

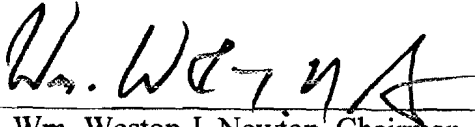
2005/25

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE ARTICLE III, SECTION 106-432, EFFECT OF APPROVAL (AMENDS SECTION TO COMPLY WITH STATE LAW REGARDING VESTED RIGHTS FOR APPROVED DEVELOPMENTS)

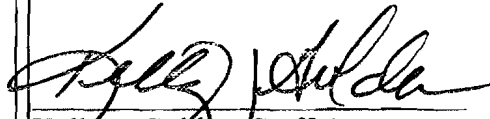
Whereas, Standards that are underscored shall be added text and Standards ~~lined through~~ shall be deleted text.

Adopted this 27th day of June, 2005.

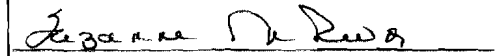
COUNTY COUNCIL OF BEAUFORT COUNTY

BY:   
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

  
Kelly J. Golden, Staff Attorney

ATTEST:

  
Suzanne M. Rainey, Clerk to Council

First Reading: May 23, 2005  
Second Reading: June 13, 2005  
Public Hearing: June 27, 2005  
Third and Final Reading: June 27, 2005

(Amending 99/12)

Article III. Administrative Procedures

Subdivision IV. Approval

Sec. 106-432. Effect of approval.

(a) *Generally.* Approval of any application pursuant to this chapter shall authorize only the particular use, plan, or other specific activity for which the application was issued, and not any other approval requiring separate application. Approvals shall run with the land, except for zoning and comprehensive plan text changes and use interpretations.

(b) *Vested rights for final development plans/plats.*

(1) A vested right is established for two years upon final approval of a development plan or plat. An applicant shall have two years from final approval to receive a building permit or, if no building permit is required, to obtain a Certificate of Compliance. Such vested right shall receive five one-year extensions for good cause upon written request by the landowner to the ZDA no later than one month prior to expiration unless an amendment to the ZDSO has been adopted that prohibits approval.

(2) A vested right to a final development plan or plat shall not attach until all plans have been received and approved, and all fees paid in accordance with this Article.

(3) A vested right is subject to revocation by the County Council upon its determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

(4) Phased development plans remain subject to review and approval of all phases prior to any portion of the project being vested.

(5) A vested plan is subject to later overlay zoning requirements that may impose site plan related requirements, but does not affect allowable types, density or intensity of uses.

(6) The Zoning Board of Appeals does not have the authority to grant a vested right and no such right shall accrue as a result of their decision.

(7) Variances or special uses do not create a vested right.

(c) ~~Time limitations~~—*Time limits and extensions for other types of approval.* Any approval not listed in table 106-432 or subsection (b) above shall have no time limit. Such approvals shall continue in force until superseded by an ordinance change or specific action to alter it. Permitted timeframes for an approval do not change with changes in ownership and shall expire as indicated in table 106-432 if any of the following occur:

- (1) No building permit has been issued to establish the use authorized in the approval.
- (2) The use does not require a building permit and the use is not established, ongoing, and in operation.
- (3) The approval is a step in a multistage approval process, and the next stage application has not been accepted as complete.

(c) ~~Extensions~~—Upon written request, a one time extension may be granted by the decision-making body for a period not to exceed that shown in table 106-432 for good cause. No written request for an extension shall be considered unless submitted to the applicable administrative body no later than one month prior to expiration. Failure to submit an application for an extension within the time limits established by this section shall result in the approval's expiration as provided in subsection (b) of this section.

TABLE 106-432. TIME LIMITS AND EXTENSIONS

| Use  | Time Limitation (months)* | Extension (months) |
|--|---------------------------|--------------------|
| Special use  | 12 <sup>1</sup>           | 6                  |
| Variance   | 12                        | 6                  |
| Appeal   | 12                        | 3                  |
| Sign permit  | 6 <sup>2</sup>            | 3                  |
| Zoning permit  | 12                        | 6                  |
| Concept plat or plan   | 12                        | 12                 |
| <del>Final plat or plan</del>  | <del>12</del>             | <del>6</del>       |
| Notes:   |                           |                    |
| *If construction stops, other than for reasons of natural disaster, the permit expires six months after permit approval. |                           |                    |
| <sup>1</sup> Unless specified otherwise in the special use approval.   |                           |                    |
| <sup>2</sup> If part of a zoning permit, <u>12 months</u> , or land development plan, <del>12-24</del> months.           |                           |                    |