

STATE OF SOUTH CAROLINA)
)
COUNTY OF ABBEVILLE)

Ordinance No.: 09-11

AN ORDINANCE TO AMEND TWO SECTIONS OF THE ZONING ORDINANCE OF ABBEVILLE COUNTY, NO. 07-22, ADOPTED FEBRUARY 11, 2008

WHEREAS, the Abbeville County Zoning Ordinance, adopted February 11, 2008, is in need of amendment among its Conditional Use and Special Event provisions listed in Chapter 3; and,

WHEREAS, the current text provisions of the Special Events and Conditional Use sections of the Zoning Ordinance are causing confusion and enforcement problems among those seeking temporary or conditional zoning permits within the county; and,

WHEREAS, the Abbeville County Planning Commission, at its meeting of July 15, 2009, held a public hearing regarding proposed amendments to the Zoning Ordinance and resolved to amend the Conditional Use and the Special Events regulations as follows:

1. Zoning text amendment changing Section 2.3: Definitions, to read: Special Event (3rd sentence): A special event shall not exceed a total of **fourteen (14) days in duration, and shall not exceed a total of forty-two (42) days per calendar year, depending on category.**
2. Zoning text amendment changing Section 3.4.3: "Uses not to exceed **fourteen (14) days in duration and held no more than five (5) times per year at any particular location, depending on category,** which would not otherwise be permitted in a particular zoning district, and not to exceed a total of **forty-two (42) days per calendar year, may be permitted as a conditional use in accordance with Section 3.2.6:B. Conditional Uses and** as herein provided. Last sentence: The temporary zoning permit shall be valid for a specified period only, not to exceed **five (5) to fourteen (14) days in duration and a maximum number of three (3) to five (5) special events per location, depending on category.**
3. Amend Section 3.4.3: Special Events, by adding three new Special Events categories, as follows:

Special Event Categories:

A. Carnivals, Fairs and Other Major Public Gatherings – provided zoning permits for temporary public assembly use and events of public interest, such as carnivals, fairs, and other major public gatherings and parking for such events, are issued for periods not to exceed five consecutive days. No more than five such permits may be issued, per location, per calendar year. Temporary permits shall be issued only if adequate parking, sanitary facilities, food preparation, and other

conditions pertinent to both Section 3.2.6. Conditional Uses and the public safety of the County (which protects the health, safety, and general welfare of the public) are provided to serve the proposed use or activity.

B. Concerts and Stage Shows – provided zoning permits for temporary public assembly use and events of public interest, such as outdoor concerts and stage shows and parking for such events, are issued for periods not to exceed five consecutive days. No more than five such permits may be issued per location, per calendar year. Temporary permits shall be issued only if adequate parking, sanitary facilities, food preparation, and other conditions pertinent to both Section 3.2.6. Conditional Uses and the public safety of the County are provided to serve the proposed use or activity.

C. Outdoor Religious Events – provided temporary zoning permits for outdoor religious events, such as church revivals or outdoor concerts, and parking for such events may be issued for periods not to exceed fourteen (14) consecutive days, and no more than three (3) such permits may be issued per location, per calendar year. Temporary permits shall be issued only if adequate parking, sanitary facilities, and other conditions pertinent to both Section 3.2.6. Conditional Uses and the public safety of the County are provided to serve the proposed use or activity.

4. Amend Section 3.4.3.: Special Events, by adding three additional regulations, as follows:

Section 3.4.3.A.: The definition of “per location”: the maximum number of special events allowed “per location” is defined to mean that a property cannot be subdivided so as to circumvent the maximum number of special events allowed per location, which is either three (for Outdoor Religious Events), or five (for Carnivals, Fairs, and Other Major Public Gatherings; and for Concerts and Stage Shows).

Section 3.4.3.B.: The definition of “maximum number of special events”: An applicant is allowed a maximum of three or five special events per calendar year, depending on the category of special events. The maximum number of special events permits per property per calendar year can be combined among the three categories, but the maximum number allowed cannot exceed five (5) special events permits per location per calendar year by any combination.

Section 3.4.3.C.: Approval of a Special Event Permit is contingent upon previous compliance with the conditions of a similar permit. If the applicant and/or his special event location violates or refuses to fully comply with the specified conditions of a prior special event permit, the application for a new permit shall be denied. In addition, the acceptance or denial of a special events permit application that either: a) requires an approved law enforcement plan, or b) does not appear to meet the conditions and categories of “special events” as defined by the text of Sections 3.2.6 or 3.4.3 of this Ordinance, will require the approval of both the County Planner and a liaison designated by the County Council.

5. PROPOSED TEXT OF SECTION 3.2.6.B. CONDITIONAL USES:

(Additions in **bold print**)

“Conditional uses are those uses that are allowed in the regulations of various districts if specified conditions are first met. In approving such a conditional use, the Zoning Administrator may require the applicant’s compliance with specified conditions regarding duration of use; hours of operation; signage; lighting; noise; fire and explosive hazards; smoke, dust, and dirt; fumes, vapors, and gases; negative effects on the adjoining properties; and endangerment of the public health, safety, and general welfare. Specified conditions will derive from existing county, state, and federal regulations, and are available in the office of the County Zoning Administrator. **Conditional uses are permitted by the County Zoning Administrator for an initial period of one year. After one year, upon review, an application for a conditional use permit will be extended for two years, provided required conditions have been followed with no violations during the first year. Thereafter, conditional use permits will be reviewed biennially, and will be given a two-year permit, provided no violations in the required conditions have occurred. Constant and unresolved violations may lead to the cancellation of a conditional use permit, including special event permits, during either the initial first year or the subsequent two-year permit period, especially if such conditions are not immediately resolved. This provision does not alter or amend other conditions applying to Special Events.**”

NOW, THEREFORE, BE IT ORDAINED IN COUNCIL DULY ASSEMBLED that the Abbeville County Zoning Ordinance will be amended to define Special Events as Conditional Uses; to establish three categories for Special Events; to place time limits and maximum usage on Special Events, depending on category; and to establish terms of administrative review for Conditional Uses and Special Events.

Done this 14th day of September, 2009

Abbeville County Council

By: Robert B. McClain
Robert B. McClain, Chairman

Attest:

Lynn Sopolosky
Lynn Sopolosky
Clerk to Council