

Section 9-10. Appeal From Board of Zoning Appeals to Circuit Court

A person who may have a substantial interest in any decision of the Board of Appeals or an officer or agent of the county may appeal from a decision of the Board to the Circuit Court in and for the county by filing with the Clerk of Court a petition in writing setting forth plainly, fully and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the Board is mailed.

ARTICLE X

AMENDMENTS

Section 10-1. Authority

This Ordinance, including the official zoning map(s), may be amended from time to time by the County Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation.

Section 10-2. Procedure

Requests to amend the Zoning Ordinance shall be processed in accordance with the following procedures:

- (1) **Initiation of amendments:** A proposed amendment to the Zoning Ordinance may be initiated by the Planning Commission, County Council or by application filed with the Planning Commission by the owner or owners of any property proposed to be changed; provided however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property or any part thereof, by a property owner or owners more often than once every twelve (12) months.
- (2) **Application procedure:** Application forms for amendments shall be obtained from the office of the Building Official. Completed forms, together with the required application fee to cover administrative costs (advertising), plus any additional information the applicant feels to be pertinent, shall be filed with the Building Official. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the form required.

Applications for amendments must be received in proper form, at least two (2) weeks prior to a Planning Commission meeting in

order to be heard at that meeting.

- (3) **Review by the Planning Commission:** All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted by the Building Official to the Planning Commission.

The Planning Commission, at regular meetings, shall review and prepare a report, including its recommendation for transmittal to County Council.

All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person or by agent, or by attorney.

No member of the Planning Commission shall participate in a matter in which he has any pecuniary or special interest.

- (4) **Report of Planning Commission:** Following review of the proposed amendment, the Planning Commission shall reach a decision regarding said amendment and report its findings and recommendation to County Council for final action to be preceded by an advertised Public Hearing.

The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the thirty-day period, it shall be deemed to have approved the proposed amendment. No change in or departure from the text or maps as recommended by the Planning Commission may be made pursuant to the public hearing unless the change or departure first be submitted to the Planning Commission for review and recommendation.

Section 10-3. Notice of Public Hearing

10-3.1 Public Notice

In scheduling a public hearing for a proposed zoning map and/or text amendment, notice of the time and place shall be published in a newspaper of general circulation in the county at least fifteen (15) days in advance of the scheduled public hearing. The County Council shall hold such hearing and act on the proposed amendment within sixty (60) days of receipt of the Planning Commission's recommendation on the application.

10-3.2 Posting of Property

In cases involving rezoning, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. Such notice shall be posted at least 15 days prior to the announced hearing, indicating the nature of the proposed change, identification of the affected property, and time, date and place of the hearing.

Section 10-4. Action By County Council

The County Council shall take action on the proposed amendment within 60 days of receipt of the Planning Commission's recommendation on an application. If no action is taken by the County Council within such time, the proposed amendment shall be considered denied, unless otherwise specified by Council.

Following final action by County Council, any necessary changes shall be made to the official zoning map and/or text. A written record of the type and date of such change shall be maintained by the Clerk of Council.

ARTICLE XI

DEFINITIONS

Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Plumbing Code, Standard Gas Code or Standard Fire Prevention Code. Words not defined in the Standard Codes shall have the meanings in Webster's Ninth New Collegiate Dictionary, as revised.

Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel".

The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended," "arranged," or "designed to be used or occupied". An intended project shall be defined as one where substantial monies have been spent towards the goal of the project.

The word "map" or "zoning map" shall mean the Official Zoning Map(s) of Fairfield County, South Carolina.

The term "Planning Commission" refers to the Planning Commission for Fairfield County. The term Council shall mean the legally elected governing body of Fairfield County. The term "Board of Zoning Appeals" refers to the Board of

Zoning Appeals for Fairfield County.

Access - A legal means of vehicular or pedestrian approach or entry to or exit from property.

Accessory Building - See **Building, Accessory**

Accessory Use - See **Use, Accessory**

Adult Day Care - A day care facility providing day care on a regular basis for more than two (2) hours per day for more than five (5) people.

Airport - An area of land or water that is designed or used on a recurring basis for the landing and takeoff of aircraft, except that an airstrip shall not be considered an airport.

Airport Protection District - An overlay zone established pursuant to Section 3-1 of this Ordinance. Its intent is to promote compatibility between aircraft operating in the vicinity of the Fairfield County Airport and surrounding properties by establishing regulations to temper and modify the development standards of the primary district to the extent necessary to allow for safe aircraft and airport operations.

Airstrip - An area of land or water, located on private property, which the owner of such land uses (or authorizes the use of) for the landing and takeoff of not more than two (2) aircraft owned or leased by the owner of such property or aircraft engaged in crop dusting of land owned or leased by the owner of the airstrip and which airstrip, is not used in connection with flying lessons or the rental or sale of aircraft, parts, or fuel. Such airstrip is normally considered an accessory use of such property.

Animal Shelter, Domestic - A pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine including pot bellied pigs, sheep, ponies, grazing animals and fowl of any kind,