

1. Permitting a use, activity, business or operation that is not otherwise allowed by the Use Regulations of the underlying zoning district;
2. Allowing the physical extension of a Nonconforming Use, except as expressly allowed in Article 9;
3. Increasing the density of a residential use above that permitted by the underlying district;
4. Varying the sign regulations of this Ordinance;
5. Varying or waiving the General Provisions and Regulations contained in Article 10; or
6. Varying or waiving any other standard of this Ordinance that is expressly stated as being ineligible for a Zoning Variance.

*3.10.2 Application Filing*

1. Applications for Zoning Variances shall be submitted to the Zoning Administrator on forms available at Town Hall.
2. Zoning Variance applications shall comply with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance.
3. No Application for a Zoning Variance shall be accepted as complete unless it includes the required fee and the following information:
4. Completed Zoning Variance Application signed by the current property owner(s).
5. Applicant’s letter of intent explaining the requested Zoning Variance and how it meets the Approval Criteria of Section 3.10.6.
6. Site plan drawn to engineers scale showing the property dimensions, dimensions and locations of existing and proposed structures and improvements, parking areas, trees, wetlands, holding basins and buffers when applicable. One (1) 24 x 36 copy and five (5) 11 x 17 copies shall be submitted.
7. A copy of a legible approved and recorded plat.
8. Restrictive covenants affidavit(s) signed by the applicant or current property owner(s) in compliance with state law.
9. Any other information that the Zoning Administrator determines is necessary to make an informed decision as to whether the application complies with the standards required by Section 3.10.
10. All proposed Zoning Variances, except single family residential development, shall satisfy the Site Plan Review process.
11. Separate applications and fees shall be filed for more than one Variance request to each requirement of this Ordinance.

*3.10.3 Public Hearing Notice*

Newspaper, Neighbor, Parties in Interest and Posted notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with the requirements of Section 3.1.6 of this Article.

*3.10.4 Zoning Administrator* *Review and Report*

The Zoning Administrator shall review each proposed Zoning Variance in light of the Approval Criteria of Section 3.10.6, and if deemed necessary, distribute the application to other agencies and reviewers. The Zoning Administrator shall provide a report on the proposed Zoning Variance to the Board of Zoning Appeals.

*3.10.5 Board of Zoning Appeals Hearing and Decision*

1. The Board of Zoning Appeals shall hold at least one (1) public hearing on the proposed Zoning Variance. Within a reasonable time after the close of the public hearing, the Board of Zoning Appeals shall approve, approve with conditions or deny the proposed Zoning Variance based on the Approval Criteria of Section 3.10.6.
2. A majority of the Board of Zoning Appeals constitutes a quorum.
3. A majority of the members present and voting are required to approve a Zoning Variance.

*3.10.6 Approval Criteria*

1. The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship.
2. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing the following findings:
3. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
4. These conditions do not generally apply to other property in the vicinity;
5. Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
6. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;
7. The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a Nonconforming Use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance.
8. The need for the variance is not the result of the applicant's own actions; and
9. Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.
10. In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure 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.

*3.10.7 Final Decisions and Orders*

Final decisions and orders of the Board must be in writing and be filed in the Office of the Zoning Administrator as a public record. Final decisions shall be available for public inspection during regular office hours. 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 in interest by mail.

*3.10.8 Notice of Decision*

The written final decision shall be mailed to all parties in interest by mail.

*3.10.9 Appeals*

Any person with a substantial interest in a decision of the Board of Zoning Appeals or any officer, board, or bureau of the Town may appeal a final decision of the Board of Zoning Appeals to the Circuit Court. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

*3.10.10 Lapse of Approval*

An approved Zoning Variance shall lapse and be of no further effect twelve (12) months after the date that the Zoning Variance was approved by the Board of Zoning Appeals unless a complete application of a Zoning Permit is submitted in accordance with Section 3.8 of this Article, or if no Zoning Permit is required, unless construction or development has commenced and is being diligently pursued.

One (1) one-year extension of a Zoning Variance approval may be allowed if construction or development has commenced and is being diligently pursued. Applications for extensions of Zoning Variance approvals shall be submitted to the Zoning Administrator on forms available in the Planning Department at least fifteen (15) days prior to the expiration of the Zoning Variance approval.

**Section 3.11 Written Interpretations**

*3.11.1 Application Filing*

Applications for Written Interpretations of this Ordinance shall be submitted to the Zoning Administrator on forms available at Town Hall.

*3.11.2 Zoning Administrator* *Review and Decision*

Within 30 working days of receipt of a complete application for a Written Interpretation, the Zoning Administrator shall: (1) review and evaluate the application in light of this Ordinance, the Comprehensive Plan and any other relevant documents; (2) consult with other staff as necessary; and (3) render a written interpretation.

*3.11.3 Form*

The interpretation shall be provided to the applicant in writing and shall be filed in the official record of interpretations.

*3.11.4 Official Record of Interpretations*

An official record of interpretations shall be kept on file at Town Hall. The record of interpretations shall be available for public inspection during normal business hours.

*3.11.5 Appeals*

Appeals of the Zoning Administrator’s written interpretation shall be taken to the Board of Zoning Appeals in accordance with procedures of Section 3.13. If the appeal results in a change of interpretation, the new interpretation shall be filed in the official record of interpretations.

**Section 3.12 Appeals of Zoning-Related Administrative Decisions**

*3.12.1 Authority*

The Board of Zoning Appeals shall be authorized to hear and decide appeals only on zoning related matters where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of any of the zoning-related regulations of this Ordinance.

*3.12.2 Right to Appeal*

Appeals of Administrative Decisions on zoning-related matters may be filed by any officer, board, or bureau of the Town, or by any person with a substantial interest in a decision of an administrative official.

*3.12.3 Application Filing; Timing*

Applications for Appeals of Administrative Decisions on zoning-related matters shall be submitted to the Zoning Administrator on forms available at Town Hall. Appeals of Administrative Decisions to grant or deny a Zoning Permit shall be filed within 30 calendar days from the date of the Administrative Decision.

*3.12.4 Effect of Filing*

Any permits, decisions or determinations which are the subject of an appeal shall be temporarily suspended upon filing a complete application for an appeal, unless the official responsible for issuing the permit or making the decision or determination which is being appealed certifies to the Board of Zoning Appeals, after the appeal is filed, that because of facts stated in the certification, a stay would cause immediate peril to life or property. In such case, action upon any such permits, decisions or determinations shall not be stayed other than by a restraining order, which may be granted by the Board of Zoning Appeals or by a court of record upon proper notice and hearing. However, in the absence of a certification that a stay would cause immediate peril to life or property, any work purported to be undertaken pursuant to an appealed permit, decision or determination after actual notice of the appeal has been received shall be subject to Article 10, Violations, Penalties, and Enforcement, of this Ordinance.

*3.12.5 Record of Administrative Decision*

The official whose decision is being appealed shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed is taken.

*3.12.6 Public Hearing Notice*

Newspaper, Neighbor, Parties in Interest and Posted Notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with the requirements of Section 3.1.6 of this Article.

*3.12.7 Board of Zoning Appeals Review and Action*

1. The Board of Zoning Appeals shall hold at least one public hearing on the appeal, and within a reasonable time following the close of the public hearing, take final action based on the procedures and requirements of this Section.
2. In exercising the appeal power, the Board of Zoning Appeals shall have all the powers of the official from whom the appeal is taken, and the Board of Zoning Appeals may reverse or affirm, wholly or in part, or may modify the decision being appealed.
3. If the Board of Zoning Appeals determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct issuance of a permit. The Board of Zoning Appeals in execution of the duties specified in this Article may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.
4. A quorum of the Board of Zoning Appeals shall be achieved when the number of members in attendance equals more than ½ of the total membership of the Board of Zoning Appeals. At least 2/3 of the members present and voting shall be required to reverse any order, requirement, decision, or determination of any administrative officer or agency.

*3.12.8 Approval Criteria; Findings of Fact*

An appeal shall be sustained only if the Board of Zoning Appeals finds that the administrative official erred. The decision of the Board of Zoning Appeals shall be accompanied by specific, written findings of fact and conclusions of law clearly stating the reason for the decision. Those written findings shall be delivered to parties in interest by mail and permanently filed at Town Hall.

*3.12.9 Appeals*

Any person with a substantial interest in a decision of the Board of Zoning Appeals or any officer, board, or bureau of the Town may appeal a final decision of the Board of Zoning Appeals to the Circuit Court. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

**Section 3.13 Appeals of Subdivision-Related Administrative Decisions**

*3.13.1 Authority*

The Planning Commission shall be authorized to hear and decide appeals only on subdivision related matters (including determinations of [subdivision application] incompleteness) where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of any of the general provisions and development regulations of Article 10 of this Ordinance.

*3.13.2 Right to Appeal*

Appeals of Administrative Decisions on subdivision-related matters may be filed by any officer, board, or bureau of the Town, or by any person with a substantial interest in a decision of an administrative official.

*3.13.3 Application Filing: Timing*

Applications for Appeals of Administrative Decisions on subdivision-related matters shall be submitted to the Zoning Administrator on forms available at Town Hall. Appeals of Administrative Decisions on subdivision matters shall be filed within 30 calendar days of the date of written notice of the decision being appealed.

*3.13.4 Effect of Filing*

Any permits, decisions or determinations which are the subject of an appeal shall be temporarily suspended upon filing a complete application for an appeal, unless the official responsible for issuing the permit or making the decision or determination which is being appealed certifies to the Planning Commission, after the appeal is filed, that because of facts stated in the certification, a stay would cause immediate peril to life or property. In such case, action upon any such permits, decisions or determinations shall not be stayed other than by a restraining order, which may be granted by the Planning Commission or by a court of record upon proper notice and hearing. However, in the absence of a certification that a stay would cause immediate peril to life or property, any work purported to be undertaken pursuant to an appealed permit, decision or determination after actual notice of the appeal has been received shall be subject to Article 11, Violations, Penalties, and Enforcement, of the Ordinance.

*3.13.5 Record of Administrative Decision*

The official whose decision is being appealed shall transmit to the Planning Commission all papers constituting the record upon which the action appealed is taken.

*3.13.6 Public Hearing Notice*

Newspaper Notice of the Planning Commission's public hearing shall be provided in accordance with the requirements of Section 3.1.6 of this Article.

*3.13.7 Planning Commission Review and Action*

1. The Planning Commission shall hold at least one (1) public hearing on the appeal and, within a reasonable time following the close of the public hearing, take final action based on the procedures and requirements of this Section. When the appeal relates to a determination of (application) incompleteness, the Planning Commission shall hear and take action on the appeal within 30 calendar days of the date of the appeal.
2. In exercising the appeal power, the Planning Commission shall have all the powers of the official from whom the appeal is taken, and the Planning Commission may reverse or affirm, wholly or in part, or may modify the decision being appealed.
3. If the Planning Commission determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence, and to that end shall have all the powers of the officer from whom the appeal is taken.
4. A quorum of the Planning Commission shall be achieved when the number of members in attendance equals more than ½ of the total membership of the Planning Commission. At least 2/3 of the members present and voting shall be required to reverse any order, requirement, decision, or determination of any administrative officer or agency.

*3.13.8 Approval Criteria: Findings of Fact*

An appeal shall be sustained only if the Planning Commission finds that the administrative official erred. The decision of the Planning Commission shall be accompanied by specific, written findings of fact and conclusions of law clearly stating the reason for the decision. Those written findings shall be delivered to Parties in Interest by mail and permanently filed at Town Hall.

*3.13.9 Appeals*

Any person with a substantial interest in a decision of the Planning Commission or any officer, board, or bureau of the Town may appeal a final decision of the Planning Commission to the Circuit Court. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Planning Commission is mailed.

**Section 3.14 Addressing and Street Names**

*3.14.1 Authority*

The Zoning Administrator shall be authorized to assign and change physical addresses as provided for in Chapter 12.04, Section 12.04.010 of the Town of Holly Hill Code of Ordinances, and §23- 47-60 et. seq. of the Code of Laws of South Carolina (1976), as amended.

The Planning Commission shall be authorized to approve the name of a new street or road within the jurisdiction of the Town, as provided for in the Code of Laws of South Carolina §6-29-1200 and §23-47-60 et. seq. of the Code of Laws of South Carolina (1976) as amended. The Planning Commission may delegate this authority to the Zoning Administrator.

*3.14.2 Application Filing*

Applications for the following shall be submitted to the Zoning Administrator on forms available at Town Hall:

A. Requests for Reservations of Street Names; and

B. Requests for Street Name Changes.

* + 1. *Street Names*

A. Requests for Reservations of Street Names:

All street names shall comply with Chapter 12.04, Section 12.04.010 of the Town of Holly Hill Code of Ordinances, and §23-47-60 et. seq. of the Code of Laws of South Carolina (1976), as amended. Street names proposed by the applicant shall be approved by the Planning Commission.

1. Requests for Street Name Changes

The Planning Commission shall be authorized to approve requests for street name changes within the jurisdiction of Holly Hill, including but not limited to the naming of existing unnamed easements, rights-of-way and other access types where there is no street name or the current street name poses a threat to the efficient provision of emergency services. Requests for street name changes shall be in accordance with the Code of Laws of South Carolina §6-29-1200 and §23-47-60 et. seq. of the Code of Laws of South Carolina (1976), as amended, and Chapter 12.04, Section 12.04.010 of the Town of Holly Hill Code of Ordinances.

**Section 3.15 Development Agreements**

Development Agreements are hereby authorized for land development in the Town of Holly Hill, subject to and in accordance with the South Carolina Local Government Development Agreement Act in Section 6-31-10 et seq., Code of South Carolina, 1976, as amended. Requests for Development Agreements shall be processed pursuant to Section 6-31-10 et seq., Code of Laws of South Carolina, 1976, as amended.