

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

ORDINANCE NO. 23-19

An Ordinance To Amend Darlington County Code Of Ordinances, Appendix A (Development Standards Ordinance), Article 7 (Administration, Enforcement, Appeal Complaints And Remedies), Section 7.8.3 (Appeals), To Comply With Section 6-29-1150 Of The South Carolina Code Of Laws, As Amended, Regarding Appeals From The Decision Of The Planning Commission And To Establish The Effective Date Of This Ordinance

PURPOSE

The purpose of this ordinance is to amend the Appeals process to comply with state statute that has been amended to provide that appeals from the decision of the Planning Commission are to be filed directly with the Circuit Court. Darlington County Council no longer has the jurisdiction or authority to decide these matters as they are now under the jurisdiction of the Circuit Court and its standard review.

NOW, THEREFORE, BE IT ORDAINED by the governing body of Darlington County, South Carolina, the Darlington County Council, that:

SECTION 1.

Darlington County Code of Ordinances, Appendix A. (Darlington County Development Standards Ordinance), Article Seven (Administration, Enforcement, Appeal Complaints And Remedies), Section 7.8.3 (Appeals), **which currently reads:**

Sec. 7.8.3. Appeals.

The appeal of any ruling by the development official, planning commission or other administering agent of this ordinance shall be made to the Darlington county council.

- (A) The appeal of any ruling made under the provisions of this ordinance shall be filed with the Darlington county council within 30 working days of receipt of notice of the contested action. The filing date of such appeal shall be the next scheduled meeting of council following receipt of the appeal.
- (B) Upon receipt of the appeal notification the Darlington county council may:
 - (1) Appoint a hearing examiner;
 - (2) Consider the appeal as a body.

- (C) The Darlington county council or the hearing examiner acting on behalf of the Darlington county council shall take all pertinent testimony. The hearing examiner shall provide the Darlington county council with a summary of findings and recommendations.
- (D) The Darlington county council and/or a designated referee shall make a decision within 30 working days of the appeal filing date.
- (E) Any person who may have a substantial interest in any decision of the Darlington county council under this ordinance may appeal from any decision to the circuit court in and for the County of Darlington by filing with the clerk of said court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 working days after the decision of council or its referee is rendered.

Be amended to read as follows:

Sec. 7.8.3. Appeals.

Pursuant to SC Code Section 6-29-1150.

Section 2.

The provision of this ordinance shall be included and incorporated in the Code of Ordinances for Darlington County, as an amendment thereto.

Section 3.

This ordinance shall become effective upon third reading.

DARLINGTON COUNTY COUNCIL

ATTEST:

_____, Chairman

J. JaNet Bishop
Clerk to Council

FIRST READING: November 6, 2023
SECOND READING: December 4, 2023
THIRD READING: January 2, 2024
PUBLIC HEARING: December 4, 2023