

**ZONING AND LAND DEVELOPMENT STANDARDS
ORDINANCE 04-13
DORCHESTER COUNTY, SOUTH CAROLINA**

An Ordinance of the County of Dorchester, South Carolina, regulating the location and use of buildings, structures, land; the size of buildings and other structures, the size of yards, the density and distribution of population; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the method of administration and amendment; providing for a Board of Zoning Appeals; and, providing for the imposition of penalties for the violation of the provisions of this ordinance to be effective in the unincorporated portions of Dorchester County.

ARTICLE I. AUTHORITY, PURPOSE AND ENACTMENT CLAUSE

In pursuance of authority conferred by South Carolina Code of Laws, 1976, as amended, Title 6, Chapter 29 and for the purpose of promoting the health, safety, convenience, morals, economic stability and general welfare of the County; lessening congestion in the streets, assuring the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments; securing safety from fire; providing adequate light, air and open space; assuring the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the comprehensive plan; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate and timely provision of safe and convenient streets water, sewage, schools, parks, and other public improvements; assuring the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; protecting scenic and critical areas, and protecting areas subject to periodic flooding, in accordance with the Comprehensive Plan, as recommended by the Dorchester County Planning Commission, and adopted by this Council in May 1999, the County Council of Dorchester County does ordain and enact into law the following articles and sections.

ARTICLE II. TITLE

This Ordinance, and the official zoning map made a part hereof, shall be known as the Zoning and Land Development Standards of Dorchester County.

ARTICLE III. JURISDICTION AND REPEAL

Section 3.1 Territorial Jurisdiction

The regulations set forth herein shall apply to all land and, buildings, structures, and uses thereon in the unincorporated areas of Dorchester County, South Carolina and throughout any municipality within the County, provided such municipality chooses to adopt this ordinance or sections thereof in accord with provisions of the South Carolina Code.

Section 3.2 Repeal of Prior Provisions

This Ordinance cancels and repeals Ordinances 79-26, 87-02, 89-15, 90-10, 90-19 and amendments thereto. Such repeal shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if such repeal had not been effected.

ARTICLE IV. ESTABLISHMENT OF DISTRICTS AND MAPS

Section 4.1 Establishment of Zoning Districts

In order to advance the purpose of these regulations, the unincorporated County is hereby divided into distinct districts, as defined in Articles VII through IX of this Ordinance. The regulations set forth herein shall apply uniformly to each class or kind of structure or land within each district, except that where such districts overlap "critical areas" as established by the South Carolina Office of Coastal Resource Management (OCRM), or "flood hazard areas" as established by Federal Emergency Management Agency (FEMA), alternative requirements of these agencies may be applicable and supersede or augment the requirements of this Ordinance.

Section 4.2 Zoning District Boundaries and the Official Map(s)

The location and boundaries of zoning districts are shown on a map or maps entitled Official Zoning Map(s), Dorchester County, South Carolina, which together with all explanatory matter thereon are hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Chairman of County Council, attested by the Clerk of Council, together with the date of the adoption of this Ordinance and the adoption of the Official Map.

Section 4.3 "Critical Areas" and the Official Map

"Critical Areas" as defined by Section 39-10, Paragraphs (F), (G), (H), and (I) of South Carolina Coastal Zone Management Act of the 1977 General Assembly, as amended, and as delineated and maintained by SC DHEC/OCRM on a map of critical area boundaries per Section 30-10-2 of the SC State Code, are hereby adopted by reference as a part of this Ordinance.

Section 4.4 Flood Hazard Boundary Maps

Flood Hazard Boundary Maps designating flood hazard areas within Dorchester County, South Carolina, having an effective date as prepared by the Federal Emergency Management Agency, copies of which are on file in the offices of the Zoning Administrator and the County Engineer, are hereby adopted by reference and are fully a part of this Ordinance as set forth herein.

Section 4.5 Custodian of the Official Zoning Map

Regardless of the existence of purported copies of the Official Zoning Map(s) which may from time to time be made or published, the official map(s) located in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in Dorchester County.

Section 4.6 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, or the FEMA Flood Hazard Boundary Map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such center lines;
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

Boundaries indicated as approximately following political boundaries shall be construed as following such boundaries;

Boundaries indicated as following the center lines of waterways, marsh areas, and ditches shall be construed as following such lines; Boundaries indicated as following the shorelines of bodies of water shall be construed to follow such shorelines;

Boundaries indicated as following railroad lines shall be construed to be midway in the right of way;

Boundaries indicated as parallel to, or concentric with, or extension of features indicated in subsections (a) through (e) above shall be so construed. Distances and dimensions not specifically indicated on the Official Zoning Map(s) shall be determined by the scale of the map and the Zoning Administrator;

Where physical or cultural features, natural or man-made, existing on the ground are at variance with those shown on the Official Zoning Map(s), or in other circumstances covered by subsections (a) through (f) above, the Board of Zoning Appeals shall interpret the district boundaries.

Section 4.7 Changes to District Boundaries

If in accordance with the provisions of the Ordinance and the 1976 S C Code of Laws, Title 6, Chapter 29, changes are made in district boundaries or other matter portrayed on the Official Zoning Map(s), such changes shall be entered on said map(s) promptly after the amendment has been approved by the County Council.

No change of any nature shall be made on the Official Zoning Map(s) except in conformity with the procedures set forth by this Ordinance. Any unauthorized change of whatever kind by any person or person(s) shall be considered a violation of this Ordinance and punishable as provided by law.