

**ARTICLE VIII
ADMINISTRATION**

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SECTION 80 GENERAL PROVISIONS

Section 80.01 Purpose and intent

The purpose of this Section is to establish the various roles of the entities involved in development regulation activities.

Section 80.02 General requirements

- (a) All activities concerning the administration of this Code shall be governed by the Freedom of Information Act (FOIA), codified as Section 30-4-10, SC Code of Laws;
- (b) Except as may be excluded by the provisions of the FOIA, all correspondence, reports, and/or documents related in any way to the administration and/or enforcement of this Code, whether printed or electronic, shall be available for public inspection during normal working hours and shall be reproduced in either printed or electronic form for a reasonable cost thereof within 15 days after receiving a written FOIA request; and
- (c) All activities described herein shall be conducted within the annual budget appropriation established by the County Council.

SECTION 81 PLANNING COMMISSION

Section 81.01 Creation

The Planning Commission (PC) is hereby created pursuant to the requirements of the Section 6-29-340 and 6-29-510, SC Code of Laws. The purpose of the PC is as follows:

- (a) To undertake and maintain a continuing planning program for the physical, social, and economic growth, development, and/or redevelopment of the unincorporated area of the County;
- (b) To promote public health, safety and general welfare as well as the efficiency and economy of the County; and
- (c) Maintain a planning process that results in the systematic preparation and continual re-evaluation and updating of those elements of the Comprehensive Plan considered critical or necessary to guide the development and/or redevelopment of the County.

Section 81.02 Authority

- (a) Pursuant to the requirements of Section 6-29-340 et. seq., SC Code of Laws, the Planning Commission (PC) shall have the power to:
 - [1] Prepare and recommend to the County Council amendments to the adopted Comprehensive Plan and any implementation mechanisms thereto, no greater than every five (5) years after December 28, 1999;
 - [2] Prepare and recommend to the County Council, a new Comprehensive Plan no greater than every ten (10) years after December 28, 1999;
 - [3] Periodically prepare and recommend to the County Council amendments to the Unified Development Code, including the Official Zoning Map;
 - [4] Prepare and annually update a recommended five-year capital improvement program to the County Council that is consistent with and implements the provisions of the Comprehensive Plan, and that is consistent with the Priority Investment Act; and
 - [5] Periodically publish maps, plans, reports and recommendations relating the plans for the development and/or redevelopment of the County as may be necessary.
- (b) The PC may recommend to the County Council that official maps be established in certain areas to reserve future locations of any street, highway, or public utility rights-of-way, public building sites or public open space for future public acquisition and to regulate structures or changes in land use in such rights-of-way, building sites or open spaces;
- (c) The PC shall have final local authority to approve site plans, sketch plans, and Final Plats for all subdivisions prior to being recorded;

- (d) The PC shall have final local authority to approve street names and addresses by certificate;
- (e) The PC shall review and prepare a recommendation within a reasonable amount of time, any matters referred to it by the County Council;
- (f) The PC may contract with or accept funds from federal government agencies, state government agencies, local general purpose governments, school districts, special purpose districts, including those of other states, public or eleemosynary agencies, or private individuals and expend such funds in compliance with County finance requirements;
- (g) The PC shall be responsible for preparing, revising, implementing, and enforcing standards and criteria for the design and construction of county roads for final approval by a resolution of the County Council;
- (h) The PC shall have the authority to hire within its annual budget provided by the County Council, discipline and/or fire the Department Director;
- (i) The PC shall, within its annual budget provided by the County Council, have the authority to maintain such office space, equipment and staff as may be recommended by the Department Director.

Section 81.03 Membership

The membership of the PC is generally consistent with the requirements of Section 6-29-350, SC Code of Laws in that:

- (a) No member of the PC may hold an elected public County office;
- (b) The members shall serve staggered three (3) year terms until their successors are appointed, or they resign;
- (c) The County Council may remove any member for cause on written charges after a public hearing;
- (d) The County Council shall appoint two members to represent each Council district and one member at large; and
- (e) All members shall serve without compensation, but may be reimbursed for expenses.

Section 81.04 Organization

- (a) The PC shall annually elect a chairman and vice-chairman for a one year term; and
- (b) The Chairman shall not serve more than two consecutive terms in that position.

Section 81.05 Rules of procedure

The PC shall establish rules of procedure that at a minimum include:

- (a) The quorum shall be a majority of the appointed members;
- (b) All decisions shall require a majority vote of the appointed members present if a quorum exists;
- (c) The general conduct of the meetings;
- (d) Establish a procedure for notification of all meetings;
- (e) Annually publish the date time, and place of the regular meetings;
- (f) Requirements for staff recommendations regarding the matters before the PC; and
- (g) Establish an agenda deadline of no less than 30 days prior to its meetings

Section 81.06 Appeals

Any party aggrieved by a PC final decision may appeal the decision to the Circuit Court by filing a written petition with the Clerk of the Court clearly describing why the appellant believes the decision is contrary to law. Said appeal shall be filed within 30 days of the decision.

SECTION 82 ZONING BOARD OF APPEALS

Section 82.01 Creation

The Zoning Board of Appeals (ZBA) is hereby created pursuant to the requirements of the Section 6-29-780, SC Code of Laws. The purpose of the ZBA is to discharge the duties and responsibilities described herein.

Section 82.02 Authority

Pursuant to the requirements of Section 6-29-800 (A) et. seq., SC Code of Laws, only the Zoning Board of Appeals shall have the final local authority to:

- (a) Hear and decide appeals of alleged errors in an order, requirement, decision or determination made by an administrative official in the enforcement of this Code;
- (b) Hear and decide appeals for a variance from the strict application of the requirements of this Code pursuant to the requirements of Section 94;
- (c) Hear and decide appeals regarding the flood damage protection requirements pursuant to the criteria of Section 42; and
- (d) Shall not grant a variance for a use of land, a building, or a structure that is prohibited in the zoning district in which it is located, i.e., a so-called use variance.

Section 82.03 Membership

The membership of the ZBA is generally consistent with the requirements of Section 6-29-780, SC Code of Laws in that:

- (a) No member of the ZBA may hold an elected public County office;
- (b) The members shall serve staggered three (3) year terms until their successors are appointed, or they resign;
- (c) The County Council may remove any member for cause on written charges after a public hearing;
- (d) The County Council shall appoint three members to represent each Council district; and
- (e) All members shall serve without compensation, but may be reimbursed for expenses.

Section 82.04 Organization

- (a) The ZBA shall annually elect a chairman and vice-chairman for a one year term; and
- (b) The Chairman shall not serve more than two consecutive terms in that position.

Section 82.05 Rules of procedure

The ZBA shall establish rules of procedure that at a minimum include:

- (a) The quorum shall be a majority of the appointed members;
- (b) All decisions shall require a majority vote of the appointed members;
- (c) The general conduct of the meetings;
- (d) Issuance of oaths for hearing participants;
- (e) Subpoena of witnesses; and
- (f) Establish an agenda deadline of no less than 30 days prior to its meetings.

Section 82.06 Appeals

Any person with a substantial interest in a ZBA final decision may appeal the decision to the Circuit Court by filing a written petition with the Clerk of the Court clearly describing why the appellant believes the decision is contrary to law. Said appeal shall be filed within 30 days of the decision.

SECTION 83 DEPARTMENT STAFF

Section 83.01 Organization

The Planning Department is hereby created to generally implement the provisions of Section 6-29 et. seq., to administer and enforce the provisions of this Code and to discharge any other duties assigned by the County Administrator or the County Council

- (a) The Department Director shall be responsible for the general administration of the Department including but not limited to the supervision and management of the Department and the proper accounting of the annual Department budget;
- (b) The Director shall be responsible for the interpretation, administration and enforcement of the provisions of this Code;
- (c) The Director shall be directly responsible to the Planning Commission;
- (d) The Planning director or his/her designee through the Director shall be responsible for the administration and enforcement of the Standard Building Code and its related Codes; and
- (e) All staff employed by the Department shall be County employees and subject all the benefits and responsibilities of the County policies and regulations.

Section 83.02 Duties

The Department staff shall have the following authority and duties:

- (a) The Department Director, or his/her designee, shall be the secretary to the Planning Commission;
 - (b) The Department Director, or his/her designee, shall be the secretary to the Zoning Board of Appeals; and
 - (c) The Director, or his designee, is responsible for the administration of the flood management program described in Article XVII of this Code jointly with the Department of Health & Environmental Control;
 - (d) The Department Director, or his/her designee may make or require any inspections of any construction to ascertain compliance with the provisions of this Code and other laws which are in force and to ascertain that such building or structure is constructed or erected as indicated on the approved permit application;
 - (e) Review and provide timely written recommendations for all matters in this Code requiring action by the PC and/ or ZBA;
 - (f) Review and provide timely written recommendations to the County Council when requested to do so;
 - (g) Ensure that all building permits meet the requirements of the Standard Building Code and its related Codes;
 - (h) Ensure that all manufactured home installations meet the current requirements of the South Carolina Manufactured Housing Board statutes and administrative rules;
 - (i) Establish and periodically revise various forms used in the administration and enforcement of this Code;
 - (j) Approve site plan applications upon satisfactory completion of the requirements of this Code;
 - (k) Issue comments regarding subdivision sketch plans, preliminary plans and final subdivision plans;
 - (l) Maintain the County's Official Zoning Map and all records pertinent thereto;
 - (m) Maintain all Department records in conformance with the requirements of the Freedom of Information Act;
 - (n) Prepare a capital improvement program for the consideration by the PC;
 - (o) Prepare design, construction, and operation standards and regulations for water and sewer systems for consideration by the PC;
 - (p) Execute Subdivision Infrastructure Financing Agreements; and
- Conduct other activities requested by the PC, the ZBA, the County Administrator or the Count