

ARTICLE XV. BOARD OF ZONING APPEALS

Section 15.1 Establishment of Board of Zoning Appeals

Pursuant to S.C. Code Title 6, Chapter 29, a Board of Zoning Appeals is hereby established.

- (a) The Board of Zoning Appeals shall consist of seven (7) residents of the County.
- (b) No Commission member may hold an elected public office in Dorchester County.
- (c) Members of the Board of Zoning Appeals shall be appointed by County Council, with one from each of the seven council districts, for four (4) year terms and shall serve until their successors are appointed and qualified.
- (d) The term shall normally expire the 31st day of December concurrent with the term of office of the County Council District Seat which appointed the member.
- (e) Members shall serve without pay, but may be reimbursed for authorized expenses incurred in the performance of their duties.
- (f) Should any vacancy occur among the members of this Board of Zoning Appeals by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Clerk of County Council by the Secretary. County Council shall fill any vacancy for an unexpired term in the same manner as the original appointment.
- (g) County Council may remove any member it appoints for cause.

Section 15.2 Powers and Duties of the Board of Zoning Appeals

The Board of Zoning Appeals shall not have the power to alter, change and/or to supersede in matters involving provisions of the Standard Building Code, as adopted and the Building Contractor Licensing Ordinance of Dorchester County, as adopted, nor shall the Board have authority to alter, mitigate, change or stay any action of the Dorchester County Council or the Dorchester County Planning Commission. The Board of Zoning Appeals shall have the following powers and duties related specifically to the provisions of this Ordinance:

- (a) To hear and decide appeals where it is alleged there is error in any order, requirement decision or determination by the Zoning Administrator in the enforcement of this Ordinance.
- (b) To hear and decide appeals for a Variance from the terms of the Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (c) To permit uses by Special Exception, subject to the terms and conditions for such uses in Article X of this Ordinance.

Section 15.3 Proceedings of the Board of Zoning Appeals

- (a) **Rules.** The Board shall adopt rules of organization procedure in accordance with the provisions of this Ordinance and SC Code §6-29-790. Meetings of the Board of Zoning Appeals will be conducted in accordance with Robert's Rules of Order.
- (b) **Officers.** The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until re-elected or until their successors are elected.
 - (1) A Planning Department staff member shall serve in the capacity of Secretary for the Commission to prepare and maintain the minutes of meetings and other records.
 - (2) The Chair, or acting Chair, may administer oaths and may compel the attendance of witnesses by subpoena.
- (c) **Meetings.** Meetings of the Board shall be held in accordance with the adopted annual schedule, and at such other times as a majority of the Board may determine. Due notice shall be given to all parties in interest. All meetings of the Board shall be open to the public and all evidence and testimony shall be presented publicly.
- (d) **Minutes.** The Board shall keep minutes of its proceedings, showing the vote of each member upon questions, or if absent or failing to vote, indicating such fact, and keep records of its examinations and actions, all of which must be filed in the office of the County and be a public record.

ARTICLE XVI. PLANNING COMMISSION

Section 16.1 Establishment of Planning Commission

Pursuant to S.C. Code Title 6, Chapter 29, a Planning Commission is hereby established.

- (a) The Planning Commission shall consist of seven (7) residents of the County.
- (b) When making appointments, County Council shall consider professional expertise, community knowledge, and concern for the future welfare of the total community and its citizens.
- (c) Members shall represent a broad cross section of community interests and concerns.
- (d) No Commission member may hold an elected public office in Dorchester County.
- (e) Members of the Planning Commission shall be appointed by County Council, with one from each of the seven council districts, for four (4) year terms and shall serve until their successors are appointed and qualified.
- (f) The term shall normally expire the 31st day of December concurrent with the term of office of the County Council District Seat which appointed the member.
- (g) Members shall serve without pay, but may be reimbursed for authorized expenses incurred in the performance of their duties.
- (h) Should any vacancy occur among the members of this Planning Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Clerk of County Council by the Secretary. County Council shall fill any vacancy for an unexpired term in the same manner as the original appointment.
- (i) County Council may remove any member it appoints for cause.

Section 16.2 Powers and Duties of the Planning Commission

The Planning Commission shall be assigned the power and duty to develop and carry out a continuing planning program for the physical, social, and economic growth, development, and redevelopment of Dorchester County. In accomplishing this, the planning Commission may prepare and periodically revise development and/or redevelopment plans and programs, and prepare and recommend to Council measures for implementing such plans and programs as follows:

- (a) Zoning Ordinances to include text, map, and any necessary revisions.
- (b) Regulations for land subdivision or development and appropriate revisions thereof, and to oversee administration of the regulations adopted.
- (c) An Official Map showing the exact location of existing or proposed public streets, highways, utility rights-of-way, and public building sites. The Official Map and Zoning Map may be the same document. The Commission is responsible for developing regulations and procedures for administering the Official Map Ordinance.
- (d) Landscaping ordinances setting forth minimum standards for planting, tree preservation, and other aesthetic considerations for land and structures.
- (e) A Capital Improvements Program (CIP) which lists required projects to carry out the adopted plans, including a annual listing of priority projects for consideration by County Council for implementation prior to preparation of its capital budget; and policies or procedures to facilitate implementation of planning elements.

Section 16.3 Proceedings of the Planning Commission

- (a) **Rules.** The Planning Commission shall adopt rules of organizational procedure in accordance with the provisions of this ordinance and SC Code §6-29-360. Meetings of the Planning Commission will be conducted in accordance with Robert's Rules of Order.
- (b) **Officers.** The Commission shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until re-elected or until their successors are elected.
 - (1) A Planning Department staff member shall serve in the capacity of Secretary for the Commission to prepare and maintain the minutes of meetings and other records.
 - (2) Should any vacancy occur among the officers of the Planning Commission, the vacant office shall be filled in accord with this subsection, such officer to serve the unexpired term of the office in which such vacancy shall occur.
- (c) **Meetings**
 - (1) **Regular Meetings** of the Planning Commission will normally be held monthly in the Dorchester County Services Building, the day and month and the time for said meetings being set annually by the Commission at their first regular meeting in January. At such meetings the Board shall

consider all matters properly brought before it. A regular meeting may be cancelled or rescheduled by the Commission at a prior meeting.

- (2) **Special Meetings** of the Planning Commission shall be held at a time and place designated by the Chairman or Vice-Chairman. Notice thereof shall be given to all members not less than twenty four (24) hours in advance thereof. If a special meeting is requested by someone rather than a member of the Commission or Staff, a fee of Three Hundred Fifty Dollars (\$350) shall be charged.
- (3) **Quorum:** At any duly called meeting of the Planning Commission a quorum shall consist of a majority of members legally appointed at the time of said meeting.
- (d) **Minutes.** The Board shall keep minutes of its proceedings, showing the vote of each member upon questions, or if absent or failing to vote, indicating such fact, and keep records of its examinations and actions, all of which must be filed in the office of the County and be a public record.