

806460

STATE OF SOUTH CAROLINA)
HORRY COUNTY) IN THE COUNTY COUNCIL

COUNTY OF HORRY)
FEB - 9) PM 3:11
ORDINANCE NO. 01-01

R.M.C.

AN ORDINANCE TO AMEND SECTION 2-115 OF THE HORRY COUNTY CODE OF ORDINANCES, SO AS TO CLARIFY THE APPEAL PROCEDURE BEFORE THE HORRY COUNTY BOARD OF FEE APPEALS, WHEN THE SOLE ISSUE FOR DENIAL OF A BUSINESS LICENSE IS NON-COMPLIANCE WITH THE ZONING ORDINANCES, AND TO CHANGE THE TIME FOR HEARING AN APPEAL FROM THIRTY (30) DAYS TO FORTY-FIVE (45) DAYS AFTER THE FILING OF AN APPEAL.

WHEREAS, Ordinance Number 8-00 created the Board of Fee Appeals and gave that Board "jurisdiction to review any fee or penalty decision, final fee or penalty assessment arising under any county fee, revenue, or license ordinance, and revocation, suspension, or denial of a business or other Horry County license"; and

WHEREAS, the Board since its inception has had several appeals come before it where the only reason for the denial of a business license was the violation or alleged violation of the County zoning ordinance by an existing business or the non-compliance with the zoning ordinance by a proposed business; and

WHEREAS, the South Carolina Comprehensive Planning Act of 1994 requires that the County Board of Zoning Appeals hear all appeals regarding interpretations of the zoning ordinance, and it was not Council's intent to grant the Board of Fee Appeals authority to hear matters required under state law to be heard by the Board of Zoning Appeals; and

WHEREAS, allowing a forty-five day time period for appeals instead of the current thirty day period would allow the Board of Fee Appeals to hold regularly scheduled meetings each month as needed.

NOW, THEREFORE, BE IT ORDAINED IN COUNTY COUNCIL DULY ASSEMBLED AS FOLLOWS:

Section 1. The Horry County Code of Ordinances, Section 2-115(a), is hereby amended by the insertion of the following language, to be the second sentence thereof:

Notwithstanding the above grant of jurisdiction, nothing in this ordinance shall be interpreted as granting the board of fee appeals authority to hear those matters which the board of zoning appeals is authorized by state law or county ordinance to hear.

DEED
2340 1403

1,403

Section 2. The Horry County Code of Ordinances, Section 2-115(b), is hereby amended by the deletion of "thirty (30)" from the first sentence thereof, and by the substitution of "forty-five (45)" therefor.

Section 3. Severability. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

Section 4. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall become effective on third reading.

FIRST READING: January 2, 2001

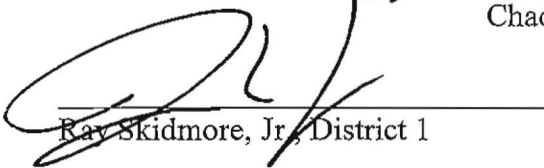
SECOND READING: January 16, 2001

THIRD READING: February 6, 2001

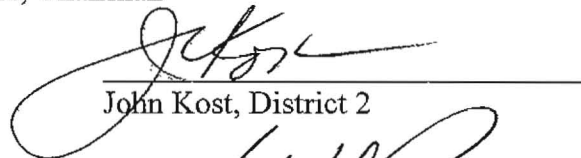
HORRY COUNTY COUNCIL



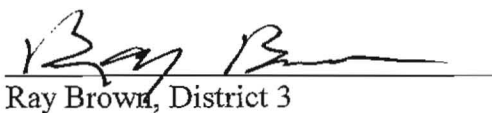
Chad Prosser, Chairman



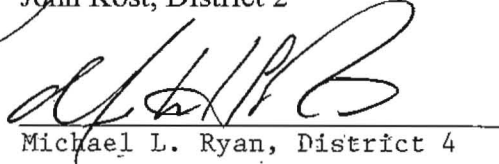
Ray Skidmore, Jr., District 1



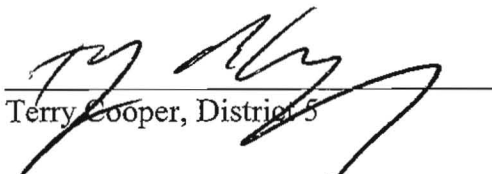
John Kost, District 2



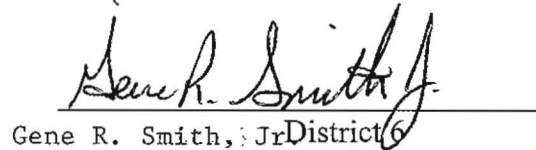
Ray Brown, District 3



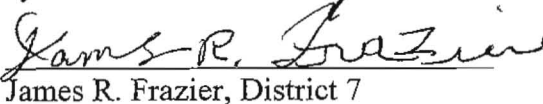
Michael L. Ryan, District 4



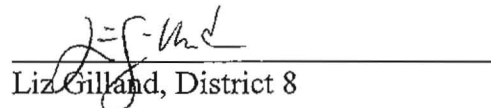
Terry Cooper, District 5



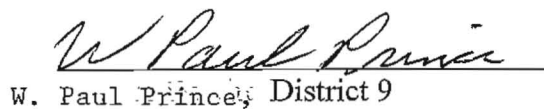
Gene R. Smith, Jr., District 6



James R. Frazier, District 7



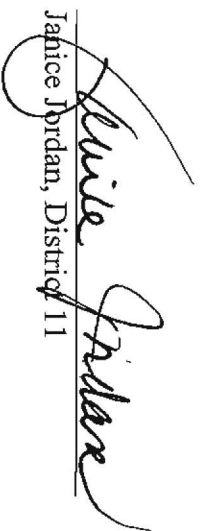
Liz Gilland, District 8



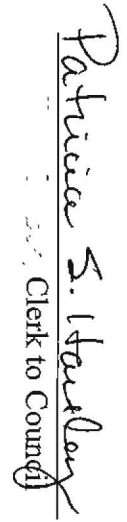
W. Paul Prince, District 9



Kevin J. Hardee, District 10


Janice Jordan, District 11

ATTEST:


Patricia S. Howland
Clerk to Council