

ORDINANCE

AMENDING SECTION 2.2 OF THE CITY OF BEAUFORT UNIFIED DEVELOPMENT ORDINANCE PERTAINING TO THE PLANNING COMMISSION

WHEREAS, Section 2.2 of the City’s Unified Development Ordinance (UDO) provides for the creation of a Joint Municipal Planning Commission, with territorial jurisdiction of lands within the City of Beaufort; and

WHEREAS, Section 2.2.B.2 provides that City Council may expand the jurisdiction of the Planning Commission in accordance with the provisions of Section 6-29-330 of the Code of Laws of South Carolina; and

WHEREAS, Section 6-29-330 provides that unincorporated areas of the county adjacent to incorporated municipalities may be added to and included in the areas under municipal planning jurisdiction, provided that the municipality and county councils adopt ordinances establishing the boundaries of the additional areas, the limitations of the authority to be exercised by the municipality, and the respective representation thereon of the governmental entities involved; and

WHEREAS, the Northern Beaufort County Regional Plan recognizes intended municipal growth areas of Northern Beaufort County, consisting of Port Royal Island and Lady’s Island (the Growth Area); and

WHEREAS, it is necessary and desired for there to be established a planning commission, consisting of representatives of the municipalities of Beaufort and Port Royal, and Beaufort County, to address planning issues within the Growth Area; and

WHEREAS, the current Joint Planning Commission desires the expansion of the jurisdiction of the Commission, and has requested the City to enact an ordinance to effectuate this modification;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-260, *Code of Laws of South Carolina, 1976*, as amended, that *The Unified Development Ordinance of the City of Beaufort, South Carolina* be amended as follows:

1. Revise Section 2.2. “Planning Commission,” be deleting the current Subsection A and replacing it with a new subsection A to read as follows:

A. Creation

Pursuant to Section 6-29-330, 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 (the Planning Commission), which shall perform all planning functions in the areas of jurisdiction of the City of Beaufort, South Carolina, the Town of Port Royal, 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). 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 for the growth of business enterprises providing new or expanded job opportunities in the Growth Area.

2. Revise Section 2.2.C “Membership, Terms and Compensation,” by deleting the current paragraph 1 and replacing it with a new paragraph 1 to read as follows:

1. Number, Appointment

The membership of the Planning Commission shall be as provided for under Section 6-29=350 of the Code of Laws of South Carolina, 1976, as amended. The Commission shall consist of seven (7) members, appointed for staggered terms, two members from each municipality, two members from the County, and one member at large appointed with the consent of all three governmental entities. No member shall hold an elective public office. Appointments to the Board by the City shall comply with City Council’s resolution establishing the guidelines for appointments to City Boards/Committees as adopted on November 9, 1993 and revised from time to time. Planning Commission members will have training or experience in areas pertaining to their duties. The Managers of the municipalities, and the County Administrator, shall serve on the Planning Commission as non-voting members, and may attend any meeting, provided their membership on the Planning Commission, or their presence at a meeting, shall not be considered for purposes of a quorum.

3. Revise Section 2.2.C “Membership, Terms and Compensation,” by deleting the current paragraph 2 and replacing it with a new paragraph 2 to read as follows:

2. Terms

- a. Terms of members of the Planning Commission for the City of Beaufort and the Town of Port Royal shall be for three (3) years or until their successors are appointed. Terms of initial appointments by the City and the Town, ~~and the County~~ shall be staggered so that one-half of the members appointed by each government shall have terms expiring in opposing years.
- b. Members may be reappointed to ~~succeed themselves up to a maximum of~~ serve for 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 June 30 of the applicable year and members shall continue to serve until their successors are appointed.

4. Revise Section 2.2.C “Membership, Terms and Compensation,” by deleting the current paragraph 3 and replacing it with a new paragraph 3 to read as follows:

3. Current Members

Members of the City of Beaufort—Town of Port Royal Joint Municipal Planning Commission may be appointed to the Metropolitan Planning Commission. Years already served on the Joint Municipal Planning Commission shall not be counted toward the term limit requirements.

5. Revise Section 2.2.D “Officers, Meetings, Quorum,” by deleting the current paragraph 1 and replacing it with a new paragraph 1 to read as follows:

1. **Officers**

- The organization of the Planning Commission shall be as provided for under Section 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.

6. Revise Section 2.2.D “Officers, Meetings, Quorum,” by deleting the current paragraph 3 and replacing it with a new paragraph 3 to read as follows:

3. **Quorum**

- At least four of the members of the Planning Commission must be present to constitute a quorum.

7. Revise Section 2.2. “Planning Commission,” by deleting the current Subsection E and replacing it with a new Subsection E to read as follows:

- E. Powers and Duties**

- 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 approval. In order to better coordinate growth within the Growth Area, the Planning Commission shall:

1. ~~Ensure there is a comprehensive plan for~~ Promote comprehensive planning in the Growth Area.
 2. Review all zoning and land development regulation amendments for conformity with the Comprehensive Plan. Conflicts with the Comprehensive Plan shall be noted in any report to the governmental entity making the regulation amendment.
 3. Review and make recommendation concerning all annexations and requests for ~~up-zoning zoning~~ zoning within the Growth Area. ~~to eliminate ‘zoning shopping.’~~
 4. Review and make recommendations concerning transportation projects affecting the Growth Area.

5. Develop Review standards and levels of service that have been developed by municipal staff for all new developments within the Growth Area and make recommendations for the best means for financing the delivery of urban services for developments in the unincorporated areas of the Growth Area.
6. Review and make recommendations on other matters delegated by any of the governmental entities or such other matters as many appropriately come before the Commission.

In matters affecting the entire Growth Area, the Planning Commission shall report its recommendations to the councils for the municipalities, and to either county council or the county planning commission, as decided by county council.

In matters affecting only one governmental entity, the Planning Commission shall report its recommendations to that governmental entity.

Municipal and county staffs will work together to share responsibility for presenting matters to the Planning Commission.

Additionally, as to matters pertaining to lands within the Beaufort City limits, Beaufort City Council designates to the Planning Commission the following additional duties:

7. Review and make recommendations to the City Council in regard to planting, tree preservation, and other aesthetic consideration for land and land structures.
8. Review and take action on street names.
9. Review and take action on Cluster Development.
10. Review and make recommendations on Planned Unit Development (PUD) Master Plans.
11. Review and make recommendations on public projects.
12. Review and make recommendations to the City Council in regard to amendments to the test of the UDO.
13. Review and make recommendation to the City Council in regard to amendments to the Official Zoning Map.
14. Review and approve, approve subject to conditions or deny all Preliminary Major Subdivision Plats.
15. Delegate Final Subdivision Plat review and approval to City Staff.