

Article 9: Development Review Bodies

Content		Page #
Division 9.1: Administrative Bodies and Staff		9-1
9.1.10	Town Council	9-1
9.1.20	Planning Commission	9-1
9.1.30	Zoning Board of Appeals (ZBOA)	9-4
9.1.40	Building Official	9-6
9.1.50	Administration	9-6
9.1.60	Technical Review Committee	9-7
9.1.70	Historic Preservation Commission	9-7
9.1.80	Design Review Board (DRB)	9-7

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Division 9.I: Administrative Bodies and Staff

Section:		Page #
9.1.10	Town Council	9-1
9.1.20	Planning Commission	9-1
9.1.30	Zoning Board of Appeals (ZBOA)	9-4
9.1.40	Building Official	9-6
9.1.50	Administration	9-6
9.1.60	Technical Review Committee	9-7
9.1.70	Historic Preservation Commission	9-7
9.1.80	Design Review Board (DRB)	9-7

9.1.10 Town Council

- A. **Responsibility.** The Town Council shall be responsible for final action regarding the text of this Development Code and the Official Zoning Map.
- B. **Powers and Duties.** The Town Council shall have the powers and duties as set forth in this Ordinance:
1. **Text Amendments.** The Town Council shall hear and approve, approve with conditions or deny proposed Text Amendments to this Code (see Section 8.7.10).
 2. **Map Amendments.** The Town Council shall hear and approve, approve with conditions or deny proposed Official Zoning Map (rezoning) amendments to this Code (see Section 8.7.20).
 3. **Appointments.** The Town Council shall appoint the Planning Commission, Board of Zoning Appeals, Historic Preservation Commission, and Design Review Board.
 4. **Development Improvements.** Upon approval of a Final Plat, the Town Council shall determine the acceptance or non-acceptance of all dedicated streets, easements, right-of-way, public parks and other public lands as shown on the plat.

9.1.20 Planning Commission

- A. **Establishment.** Pursuant to § 6-29-320, et seq., of the Code of Laws of South Carolina, 1976, as amended, and Ordinances of the Town of Port Royal South Carolina and Beaufort County, there is established a Beaufort-Port Royal Metropolitan Planning Commission (Planning Commission) which shall perform all planning functions in the areas of jurisdiction of the Town of Port Royal and the City of Beaufort, South Carolina, and the unincorporated areas of Port Royal Island and Lady's Island, all of which have been designated as the growth area in the Northern Beaufort County Regional Plan (collectively defined herein as the Growth Area on the Growth Area Map in Chapter 2 of the Regional Plan). The Planning Commission is created so that the two municipalities and Beaufort County can act together to enhance present advantages, to overcome collective problems involving these three governmental entities in which joint resolution is advisable, and to engage in orderly planning for the wise conservation of historic and natural resources, and for the growth of business enterprises providing new or expanded job opportunities in the Growth Area.

B. Territorial Jurisdiction.

1. The Planning Commission may exercise the power set forth in Title 6, Chapter 29 of the Code of Laws of South Carolina, as amended, in the following areas: all lands within the Town of Port Royal, the City of Beaufort, and the Growth Area, as defined in the Northern Beaufort County Regional Plan and shown on the Growth Area Map.
2. The Town Council may expand the jurisdiction of the Planning Commission by Ordinance and/or intergovernmental agreement, in accordance with the provisions of Section 6-29-330 of the Code of Laws of South Carolina.

C. Membership, Terms, and Compensation.

Number of Members and Appointment. The membership of the Planning Commission shall be as provided for under § 6-29-350 of the Code of Laws of South Carolina, 1976, as amended. The Commission shall consist of six members, appointed for staggered terms, two members from each municipality, and two members from Beaufort County. No member shall hold an elective public office. Appointments to the Commission shall comply with the Town Council's resolution establishing the guidelines for appointments to Town Boards/Committees as adopted on November 9, 1993 and revised from time to time.

2. Terms.

- a. Terms of members of the Planning Commission shall be for three years or until their successors are appointed. Terms of initial appointments by the Town of Port Royal shall be one for three years and one for two years. After the initial appointment, the commissioner appointed to an initial two-year term may be reappointed twice and the commissioner serving for the three-year term may be appointed to one additional term.
 - b. Members may be appointed to succeed themselves up to a maximum of two full three-year terms. Thereafter, members may be appointed only after they have been off the Planning Commission for at least one year. All terms shall end on December 31 of the applicable year and members must continue to serve until their successors are appointed.
3. **Current Members.** Members of the Planning Commission on the effective date of this Code shall continue to serve until their respective terms expire.
 4. **Term Limits.** No member may serve for more than two successive terms, except for extraordinary circumstances where the Town Council believes it to be in the best interest of the community to have a continuation for a specific period of a particular member of the Planning Commission. This limitation shall not prevent any person from being appointed to the Planning Commission after an absence of one year. Service for a partial term of less than one and one half years shall not constitute a term of service for purposes of this paragraph.
 5. **Vacancies.** A vacancy for any reason shall be filled for the unexpired term.
 6. **Removal.** The Town Council may remove any member of the Planning Commission appointed by the Town of Port Royal for cause by majority vote of the Council.
 7. **Compensation.** Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by the Administrator.

D. Officers, Meetings, and Quorum.

1. **Officers.** The organization of the Joint Municipal Planning Commission shall be as provided for under § 6-29-360 of the Code of Laws of South Carolina, 1976, as amended. The Commission shall organize themselves, elect a Chairperson, who shall serve for a term of one year, elect a Vice-Chairperson for a term of one year, and appoint a secretary who may be an employee of any of the governmental entities.
 2. **Meetings.** Meetings of the Planning Commission shall be held at the call of the Chairperson and at such other times as the Planning Commission may determine. All meetings of the Planning Commission shall be open to the public.
 3. **Quorum.** A majority of the members appointed shall constitute a quorum.
 4. **Notice of Meetings.** Reasonable notice of the time, place and agendas of the meetings shall be given to the public. The news media shall be contacted in accordance with State law.
 5. **Rules of Proceeding.**
 - a. The Planning Commission shall adopt and adhere to rules of procedure for the conduct of business.
 - b. An abstention from voting shall be considered a vote to deny the motion.
 6. **Minutes.** The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact.
- E. **Powers and Duties with Regards to the Growth Area.** The Planning Commission will have authority, pursuant to state law, for planning in the Growth Area. It will handle all matters in the Growth Area delegated to it and requiring Planning Commission action. In order to better coordinate growth within the Growth Area, the Planning Commission shall:
1. Promote comprehensive planning in the Growth Area;
 2. Review all zoning and land development regulation amendments for conformity with the respective Comprehensive Plan. Conflicts with the Comprehensive Plan shall be noted in any report to the respective governmental entity making the regulation amendment;
 3. Review and make recommendations concerning all annexations with specific attention to those of regional impact within the Growth Area;
 4. Review and make recommendations concerning all requests for zoning within the Growth Area;
 5. Review and make recommendations concerning major transportation projects affecting the Growth Area;
 6. Review and make recommendations on other matters delegated by any of the governmental entities or such other matters as may appropriately come before the Commission;
 - a. In matters affecting the entire Growth Area, the Planning Commission shall report its recommendations to the councils for the municipalities, and to the county planning commission.
 - b. In matters affecting only one governmental entity, the Planning Commission shall report its recommendations to that governmental entity.
 - c. Municipal and County staffs will work together to share responsibility for presenting matters to the Planning Commission as outlined in the Commission's adopted Rules of Procedure.

- F. **Powers and Duties with regards to the Town of Port Royal.** Additionally, as to matters pertaining to lands within the Town of Port Royal limits, the Town Council designates to the Planning Commission the following additional duties:
1. Review and make recommendations to the Town Council in regard to planting, tree preservation, and other aesthetic consideration for land and land structures.
 2. Review and make recommendations on public projects.
 3. **Subdivision Plats.**
 - a. Review and approve, approve subject to conditions or deny all Preliminary Major Subdivision Plats (see Division 8.4).
 - b. Delegate Final Subdivision Plat review and approval to Town Staff (see Division 8.4).
 4. **Text Amendments.** Review and make recommendations to the Town Council in regard to amendments to the text of this Development Code (see Section 8.7.10); and
 5. **Zoning Map Amendments.** Review and make recommendations to the Town Council in regard to amendments to the Official Zoning Map (see Section 8.7.20).
- G. **Conflicts of Interest.** Any member of the Planning Commission who shall have a direct financial interest in any property which is subject matter of, or affected by, a decision of the Planning Commission shall be disqualified from participating in the discussion, decision, or proceedings of the Planning Commission in connection therewith.
- H. **Staff.** The Planning Commission shall work with the Administrator.

9.1.30 Zoning Board of Appeals (ZBOA)

- A. **Establishment.** The Zoning Board of Appeals is hereby established, pursuant to the authority of § 6-29-780, et seq., of the Code of Laws of South Carolina, as amended, and shall hereafter be referred to as the Board.
- B. **Territorial Jurisdiction.**
1. The Zoning Board of Appeals shall have jurisdiction over all lands within the Town.
 2. The Town Council may expand the jurisdiction of the Zoning Board of Appeals by Ordinance and/or intergovernmental agreement, in accordance with the provisions of § 6-29-330 of the Code of Laws of South Carolina.
- C. **Membership, Terms, and Compensation.**
1. **Number.** The Board shall consist of five members, appointed by the Town Council, and shall be citizens of the Town of Port Royal. None of the members of the Board shall hold any other public office or position in the Town.
 2. **Terms, Appointment.** All members shall be appointed by the Town Council for overlapping terms of three years. Appointments to the Board shall comply with the Town Council's resolution establishing the guidelines for appointments to Town Boards/Committees as adopted on November 9, 1993 and revised from time to time. All terms shall end on June 30 of the applicable year and members must continue to serve until their successors are appointed.
 3. **Current Members.** Members of the Zoning Board of Appeals on the effective date of this Code shall continue to serve until their respective terms expire.
 4. **Term Limits.** No member may serve for more than two successive terms, except for extraordinary circumstances where the Town Council believes it to be in the

best interest of the community to have a continuation for a specific period of a particular member of the Board. This limitation shall not prevent any person from being appointed to the Board after an absence of one year. Service for a partial term of less than 1½ years shall not constitute a term of service for purposes of this Section.

5. **Vacancies.** Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
6. **Removal.** The Town Council may remove any member of the Board for cause.
7. **Compensation.** Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by the Administrator.

D. Officers, Meetings, and Quorum.

1. **Officers.** The Board shall elect a Chairperson and a Vice-Chairperson from its members who shall serve for one year or until reelected, or until a successor is elected. The Board shall appoint a secretary, who may be an employee of the Town.
2. **Meetings.** Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings of the Board shall be open to the public.
3. **Quorum.** At least three of the members of the Zoning Board of Appeals must be present to constitute a quorum.
4. **Notice of Meetings.** Public Notice of all meetings of the Zoning Board of Appeals shall be provided at least fifteen days in advance by publication in a newspaper of general circulation in the Town. In cases involving Variances or Special Exceptions, conspicuous Notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. Such Notice shall be posted continuously for at least fifteen days in advance of the meeting at which the Variance or Special Exception request will be heard.
5. **Witnesses.** The Chairperson or in his or her absence, the Vice-Chairperson, may administer oaths and compel the attendance of witnesses by subpoena.
6. **Rules of Proceeding.**
 - a. The Board shall adopt and adhere to rules of procedure for the conduct of business.
 - b. An abstention from voting shall be considered a vote to deny the motion.
7. **Decisions.** The concurring vote of three members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Administrator or Building Official or to decide in favor of the applicant on any matter upon which it is required to pass under this Article or to affect any variation of this Code. On all appeals, applications and matters brought before the Board, the Board shall inform in writing all the parties involved of its decisions and the reasons therefore.
8. **Contempt, Penalty.** In case of contempt by a party, witness, or other person before the Zoning Board of Appeals, the Board may certify this fact to the Beaufort County Circuit Court, and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

9. **Minutes.** The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact. The Board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- E. **Powers and Duties.** The Zoning Board of Appeals has the following powers and duties:
1. **Administrative Appeals.** To hear and decide Appeals where it is alleged there is error in an order, requirement, decision, or determination made by an Administrative Official in the enforcement of this Code (see Division 8.5);
 2. **Variances.**
 - a. To hear and decide requests for Variance from the requirements of this Code when strict application of the provisions of the Ordinance would result in unnecessary hardship (see Section 8.6.20);
 - b. To hear and decide requests for Variance from the requirements of Chapter 9 of the Town of Port Royal Code of Ordinances, Flood Damage Prevention Ordinance.
- F. **Conflicts of Interest.** Any member of the Zoning Board of Appeals who shall have a direct financial interest in any property which is subject matter of, or affected by, a decision of the Zoning Board of Appeals shall be disqualified from participating in the discussion, decision, or proceedings of the Zoning Board of Appeals in connection therewith.
- G. **Staff.** The Zoning Board of Appeals shall work with the Administrator and the Building Official of the Town.

9.1.40 Building Official

- A. **Designation.** The Town Manager shall designate the Building Official for the Town of Port Royal.
- B. **Responsibility.** The Building Official shall be responsible for issuance of Building Permits and other matters that reference the building code.
- C. **Powers and Duties.** The Building Official has the following powers and duties:
 1. To administer and enforce the provisions of this Code;
 2. To conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this Code;
 3. To issue Stop Work Permits;
 4. To issue Building Permits (see Section 8.2.10); and
 5. To issue Certificates of Occupancy (see Section 8.2.20).

9.1.50 Administration

- A. **Designation.** The person designated by the Town Manager as the Planning Director shall be the Administrator to whom reference is made throughout this Code. Where this Ordinance assigns a responsibility, power, or duty to the Administrator, the Administrator may delegate that responsibility, power or duty to any other agent or employee of the Town whom the Administrator may reasonably determine.

- B. **Powers and Duties.** The Administrator has the following powers and duties:
1. To administer and enforce the provisions of this Code;
 2. To make Written Interpretations of this Code (see Section 8.1.140);
 3. To review and make recommendations on Building Permits (see Section 8.2.10);
 4. To review and make recommendations on Certificates of Occupancy (see Section 8.2.20);
 5. To issue Certificates of Compliance (see Section 8.2.30);
 6. To review and make recommendations on Sign Permits (see Section 8.2.40);
 7. To process applications for Special Exceptions (see Section 8.2.50);
 8. To review and make recommendations of Design Development Review (see Section 8.2.60);
 9. To review and take action on Administrative Adjustments (see Section 8.6.10);
 10. To process applications for Variances (see Section 8.6.20); and
 11. To review and make recommendations on Site Development Plans (see Division 8.3).

9.1.60 Technical Review Committee

- A. **Designation.** The Town Manager shall designate a Technical Review Committee consisting of the Administrator, the Building Official and any other Town staff professional the Town Manager deems necessary for professional review. The Administrator shall serve as chair of the Committee and be responsible for all final decisions of the Committee.
- B. **Powers and Duties.** The Technical Review Committee (through its chair, the Administrator) has the following powers and duties:
1. **Minor Subdivision Plats.** The Technical Review Committee shall approve, approve with conditions or deny Minor Subdivision Plats (see Division 8.4).
 2. **Final Plats.** The Technical Review Committee shall approve, approve with conditions or deny Major Subdivision Final Plats (see Division 8.4).

9.1.70 Historic Preservation Commission (HPC)

Information regarding the establishment, composition, terms, and responsibilities of the Historic Preservation Commission are located in Section 3.3.50 (Historic Preservation Overlay (HPO) Zone Standards).

9.1.80 Design Review Board (DRB)

- A. **Establishment.** There is hereby created the Design Review Board for the purpose of reviewing and taking action on the development applications as outlined in this code.
- B. **Territorial Jurisdiction.** The Design Review Board shall have jurisdiction over all lands within the Town.
- C. **Membership, Terms, and Compensation.**
1. **Appointment, Number, and Composition.**
 - a. The Design Review Board shall be appointed by the Town Council and shall comply with the Town Council's resolution establishing the guidelines for

appointments to Town Boards/Committees, as adopted on November 9, 1993 and revised from time to time.

- b. The Design Review Board shall be composed of five voting members, each of whom is capable of reading and understanding architectural plans and is knowledgeable in new urban development and design concepts.
 - c. The five voting members of the Design Review Board shall include:
 - (1) A minimum of three, and a maximum of four “design professionals”; and
 - (2) A minimum of one, and a maximum of two “citizen” representatives.
 - d. **Design Professionals.** Those positions dedicated to “design professionals” shall be comprised of individuals from any of the following occupations:
 - (1) Architect;
 - (2) Landscape Architect;
 - (3) Urban Planner / Designer;
 - (4) Building or Construction Expert; and
 - (5) Engineer.
 - e. **Citizen Representatives.** “Citizen Representatives” shall be full-time residents of the Town of Port Royal.
2. **Terms.** All terms shall be for four full years. All terms shall expire on June 30 of the applicable year and members must continue to serve until their successors are appointed.
 3. **Term Limits.** No member may serve for more than two successive terms, except for extraordinary circumstances where the Town Council believes it to be in the best interest of the community to have a continuation for a specific period of a particular member of the Board. This limitation shall not prevent any person from being appointed to the Board after an absence of one year. Service for a partial term of less than one and one half years shall not constitute a term of service for purposes of this Section.
 4. **Current Members.** Members of the Design Review Board on the effective date of this Development Code shall be permitted to continue to serve until their respective terms expire. Current members that meet the new qualifications for membership may be appointed to the Design Review Board as a new member, regardless of previous participation or standing.
 5. **Vacancies.** Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
 6. **Removal.** The Town Council may remove any member of the Board for cause.
 7. **Compensation.** Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by the Administrator.
- D. **Officers, Meetings, and Quorum.**
1. **Officers.** The Board shall elect a Chairperson and a Vice-Chairperson from its members who shall serve for one year or until reelected, or until a successor is elected. The Board shall appoint a secretary, who may be an employee of the Town.

2. **Meetings.** Meetings of the Design Review Board shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings of the Board shall be open to the public.
 3. **Quorum.** At least three of the members of the Design Review Board must be present to constitute a quorum.
 4. **Notice of Meetings.** Reasonable notice of the time, place and agendas of the meetings shall be given to the public. The news media shall be contacted in accordance with State law.
 5. **Rules of Proceeding.**
 - a. The Design Review Board shall adopt and adhere to rules of procedure for the conduct of business.
 - b. An abstention from voting shall be considered a vote to deny the motion.
 6. **Minutes.** The Design Review Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact.
- E. **Powers and Duties.** The Design Review Board has the following powers and duties:
1. **Special Exceptions.** To permit uses by Special Exception subject to the terms and conditions for the uses set forth for such uses in this Ordinance. See Section 8.2.50 (Special Exception Permit).
 2. **Development Design Review.** Review, and approve, or deny, any application proposing a new development, major alteration, refurbishment, and/or addition to existing development located within the Town for those applications where that authority has been delegated by Staff. See Section 8.2.60 (Development Design Review).
- F. **Conflicts of Interest.** Any member of the Design Review Board who shall have a direct financial interest in any property which is subject matter of, or affected by, a decision of the Board shall be disqualified from participating in the discussion, decision, or proceedings of the Board in connection therewith.
- G. **Liability of Members.** Any member of the Design Review Board acting within the powers granted by this Section is relieved from all personal liability for any damage and shall be held harmless by the Town. Any suit brought against any member of the Board for decisions rendered by the Design Review Board shall be defended by a legal representative furnished by the Town until the termination of the procedure.
- H. **Staff.** The Design Review Board shall use the Administrator when appropriate.

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