

- (2) Orphan road projects shall be implemented only on eligible rights-of-way and according to the standards and procedures established in Appendix F.

D. *Connector roads.*

- (1) Improving vehicular traffic flow, diverting traffic from congested areas, and decreasing traffic in highly populated areas is a recognized public purpose.
- (2) The county may acquire right-of-way and develop roads connecting two existing publicly maintained roads, following the procedures and standards established herein if county council finds that:
 - (a) The current or projected daily traffic count on at least one of the two existing roads to be connected is 2500 per day;
 - (b) The planning commission recommends and the county council determines that the general traveling public will be the primary beneficiaries of the project; and
 - (c) The project is consistent with the county transportation improvement plan or an industrial development project under the auspices of the economic development board.

E. *Emergency access roads.*

- (1) County council may exercise its emergency powers under Ordinance No. 151, as amended, to direct that a temporary access road be constructed on private property for response to emergency situations anticipated by the Darlington County emergency operations plan.
 - (2) The county administrator may direct county forces to construct a temporary access road on private property in response to an emergency situation as directed by a legally authorized state or federal official.
- (Ord. No. 92-5, § 8(6.8), 10-5-92)

**ARTICLE SEVEN. ADMINISTRATION,
ENFORCEMENT, APPEAL COMPLAINTS
AND REMEDIES**

Sec. 7. Purpose.

This article establishes an agency responsible for the administration and enforcement of this ordinance; specifies the powers of the agency; sets forth procedures for the filing of development applications and the issuance of permits including the establishment of time limits; establishes the foundation and procedures for the appeal of rulings made under this ordinance; and sets forth remedies and penalties for violation.

Sec. 7.1. Powers of the administering agency.

The Darlington county council delegates the authority for administration and enforcement of this ordinance to the county administrator or county employee designated by the county administrator as the county development official. The county development official shall exercise the following duties:

- (A) The preparation and publication of rules of procedure relating to the administration

and enforcement of this ordinance, as approved by the planning commission.

- (B) The issuance of permits in accordance with the provisions of this ordinance.
- (C) All other responsibilities and powers granted by the ordinance.

Sec. 7.2. Powers of the planning commission.

The planning commission shall exercise all authority lawfully delegated to it by the enabling statute under which this ordinance is enacted. More explicitly, the planning commission shall:

- (A) Review, and approve or disapprove all permit applications in accordance with the provisions of this ordinance.
- (B) Review and recommend action to the Darlington county council pertaining to any proposed amendment to the ordinance.

Sec. 7.3. Permit applications.

All applications for development permits under the provisions of this ordinance shall conform to the procedures and requirements of this section.

All applications and accompanying plans must be received by the planning commission office at least two weeks prior to the desired planning commission meeting date.

Applications for preliminary or final approval expire one year after submittal. The date of submittal is defined as the date which the planning commission granted approval of the application. To receive consideration, an expired application must be resubmitted in accordance with the current requirements of this ordinance.

(Ord. No. 91-3, § 9, 5-20-91; Ord. No. 92-15, § 6, 10-5-92)

Sec. 7.4. Preliminary conference.

Prior to the filing of a formal application, the applicant is encouraged to consult with the development official for comments and advice on the procedures, specifications, and standards required by the ordinance. The development official or a designated representative shall be available for

such purposes at the request of the applicant at a time mutually agreeable to both parties.

Sec. 7.5. Preliminary application.

The owner, developer or otherwise responsible agent may initiate the permitting procedure by filing a preliminary application with the development official in accordance with the provisions of this section.

7.5.1. *Filing fees.* The preliminary application shall be accompanied by such filing fee as set by Darlington county council. The filing fee may consist of a general fee per application, plus a fee per lot or acre. No action by the development official shall be taken until the filing fee is paid. This fee shall not be refunded should the applicant fail to file final application for the development permit or should the preliminary application be disapproved.

7.5.2. *Format and content.* The preliminary application shall contain:

- (A) The names and addresses of the owner(s) of record and the applicant if different from the owner.
- (B) The proposed name of the development.
- (C) Names of the owners of contiguous parcels and an indication of whether or not contiguous parcels are developed.
- (D) A map showing:
 - (1) The general location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the tract, intersecting or contiguous with its boundaries or forming such boundaries.
 - (2) The general location, description and name of all existing or recorded parks, public areas, permanent structures and other sites within or contiguous with the tract.
 - (3) The general location, dimensions, description and flow line of existing watercourses and drainage struc-

- tures within the tract or on contiguous tracts.
- (4) The location of municipal limits or county lines and district boundaries if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary.
 - (5) The general drainage plan and ultimate destination of water runoff, and possible storm sewer, water, gas, electric, and sanitary sewer connections.
 - (6) The proposed road names. A developer may reserve needed road names upon the approval of the preliminary development application. All street names must meet the guidelines specified in the Street Naming and Property Numbering Ordinance (Ordinance 89-10). These street names will be reserved for a maximum of two years.
 - (7) The approximate location of any floodplain as identified on the county's flood insurance rate maps (FIRM).
- (E) A site plan showing:
- (1) The general location, dimension, description and name of all proposed buildings, streets, alleys, utility structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the tract.
 - (2) Topographical information at contour interval of not more than five feet.
- the applicant of all discrepancies and return the application for correction.
- (B) If the development official finds that the preliminary application conforms to the format and content provisions of this section, the development official shall record the application and the date of its receipt, and shall submit the application to the planning commission at its next scheduled meeting. This submittal to the planning commission shall constitute the filing date.
 - (C) The planning commission shall review all preliminary applications and may, at its discretion, call a public hearing in accordance with the provisions of this article. Within 30 working days of the application filing date, the planning commission shall take one of the following actions.
 - (1) Approve the preliminary application.
 - (2) Approve the preliminary application with conditions.
 - (3) Disapprove the preliminary application.
 - (D) The applicant shall be notified in writing of the action by the development official. If the preliminary application is disapproved, the written notice to the applicant shall specify the reasons for the disapproval.

7.5.3. Preliminary application processing.

- (A) Upon receipt of the preliminary application, the development official shall review the application for conformity with the format, and content requirements of this section. If discrepancies are found, the development official shall within ten working days notify

7.5.4 *Right attaching to preliminary application approval.* Approval of the preliminary application by the planning commission shall be deemed an expression of approval of the development concept and site design submitted, and authorizes the applicant to proceed with more detailed planning and design. Approval of the preliminary application to record a subdivision plat, or to commence development activity of any kind.

Sec. 7.6. Final application.

The applicant may initiate the final approval procedure by filing a final application with the

development official in accordance with the provisions of this section.

7.6.1 *Filing fees.* The final application shall be accompanied by such filing fee as set by Darlington county council. The filing fee may consist of a general fee per application, plus a fee per lot or acre. No action by the development official shall be taken until the filing fee is paid. This fee shall not be refunded should the final application be disapproved. Amendments required by the planning commission will be reviewed with no further cost to the developer. Amendments submitted by the developer will be charged the regular per lot or acre fee.

7.6.2 *Bonding requirements.* At the time of filing for final application, the planning commission may require the applicant to post a performance bond in an amount estimated by the planning commission as sufficient to secure the satisfactory construction, installation and dedication of the incompleting portion of required improvements. These improvements would include streets and curbs, sidewalks, utilities, drainage systems and other necessary public facilities. Bonds will not be required on residential or commercial structures.

7.6.3 *Format and content.*

(A) A final plan and accompanying data conforming to the preliminary plan conditionally approved by the planning commission, incorporating any and all changes, modifications, alterations, corrections and conditions imposed by the planning commission.

(B) A legal description of the property and boundary survey with computed acreage of the tract bearing the seal of a registered land surveyor shall be submitted with the final plan and shall include:

(1) Identification features:

—Approved name of subdivision, including phase as applicable and street names conforming to 911 requirement

—Name and complete mailing address of developer

—Name, complete mailing address and registration number of surveyor

—Name, complete mailing address and registration number of engineer, if the subdivision required engineered drawings

—Plat date and revision date if any

—Tax map number(s) of project's parent parcel(s)

—Total acreage to be subdivided

—Total number of lots

—Scaled vicinity map

(2) Survey details:

—All bearings, distances and labels for the project perimeter boundary, individual parcel boundaries, areas dedicated to public use, right-of-way and easements including off-site easements.

—Sufficient data to determine readily and reproduce the ground location, bearing and length of every road centerline, subdivision boundary line, lot and block line, whether curved or straight. This shall include the radius, central angle and tangent distance for the centerline of curved streets. Curved property lines shall show the arc or chord distance radii. Provide coordinates for the main entrance road intersection compatible with the State Plane Coordinate System.

—All dimensions to the nearest 0.01 of a foot and angle to the nearest minute.

—Locations and description of all monuments.

—Scaled layout of all existing or proposed water or drainage

features to include 100-year flood boundaries or 100-year high water marks. Plats that include a 100-year high water mark must bear the seal of a registered engineer in the State of South Carolina.

—Deed record names and locations of property owners adjacent to project perimeter boundary.

—Individual lot acreage.

(C) The location of primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred. The primary control point shall be a public road intersection or other approved permanent feature. Plats will be tied to existing public road intersections by traversing to the point of centerline intersection and showing the directions of the centerlines of the intersecting roads. In all cases, plats will follow the guidelines established in the South Carolina Coordinates Act.

(D) A site plan showing:

- (1) The exact location, dimensions, description and name of all proposed buildings, streets, alleys, utility structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the tract.
- (2) Topographical information at a contour interval of not more than two vertical feet based on U.S.G.S. mean sea level (MSL) datum, with benchmark description and location indicated. (Road intersections of known MSL elevation are acceptable.)
- (3) The certification by a registered surveyor that the site does not contain any area within a floodplain as regulated in article three of this ordinance or the exact location,

dimension and description of flood prevention data to include the floodplain, base flood elevations, the area of special flood hazard and the floodway as defined on the county flood rate insurance maps (FIRM). The flood rate insurance maps are filed in the county tax assessors office.

(E) The following site improvement data. All plans and engineering calculations shall bear the seal of a registered professional civil engineer and shall conform to all special conditions imposed by special district requirements as delineated in Article Three. If the subdivision will be developed in phases, a composite of the lot layout, street layout, drainage plan and topographic information must be provided for the entire site (all phases) at the time that the first phase is submitted for approval to include as a minimum:

- (1) Plan sheets/drawings shall be a standard size of 24 inches by 36 inches, having the profile at the bottom and plan with topographic overlay (two vertical foot intervals) at the top.
- (2) All elevations shall be in the datum of mean sea level.
- (3) Scales shall be: Vertical one inch equals two feet minimum and horizontal one inch equals 50 feet minimum.
- (4) All profiles shall be submitted on full sized sheets.
- (5) Each sheet must show a plan above the proposed profile on which must be shown:
 - (a) Stations along the centerline of the proposed road with appropriate ties at intersecting street.
 - (b) The width of the right-of-way and name of the proposed roads and existing roads shown.
 - (c) Alignment information, including curve data with P.C., P.T. and P.I., angle points, angles at intersections and other related pertinent information.

- (d) Arrows showing the direction of drainage along drainage way and at intersections.
 - (e) Existing utility lines, utility structures and drainage structures with type and size together with existing drainage rights-of-way.
 - (f) Proposed utility lines, drainage structures and drainage rights-of-way.
 - (g) Bench marks with locations, descriptions and datum, etc.
- (6) Profiles shall show:
- (a) The existing street centerline plotted from elevations taken, showing all breaks in grade, but in no case more than 100 feet apart. Profile shall include existing street to which tie is being made for a distance of at least 200 feet.
 - (b) Proposed street centerline profile with centerline elevation every 50 feet on vertical curves, at 100-foot stations along straight grades and at intersections.
 - (c) Vertical curve data.
 - (d) Proposed and existing storm drains, sanitary sewers, water mains, pipe underdrains and crossline pipes, including storm drainage profiles.
 - (e) Related and pertinent drainage data including drainage area, runoff coefficient, time of concentration (with computations), average rainfall intensity, runoff, and slope (feet per foot) for each line of pipe and each ditch or canal, unless this information is shown on a separate detailed drainage sheet.
 - (f) Existing and proposed grades of all ditches and swales on site to include existing and proposed outfall drainage ways.
- (F) Deed restrictions, articles of incorporation, bylaws of a homeowner's association and other legal documents pertaining to the operation and management of the proposed development.
 - (G) Documentation of compliance with all appropriate county, state and federal regulations and permitting procedures. This shall include SCDHEC certification of suitability for septic tanks, if applicable. It shall also include documentation of compliance with regulations governing flood damage prevention, mining, wetlands protection, etc., as applicable.

7.6.4 *Final application processing.*

- (A) Upon presentation of the final application, the development official shall record the application and the date of its receipt. Within ten working days, the application will be reviewed by the development official for conformity with format and content requirements. If discrepancies are found, the development official will notify the developer of all discrepancies and return the application for correction.
- (B) If the final application conforms to the format and content provisions of this ordinance, the development official shall submit the application to the planning commission for final review at its next scheduled meeting. Such submittal to the planning commission shall constitute the filing date.
- (C) Within 30 working days after receipt of the final application from the development official, the planning commission shall take one of the following actions.
 - (1) Approve the application;
 - (2) Disapprove the application; or
 - (3) Approve the application with conditions.

With respect to Item (3), the approval and subsequent issuance of the development permit is to be withheld until all specified conditions are sufficiently met, to be determined by the development official. Should the fulfillment of the outstanding condition(s) require that the original application be altered, the conditional final approval will be null and void, and the applicant will be required to resubmit a revised application to the planning commission for it to consider for approval during a regularly scheduled meeting. The number of conditions is limited to two.

Alteration of the original application shall mean, but not be limited to mean, changes in property lines, changes in driveway or road locations, deviation from original grading plan or drainage design.

- (D) In the event the planning commission approves the application, the development official shall issue a permit authorizing the applicant to commence development.
- (E) If the permit is denied, the development official shall notify the applicant of such action in writing specifying the reasons for such denial.
- (F) In the event the planning commission does not take action within 30 working days of receipt of the final application, the application shall [be] considered approved and a certificate to that effect shall be issued by the planning commission upon demand.

(Ord. No. 96-12, §§ 18, 19, 5-20-96; Ord. No. 08-24, § I, 12-15-08)

Sec. 7.7. Documentation of rulings.

Any ruling made by the Darlington county council, the development official or the planning commission under the provisions of this ordinance shall be issued in writing and shall include written findings of fact and conclusions, together with the reasons therefor to the extent practica-

ble. Conclusions based on any provision of this ordinance shall contain a reference to the provision relied on.

Sec. 7.8. Prohibitions to filing for development.

(A) No subdivision plat or development plan shall be filed unless a valid development permit has been approved under the provisions of this ordinance.

(B) No building permit shall be issued by the county unless a valid development permit has been approved under the provisions of this ordinance.

(C) No agency, public or private, shall repair, maintain, install or provide any streets or public utility services to any development unless a valid development permit has been approved under the provisions of this ordinance.

(D) No agency, public or private, shall sell or supply any water, gas, electricity, or sewer service within any development unless a valid development permit has been approved under the provisions of this ordinance.

Sec. 7.8.1. Enforcement.

The responsibility for the enforcement of this ordinance is delegated to the development official.

(A) Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall properly record such complaint, immediately investigate, and take whatever action is necessary to assure compliance with this ordinance.

(B) If the development official shall find that any of the provisions for this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

(C) In case any development is undertaken in violation of this ordinance, the development official, the county council or its

agent, or any person aggrieved may, in addition to other remedies provided by law, institute an injunction, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful development.

Sec. 7.8.2. Penalties.

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor and shall be prosecuted according established for misdemeanors for each offense. Each day such violation continues, after notice, shall constitute a separate offense.

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.

Sec. 7.9. Acceptance of public improvements.

7.9.1. Private and planned unit development. Street and drainage improvements primarily or solely within planned unit developments (private manufactured home parks, apartment complexes, condominium complexes, etc.) will not be accepted into the county system. Article X, section 5, of the South Carolina Constitution provides that the expenditure of public funds (for road maintenance, etc.) may be for public purposes only. By definition, work within planned unit developments and on private property primarily benefits the private property owner(s).

7.9.1.1. Private subdivision: A subdivision, paved or unpaved, intended for the exclusive use by the developer, the lot owners and their guests. For the purpose of this definition, "the public" may not be privileged to the use of this area and shall not be responsible or liable for street and drainage repair, or any other maintenance normally provided by public tax dollars. No private subdivision in Darlington County shall exceed ten (10) lots in size under section 7.9.1.2. of this ordinance.

7.9.1.2 Small private development standards.

(A) Restrictions of development:

- (1) There will be only one (1) small private development permitted to be developed on any one individual tract of land, regardless of size of tract.

(Definition of "Tract": a continuous expanse of land with boundaries that are specified by a survey, or in the event there is no survey, by agreement of affected property owners.)

(2) This type of development is to be restricted to one of the two following conditions:

- a. To divisions where lots are created to be conveyed to family members only. (For the purpose of this restriction, "family" is to be defined as members of one's family by blood or by marriage or by agreement of the family member(s) who own(s) the property to be divided. Discretion is given to the planning commission to decide whether the intent of this restriction [is] met.)
- b. To divisions where there is a common interest, to include common ownership of the roads and rights-of-way, between grantor and grantees. (For the purpose of this restriction, the grantor and grantees and common ownership must be identified before final approval for this development. Furthermore, there must be a written agreement identifying the common interest and how it will be carried out signed by all parties.)

(3) There will be only one roadway constructed within development, whether a 20-foot right-of-way (1 to 4 lot development) or a 66-foot right-of-way (over 4 to 10 lot development)—(see below for individual requirements).

(4) The above referred-to development may contain up to a maximum of ten (10) lots with one new roadway serving all lots within development.

(5) A development may begin with one (1) to four (4) lots (see individual requirements below) with a 20-foot roadway, then upgraded to the maximum ten (10) lot development provided the following requirements are met:

- 1. The existing 20-foot roadway right-of-way is developed into a

66-foot road right-of-way (see requirements for 5-10 lot development) meaning existing lot owners will have to be willing to provide the additional right-of-way (by deeding to homeowners association) with the 66-foot right-of-way extending back to provide access to all lots located within the development.

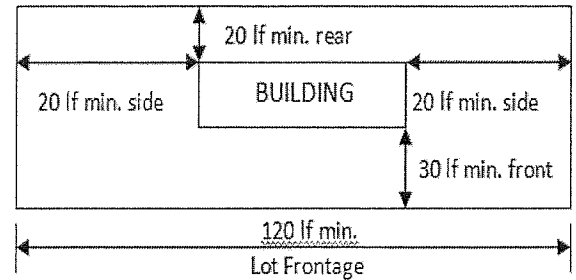
- 2. At such time a development is extended beyond the 1-4 lot development the requirements of the "Over 4 lots to maximum of 10 lots" development as listed below must be met.
- 3. A survey showing 66-foot road right-of-way with new lot layout is submitted to planning commission for "Approval" along with proof the additional road right-of-way has been secured from existing property owners located along the previously 20-foot road right-of-way.

(B) Small developments defined as one (1) to four (4) lots, with access to lots within development not fronting on a publicly maintained highway shall comply with the following:

- (1) The roadway for the development shall be privately owned and maintained.
- (2) The roadway shall be the property of a homeowners association held in common (all property owners within development being part of the homeowners association). The homeowners association will be solely responsible for the perpetual maintenance of the roadway and any improvements to the said roadway that is located within the development as well as the annual real estate taxes for area of the roadway right-of-way.
- (3) The roadway shall originate at a public road at one end only in order to eliminate through traffic.

- (4) If two (2) or more acres total, including lots and roadways, are involved in the development, storm water permits shall be required from DHEC.
- (5) An original survey with surveyor's seal shall be required showing the development's lot and road layout as well as listing tax map number parcel is being derived from. Roadway must be labeled as "privately maintained" roadway on survey. Road "name" must also be shown on survey with road "name" having received prior approval by Darlington County E-911 Addressing Technician. This will be the survey "approved" by planning commission for recording in the Office of the Clerk of Court for Darlington County.
- (6) Each lot is to contain one (1) single-family residence only. No additional housing units such as mobile homes or apartments shall be permitted.
- (7) Lot size and setback requirements:
 - a. Lot road frontage widths are to be a minimum of one hundred and twenty (120) feet with a depth to accommodate a building setback requirement of twenty (20) feet from lot's back property line as well as DHEC lot size requirement for septic systems. Lots located on a cul-de-sac may have a minimum road frontage of fifty (50) feet. The number of lots on the cul-de-sac shall be limited to five (5).
 - b. Building setback lines are to be shown on survey of lot layout with distances to be linear distances measured from property lines inward with setback requirements for each lot to be a minimum of thirty (30)lf measured from the front property line and a minimum setback of twenty (20)lf from each side

property line with the setback from the back property line being a minimum of twenty (20) lf also, as shown below:



- c. Residences or other principal structures such as garages, pools, etc. may not intrude over building setback lines.
 - d. Each lot is subject to two (2) types of setback requirements which are:
 - 1. Road right-of-way along the front property line; and
 - 2. The above described building setback lines.
 - e. A building setback area may be used for an accessory activity such as parking, unless otherwise provided in the ordinance.
- (8) Septic tank approval from DHEC for each lot must be submitted to planning commission prior to development being approved by planning commission.

(C) Small developments of over four (4) lots to a maximum of ten (10) lots shall comply with the following requirements:

- (1) Conditions 1—8 as previously listed—(See 1-4 lot development).
- (2) Survey of lot layout must show a 66-foot road right-of-way with roadway being labeled as a privately maintained road on said survey.
- (3) The portion of tract being developed into lots must have road frontage on a publicly maintained road.

- (4) No lots shall be further subdivided.
- (5) All lots must be shown on original survey submitted to planning commission for "approval" prior to recording with any additional lot development (not to exceed the maximum ten (10) lot limit per tract of land) requiring submission of a new survey showing layout of additional lots to planning commission for "approval."

(D) Each lot deed as well as all surveys, whether for an individual lot or survey for entire development, must have the following statement included as part of said documents:

"The roadway providing access to the lots in this development is private and not maintained by Darlington County, nor will it be maintained in the future until such time the road is developed, at the expense of the members of the homeowners association, to the current paved road standards as outlined in Darlington County Code of Ordinances, Appendix A (Development Standards Ordinance), Article 5, Section 5.2 and accepted by Darlington County Council. Access must remain suitable for emergency vehicles."

7.9.2. *Street dedication.* All streets designed to be incorporated into the county road maintenance system must have rights-of-way deeded to the county before maintenance will begin. (See appendix C-1 for right-of-way deed application and appendix C-2 for memorandum of agreement and acceptance).
(Ord. No. 90-12, 8-20-90; Ord. No. 91-3, 5-20-91; Ord. No. 96-12, § 19, 5-20-96; Ord. No. 98-22, 12-7-98; Ord. No. 00-5, § 1, 5-15-00; Ord. No. 06-16, § II, 9-5-06; Ord. No. 07-10, § II, 6-4-07; Ord. No. 09-14, §§ II, III, 11-16-09; Ord. No. 11-03, §§ II—IV, 6-6-11)

ARTICLE EIGHT. AMENDMENTS

Sec. 8. Introductions.

This ordinance including the official district map may be amended from time to time by the Darlington county council in accordance with the provisions of this article.

Sec. 8.1. Review by planning commission required.

The Darlington county council shall not adopt an amendment to this ordinance until the proposed amendment has been transmitted to the Darlington county planning commission for comments and recommendations and either:

- (A) The Darlington county planning commission has transmitted its comments and recommendations to the Darlington county council and these comments have been made available to the public at least 15 calendar days prior to adoption of the amendment; or
- (B) Ninety calendar days have elapsed since the proposed amendment was submitted to the Darlington county council.

Sec. 8.2. Public hearing required.

The Darlington county council shall not adopt any amendment to this ordinance until at least one public hearing has been held.

Sec. 8.3. Public hearing.

Public hearings required or called under the provisions of this ordinance shall proceed in accordance with this section.

- (A) At least 15 calendar days in advance of a hearing the development official shall publish notice of the hearing in a newspaper of general circulation, and shall give notice individually to the following:
 - (1) The developer, property-owner or applicant;
 - (2) Any other person, agency, or organization that has filed with the development official a request to receive notices of hearings and has paid a reasonable fee therefore;
 - (3) Any other person, agency or organization that may be designated by this ordinance.
- (B) The notice shall:
 - (1) Give the time and place of the hearing;

- (2) Contain a statement describing the subject matter of the hearing; and
 - (3) Specify the officer or employee of the development official from whom additional information can be outlined.
- (C) The notice shall specify the governmental authority, commission, agency or officer responsible for conduct of the hearing and before which the hearing shall be held, and shall designate the presiding officer.
- (D) A written statement giving the name and address of the person making the appearance, signed by him or by his attorney, and filed with the presiding officer, constitutes appearance of record. The parties to a hearing shall be any of the following persons who has entered an appearance of record either prior to commencement of the hearing or then permitted by the presiding officer.
- (1) A person entitled to notice under (A) subsection (1).
 - (2) The representatives of any department or agency of Darlington County.
 - (3) A person who satisfies the presiding officer that he has a significant interest in the subject matter of the hearing.
- (E) The development official shall make or have made a record of the hearing. Such record shall be made available to any person under reasonable time and condition.

