

Article I General Regulations

§ 155-1. Purpose

- A. This zoning ordinance, as herein established, has been prepared in accordance with the county's Comprehensive Plan and with reasonable consideration, among other things, to the character of the land and its suitability for particular uses and with a view to conserving the value of property and encouraging the orderly development and most appropriate use of land throughout the county.
- B. The purpose of this chapter is to:
1. Promote and protect the health, safety, morals and general welfare of the community;
 2. Prevent congestion in the streets;
 3. Secure the public safety;
 4. Promote the conservation of natural resources, including the preservation of productive agricultural land;
 5. Ensure that all development and land uses protect or enhance the natural, environmental, architectural, and other landscape resources of the county especially highly fragile and environmental important features such as floodplains, streams, shorelines and wetlands;
 6. Effect the concentration but avoid the congestion of the population;
 7. Preserve the county's cultural heritage;
 8. Preserve and enhance the attractiveness of the community;
 9. Encourage good civic design;
 10. Facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks and other public requirements;
 11. Provide for efficiency and economy in the process of development;
 12. Encourage the orderly development and the most appropriate use of land throughout the county;
 13. And to conserve the value of property and buildings.

§ 155-2. Provisions considered minimum

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted laws, rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the highest standard shall govern.

§ 155-3. Interpretation and enforcement; duties of County Council

A. Interpretation and enforcement

It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the Director of Planning and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Director of Planning and that recourse from the decisions of the Board of Appeals shall be the courts.

B. Duties of Council

It is further the intent of this chapter that the duties of the County Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this chapter, the County Council shall have only the duties of considering and adopting or rejecting proposed amendments to the text and the maps or the repeal of this chapter as stated in § 155-5 of this chapter; establishing a schedule of fees, charges and expenses as stated in § 155-4 of this chapter; creation of the Planning Commission and appointment of its members as stated in Article III of this chapter; and creation of the Board of Appeals and appointment of its members as stated in Article IV of this chapter.

§ 155-4. Schedule of fees and charges

The County Council shall establish a schedule of fees, charges and expenses and a collection procedure for applications for special exceptions, variances, amendments, appeals, permits and other matters pertaining to this chapter. Such schedule shall be posted in the office of the Director of Planning and may be altered or amended, from time to time, without a public hearing, only by the County Council upon the recommendations of the Planning Commission. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal pertaining to this chapter.

§ 155-5. Amendments

A. General amendment requirements

1. Amendments authorized

The regulations, restrictions, definitions, districts, classifications and boundaries set forth in this chapter may, from time to time, be amended, supplanted, modified or repealed by the County Council. The reclassification of any property and the relocation of any district boundary shall be deemed amendments to this chapter and subject to the provisions of this section.

2. Initiation

Proposals for amending the zoning ordinance text or Official Zoning Maps may be made by any governmental agency or by an individual with a committed financial, contractual or proprietary interest in real property located within the county's zoning jurisdiction. Such proposals for text amendments shall be in the form as prescribed by the Director of Planning and shall be addressed to and filed with the County Council. Such proposals for map amendments shall be in the form as prescribed by the Director of Planning, shall be addressed to and filed with the County Council and, if the proposal is made by an individual other than the owner of record of the property, shall be cosigned by the owner.

3. Procedure

- a. Any officially filed amendment or other change shall first be referred by the County Council to the Planning Commission for an investigation and recommendation. The Planning Commission shall make such investigations as it deems appropriate or necessary and may direct the Director of Planning to make such other investigations as the Planning Commission deems appropriate or necessary and, for these purposes, may require the submission of pertinent information by any persons concerned and may hold such formal or informal public hearings as are appropriate in the Planning Commission's judgment. In addition, the Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Council within 60 days after the Planning Commission's first regular meeting after receipt of said amendment from the County Council, unless an extension of time is granted by the County Council.
- b. After the County Council receives the recommendation of the Planning Commission, the County Council shall determine whether or not the proposal is suitable to warrant the introduction of

legislation pursuant to Section 303 of the County Charter and unless the bill is rejected by an affirmative vote of at least four council members, the County Council shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Council shall give public notice of such hearing in accordance with the provisions of § 155-6 of this chapter.

- c. No change in or departure from the proposed amendment as recommended by the Planning Commission shall be made by the County Council until said change or departure has been resubmitted to the Planning Commission for its further review and recommendation and the County Council has received said additional recommendation. However, this provision will not apply to proposed sectional or comprehensive map and text amendments.
- d. A majority vote of the entire body of the County Council shall be required to pass any amendment to this chapter.
- e. A complete record of the public hearing and the votes of all members of the County Council in deciding all questions relating to the proposed amendment shall be kept.

B. Map amendments

1. Findings

- a. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Council shall make findings of fact in each specific case, including but not limited to the following matters: the population change, the availability of public facilities, the present and future transportation patterns, the compatibility with existing and proposed development, and the compatibility with the county's Comprehensive Plan. The County Council may grant the reclassification based upon a finding that there was a substantial change in the character of the neighborhood where the property is located since the last rezoning of the property or that there was a mistake in the last zoning classification and that a change in the zoning would be more desirable in terms of the objectives of the Comprehensive Plan.
- b. The fact that an application for reclassification complies with all of the specific requirements and purposes set forth in this chapter shall not be deemed to create a presumption that the proposed reclassification and resulting development would, in fact, be compatible with surrounding land uses and is not, in itself, sufficient to require the granting of the application.

2. Application requirements

a. Applications generally

Every application for a map amendment shall be accompanied by a plat, drawn to scale, showing the existing and proposed district and property boundaries and such other information as the Director of Planning may need in order to locate and plot the amendment on the Official Zoning Maps. Such plat shall not be required for sectional or comprehensive reclassifications. No application for map amendments shall be accepted for an I district unless the area contains ten acres or more.

b. Application for reclassification

No application for reclassification shall be accepted for filing by the County Council if the application is for the reclassification of the whole or any part of land for which the County Council have denied reclassification within 12 months from the date of the decision of the County Council. However, the County Council may allow an applicant to withdraw an application for a map amendment at any time, by resolution, without prejudice, provided that, if the request for withdrawal is made after publication of the notice of a public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of the resolution of the County Council approving such withdrawal.

3. Changing the Official Zoning Maps

It shall be the duty of the Director of Planning to change the Official Zoning Maps forthwith upon the adoption of any map amendment, in order that said maps shall always be an up-to-date public record of the districts in the county.

4. Reversion clause

- a. In all map amendment cases, the County Council shall be satisfied that the applicant for the rezoning intends to use or begin construction for the purpose of using the requested zoning within two years of the date of approval of the change in zoning. For the purposes of this subsection the term "use or begin construction" means either:
 - i. Submission to the county of a site plan,
 - ii. Application for a building permit for structures comprising a substantial portion of the improvements, or
 - iii. Substantial completion of construction.

- b. If the applicant should fail to use or begin construction of the project within two years of the approval of the change in zoning or complete the construction within a reasonable period, the approval shall become void, and the land shall revert to its original zoning classification.
- c. The County Council may extend the deadline for compliance with this section for up to one year upon petition of the applicant showing a good faith effort to meet the deadline. Application to the County Council must be made prior to the expiration of the change in zoning.

§ 155-6. Requirements for public notices

Unless otherwise expressly provided by law, all notices to the general public required by the terms of this chapter shall be made as follows:

A. Posting

By posting the property affected or to be affected by the pending proceeding. Such posting shall be made at least 15 days prior to the public hearing on such proceeding by the erection of a sign to be furnished by the Director of Planning. Such sign shall be erected by the applicant within 10 feet of whatever boundary line of such land abuts the most traveled public road so as to be clearly visible to the public and, if no public road abuts thereon, then facing in such a manner as most readily may be seen by the public in the judgment of the Director of Planning. The bottom of the sign shall be not less than two and one-half feet from the ground, and shall bear the words: NOTICE ZONING APPLICATION PENDING, FOR MORE INFORMATION CALL 410-228-3234. Any sign required to be posted by this provision shall be maintained in a visible location and free from obstruction by brush, weeds or other growth until after the public hearing is held. At the hearing, it shall be the duty of the applicant to prove by affidavit that he or she has fully complied with the provision and has continuously maintained the sign or other posting in compliance with this provision up to the time of the hearing. Such posting of the site shall not be required for sectional or comprehensive amendments procedures.

B. Advertising

All proceedings under the terms of this chapter requiring a public hearing shall be advertised by the governmental body conducting the hearing once a week for two successive weeks in a newspaper of general circulation in the county not less than 14 days prior to the date such proceeding is scheduled for hearing, which advertisement shall state the following:

1. The date, time and place of such hearing.
2. A summary of the purpose of the proceeding in sufficient detail to inform the public of the nature of the proceeding and the relief sought by the initiator of the proceeding.

3. The location of the property involved, its area, the name of the owner and the file or case number of the proceeding and the name of the governmental body before which such proceeding is to be conducted.
4. Any other information deemed necessary by the Director of Planning to adequately inform the public of the proceeding.

C. Mailing

Except in cases of a proposed amendment to the text of this ordinance or a proposed sectional or comprehensive zoning map amendment whenever the application of this chapter requires the holding of a public hearing, the governmental body conducting such hearing shall give at least 15 days' notice of the time and place of such hearing to be mailed by regular United States mail, first class postage prepaid, to the initiator of the proceeding and to the owners of all property contiguous to the property with which the hearing is concerned and of all properties opposite said property, measured at right angles to any intervening road or body of water less than 1,000 feet in width. Said mailed notice shall be directed to the address to which the real estate tax bill for the property is sent. Said notice shall contain the same information as the published notice required by this section of this chapter. Notification of property owners shall not be required for proposed sectional or comprehensive map amendment procedures or for proposed sectional or comprehensive map amendment procedures or for proposed amendments to the ordinance text. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

§ 155-7. Compliance with the ordinance is required

No building, structure, land or part thereof shall hereafter be used, occupied, altered, erected, constructed or reconstructed, unless in conformity with this chapter. Activities not in compliance with this chapter shall be expressly prohibited. It is the intention of this ordinance that it be interpreted as excluding any use that is not expressly permitted whether as a permitted, accessory, or special exception use.

§ 155-8. Building permits

A. Building permit required

It shall be unlawful to locate or begin the excavation, erection, construction, reconstruction, extension, conversion or structural alteration of any building or structure without first obtaining a building permit from the Director of Planning. Ordinary repair and maintenance which only restore or preserve a building or structure in its existing form and do not change the use or configuration are exempt from the requirements of this section.

B. Application requirements

1. Contents

Every application for a building permit, signed by the applicant, shall be accompanied by plans, drawn approximately to scale, showing the shape and dimensions of the lot to be used or built upon; the exact location, size and height of any building or structure to be erected or altered; the existing or intended use of each lot or building; the number of family or housekeeping units the building is intended to accommodate; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter. All lot dimensions on these plans shall be based on actual survey or deed description. The lot and location of the building, structure or other improvement shall be staked out on the ground before construction is started.

2. Voiding an inactive application

The Director may void an application for a building permit at any time beginning 90 days after it has been filed if he determines that the application has become inactive.

C. Issuance

No building permit shall be issued until the proposed water supply system and disposal of sanitary wastes have been approved by the County Health Department; the requirements of the Dorchester County Sanitary Commission have been met if the property is in a sanitary district; the stormwater management permit and the grading permit have been issued by the respective agencies empowered to do so, unless those agencies have indicated that the activity or structure is exempted or waived from their regulations; the proposed location and design of any driveway or drainage structures to be connected with any public road or drainage system have been approved by either the county highway department or state highway administration, whichever has jurisdiction; and the procedural requirements of the Dorchester County Electrical Board have been met.

D. Expiration; extension

A building permit shall become void one year after the date of issuance, and any existing building permits issued prior to this chapter shall become void one year after the effective date of this chapter if the construction or use for which the certificate was issued has not been started, as defined herein, and has not been carried on in a diligent manner, except that the Director of Planning may extend such period for one additional year if, in his opinion, such extension is justified.

E. Building permit is revocable

A building permit shall be revocable, subject to continued compliance with all requirements and conditions of this chapter. The Director may issue a stop work order until compliance with this chapter is achieved.

F. Building permit is not transferable

A building permit is not transferable to a new owner unless start of construction/conversion, as defined in this chapter, has taken place.

§ 155-9. Essential services

Essential services shall be permitted in any district, it being the intent hereof to exempt such essential services from the application of this chapter.

§ 155-10. Applicability of provisions

- A. Except as provided for below in subsection B, this chapter shall apply to all lands, structures and buildings within Dorchester County, including all submerged lands, water areas and islands, but not including lands, buildings, waters and properties lying within the zoning jurisdiction of the county's incorporated municipalities, unless a municipality has, by resolution, requested the county to exercise such authority over its jurisdiction and the County Council, by resolution, have accepted such authority, in which case this chapter shall also apply to all lands, buildings, waters and property within such requesting municipality.
- B. This chapter shall not apply to:
 - 1. Land, structures and buildings owned by the County Council of Dorchester County or by any agency of the county, including the Dorchester County Board of Education.
 - 2. Land, structures and buildings leased to the County Council of Dorchester County or by any agency of the county, including the Dorchester Board of Education, for so long as such lease is in effect.
 - 3. Land, structures and buildings under contract with the County Council of Dorchester County or by any agency of the county, including the Dorchester County Board of Education, to provide a public service for so long as such contract is in effect.

§ 155-11. Violations, inspection and penalties

A. Complaints

Whenever a violation of this chapter occurs or is alleged to have occurred, any person may report the same, either verbally or in writing, to the Director of Planning.

B. Inspection and notification

The Director or his duly authorized agents have the right to enter and inspect any structure or land in order to verify that the structure or land complies with provisions of this chapter. If the Director finds that any of the provisions of this chapter are being violated, the Director shall notify the property owner and/or person responsible for such violation. The notice shall indicate the nature of the violation, and order the action necessary to correct it within a reasonable length of time. If at the conclusion of said reasonable length of time the violation has not been satisfactorily corrected in the judgment of the Director, the Director shall order and seek appropriate action to bring about the correction of such violation.

C. Penalty provisions

1. Violations of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or who fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000.00 or be imprisoned for not more than 30 days, or both. Each and every day such violation occurs shall be considered a separate offense.
2. The owner, tenant or agent of any owner or tenant of any building, structure, premises or part thereof who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
3. To the maximum extent possible under the law, the courts shall order the violation removed or corrected and shall issue such additional order as may be necessary and/or appropriate to safeguard against future violation of this chapter.
4. Nothing herein contained shall be construed to prevent the county from revoking a permit, special exception or variance previously granted or from taking such other lawful action as is necessary to prevent or remedy any violation of this chapter.