

Staff Report

Subject: Article VII Text Amendments and 3.15 A Residential Business
Author: Steve Candler
Department: Development Services
Date: September 10, 2024
Item Description: Responsibilities for the Effingham County Planning Board

Summary Recommendation

The county is amending Article VII of the zoning ordinance relating to planning board responsibilities. The recommendation is for the planning board to hold public hearings for just rezonings. The other responsibilities: conditional uses, text amendments, variances, ponds, pools, agritourism, residential and rural businesses, site plan, preliminary plat, final plat all go straight to the Board of Commissioners and no longer through the planning board. This amendment creates greater efficiency for Effingham County citizens in the land use planning process.

Executive Summary/Background

Development Services is recommending the following changes:

- Planning Board reviews all rezonings.
- Planning Board does not review preliminary plats, final plats, site plans, residential business, rural business, variances, conditional uses, text and ordinance amendments

Alternatives

Approve an amendment to the Code of Ordinances Part II Article VII, Planning Board and 3.15 A Residential Business

Deny an amendment to the Code of Ordinances Part II Article VII Planning Board and 3.15 A Residential Business

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments: Article VII; redline version, 3.15 A

- **ARTICLE VII. - PLANNING BOARD**

- **7.1 - Organization.**

The planning board shall consist of five members, one member each from the respective commissioner election districts of the county.

At their first regular meeting in ~~February 2002~~ **January**, the board of commissioners shall appoint one member from each of the five respective election districts of the county board of commissioners to serve commencing with the ~~February 2002~~ **January** regular meeting of the planning board. The members representing the second, third, and fifth districts shall serve through the **January 2025** regular meeting of the planning board. The members representing the first and fourth election districts shall serve through the **January 2026** regular meeting of the planning board. Thereafter, successors shall be appointed every four years at the first regular meeting of the board of commissioners in ~~February~~ **January** immediately following the general election of the commissioner representing said district. The term of each respective planning board member representing a commissioner election district shall commence upon appointment and extend through the January regular meeting of the planning board immediately following the next general election of the commissioner representing said district.

Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the board of commissioners upon written charges and after a public hearing. The board of commissioners shall determine the amount of compensation, if any, to be paid to members of the planning board.

7.1.1 Procedure. **At the first meeting of the year,** ~~the~~ the planning board shall elect one of its members as chairman, who shall serve for one year or until he is reelected, or his successor is elected. The planning board will also elect a vice chairman who will conduct meetings in the absence of the chairman. The zoning administrator shall appoint a ~~secretary~~ **Clerk to the Planning Board**. The planning board shall adopt rules in accordance with the provisions of any ordinance or resolution adopted pursuant to this ordinance.

7.1.2 Meetings. Meetings of the planning board shall be held on the second Tuesday of each month. The chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses by subpoena. The **clerk to the planning board** shall keep minutes of its proceedings, ~~show the vote of each member upon each question, or if absent or failing to vote,~~ **keep a record of the motions that passed or the motions that failed,** indicate such fact, and shall keep records of its examinations and other official actions, **all of which shall be written**

and reviewed before ~~immediately filed in the office of the board and shall be becoming~~ a public record.

~~7.1.3 Filing.~~ The planning board shall require the applicant to furnish such information as it deems necessary when filing an application and may require specific forms to be used.

~~7.1.4 Review authority.~~ It shall be the responsibility of the planning board to review and recommend to county commission approval, disapproval, or approval with conditions on all requests for rezonings. **map and text interpretations, and other amendments submitted to the building and zoning administrator or initiated by any other individual or governmental unit. The issuance of conditional use permits and variances shall be the responsibility of the county commission after review and recommendation of the planning board.**

~~7.1.5 Map amendments.~~ It shall be the responsibility of the zoning administrator to maintain, revise, and update the official zoning map. **In the authority given to the planning board, they can approve, deny or take no action on rezonings.**

~~7.1.6 Conditional uses.~~ It shall be the responsibility of the planning board to review and recommend to county commission on all requests for interpretation of conditional use. The initial application for a conditional use shall be made to the zoning administrator who shall determine whether the use is allowed as a conditional use in the particular zone. If such use is allowed, then the zoning administrator shall submit the application to the planning board. After review by the planning board, recommendations shall be presented to the county commission as to additional restraints, restrictions, qualifications, or limiting factors that are felt to be desirable. The county commission shall review all recommendations and approve or disapprove the conditional uses. upon review by the planning board.

Considerations for determining additional requirements for conditional use.

- ~~(a) Approval of a conditional use shall not adversely affect the economic values or the physical appearance of the neighborhood or areas surrounding the site or lot in question.~~
- ~~(b) The physical and environmental effects of allowing the conditional use shall be considered.~~
- ~~(c) Buffer zones, where necessary to shield any adverse factors, shall be considered.~~
- ~~(d) Additional space for parking, landscaping, building, loading zones, and setback shall be considered if necessary to protect adjacent structures or lots from any adverse impact.~~

~~7.1.7 Interpretations of the zoning map. Where the street or lot layout on the ground, or as recorded, differs from the street and lot lines as shown on the zoning map, the planning board zoning administrator, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this ordinance. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the zoning map may be made of the planning board and an official determination shall be made by the county commission.~~

~~7.1.8 Variances. On an appeal from an order, requirement, decision, or determination of the zoning administrator, the planning board county commission may grant recommend that the county commission grant a variance in the application of the provisions of the zoning ordinance, only if all the following findings are made:~~

~~7.1.8.1 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness, of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not to circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.~~

~~7.1.8.2 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.~~

~~7.1.9 Specific limitations of powers of the planning board. The planning board does not have the power to amend any zoning ordinance, to rezone any land, to declare this zoning ordinance or any amendment thereto invalid, or to allow any use not permitted by this zoning ordinance.~~

~~The fact that a property owner will suffer financial hardship if not granted a special exception or a variance from the zoning ordinance is of itself insufficient ground for granting a variance.~~

~~(Amend. of 4-4-00(21); Amend. of 1-3-02; Amend. of 3-3-15; Ord. of [9-7-21](#); Ord. of [1-17-23\(1\)](#))~~

- **7.2 - Administration.**

The county commission may uphold, reverse, add, delete, or modify with conditions any recommendation made by the planning board.