

PLANNING COMMISSION

§ 151.001 AUTHORITY AND ENACTMENT.

In pursuance of authority conferred by the S.C. Code Title 6, Chapter 29, in accordance with the Comprehensive Planning Enabling Act of May 4, 1994, the Goose Creek City Council, (hereinafter referred to as "Council"), hereby enacts into law, on this day October 10, 1995, establishing a Planning Commission, (hereinafter referred to as "Commission"), and revisions to the following sections and sections, to include as part of this chapter all maps, codes and regulations referred to herein.

(A) *Planning Commission established.* There is hereby established a Planning Commission for the City of Goose Creek, which shall have the powers and duties as provided in S.C. Code Title 6, Chapter 29, §§ 6-29-320 *et seq.*

(B) *Composition of Commission.* The Planning Commission shall consist of seven members appointed by the Mayor and City Council for terms of three years, staggered so that one third of the members shall have terms expiring in each year. Members shall serve until their successors are appointed and qualified. A vacancy in the membership of the Commission shall be filled for the unexpired term in the same manner as the original appointment. No member of the Planning Commission shall be the holder of an elected public office in the City of Goose Creek.

(C) *Compensation.* Members of the Planning Commission shall regularly attend meetings and public hearings, and shall serve without compensation. Reimbursement for actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds pursuant to reimbursement policies and procedures for employees of the City of Goose Creek.

(D) *Removal of members.* Members of the Planning Commission may be removed at any time by Council for cause. The existence of cause shall be discussed by the Mayor and City Council in executive session as permitted by the Freedom of Information Act, S.C. Code § 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of the Mayor and City Council, is deemed to adversely affect the public interest, including lack of attendance at meetings without just cause, has not maintained required qualifications, or has been found guilty of malfeasance or misconduct in office, may constitute cause.

(E) *Organization and rules of procedures.* The Planning Commission shall organize, elect officers and adopt rules of procedure as required by S.C. Code § 6-29-360.

(F) *Public hearings.* The Planning Commission shall hold all public hearings on amendments to this chapter and map pursuant to S.C. Code § 6-29-760(A).

(1985 Code, Art. I, § 101) (Ord. 99-005, passed 4-13-1999)

§ 151.002 COMMISSION.

In the discharge of its responsibilities, the Commission of the City of Goose Creek (hereinafter referred to as the "city") has the following functions, powers and duties:

(A) Identify community needs and advise the Council of its short and long range implications for the total development of the city;

(B) Recommend achievable community goals as a basis for long range planning and development programs;

(C) Prepare and revise periodically plans, programs and policies that will aid the entire community in achieving its defined goals for the physical, social and economic growth, development and redevelopment of the city;

(D) The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity or the general welfare, as well as, the efficiency and economy of the city;

(E) Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development. and include recommended means of implementation;

(F) The Commission, through its designated staff, may make, publish and distribute maps, plans, reports and recommendations relating to the plans and programs and the development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens;

(G) The Commission and its designated staff, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them; provided, however, that the Commission shall be liable for any injury or damage to property resulting therefrom;

(H) The Commission may serve as an Appeals Board on land development plans that have been disapproved by the Commission's designated staff;

(I) The Commission shall authorize the naming or renaming of a street or road laid out within the city;

(J) All public officials shall, upon request, furnish to the Commission, within a reasonable time, the available information as it may require for its work;

(K) In general, the Commission has the powers as may be necessary to enable it to perform its functions and promote the planning of the city;

(L) Prepare and recommend for adoption to Council as a means for implementing the plans and programs in the city:

(1) A zoning ordinance to include zoning district maps and appropriate revisions thereof;

(2) Regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted;

(3) An official map and appropriate revision on it showing the exact location of existing or proposed public street, highway and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structure or changes in land use within the rights-of-way, building sites or open spaces within the city;

(4) A landscape ordinance setting forth required planting, tree preservation and other aesthetic considerations for land and structures; and

(5) Policies or procedures to facilitate implementation of planning elements as set forth in S.C. Code § 6-29-510, as amended.

(M) Interpret the adopted plans and programs to concerned citizens so that private activities and desires may be accomplished in harmony with public needs and policies; and

(N) Submit an annual report to Council every year, summarizing its activities and achievements. The report shall include the identity of Commissioners and their respective meeting attendance record.

(1985 Code, Art. I, § 102) (Ord. 99-005, passed 4-13-1999)

§ 151.003 MEMBERSHIP AND APPOINTMENT.

The Commission shall be composed of seven qualified electors of the city. The Council will consider for appointment to the Commission only those persons who have demonstrated their professional expertise, civic interest and general knowledge of the city, independent judgment, interest in planning and zoning, concern for the future welfare of the total Community and its citizens and availability to prepare for and attend meetings. It is the intent of Council that members shall, by reasons of diversity in their individual occupations, constitute a Commission which is broadly representative of the Community.

(1985 Code, Art. I, § 103) (Ord. 99-005, passed 4-13-1999)

§ 151.004 ORGANIZATION OF COMMISSION; MEETINGS.

(A) The Commission shall hold an organizational meeting in November of each year to elect a Chairperson and Vice-Chairperson from its membership, whose terms shall be for one year.

(B) Also, a Secretary who may be an officer or an employee of the Council or of the Commission, and the other officers as the Commission deems necessary shall be elected, or assignment of staff personnel requested from the City Administrator.

(1985 Code, Art. I, § 104) (Ord. 99-005, passed 4-13-1999)

§ 151.005 RECORDS.

The Commission shall keep a record of its resolutions, findings and determinations, which record must be a public record.

(1985 Code, Art. I, § 105) (Ord. 99-005, passed 4-13-1999)

§ 151.006 REFERRAL OF MATTERS TO COMMISSION; REPORTS.

The Council may provide for the reference of any matters or class of matters to the Commission, with the provision that final action on it may not be taken until the Commission has submitted a report on it or has had a reasonable period of time, as determined by the Council to submit a report.

(1985 Code, Art. I, § 106) (Ord. 99-005, passed 4-13-1999)

§ 151.007 PLANNING SESSION.

The Commission may be convened as a committee of the whole in the same manner as prescribed for calling a special meeting for the purpose of holding a planning session, provided that no official business shall be conducted thereat, and no quorum shall be required.

(1985 Code, Art. I, § 107) (Ord. 99-005, passed 4-13-1999)

§ 151.008 RULES OF PROCEDURES.

(A) *Organization.*

(1) *Rules.* These rules of procedure are adopted pursuant to S.C. Code § 6-29-360 for the City of Goose Creek Planning Commission, which consists of members appointed by City Council.

(2) *Chairperson.* The Chairperson shall be a voting member of the Commission and shall:

- (a) Call meetings of the Commission;
- (b) Decide all points of order;
- (c) Act as spokesperson for the Commission;
- (d) Sign documents for the Commission;

- (e) Transmit reports and recommendations to Council; and
- (f) Perform other duties approved by the Commission.

(3) *Vice-Chairperson.* The Vice-Chairperson shall exercise the duties of the Chairperson in the absence, disability or disqualification of the Chairperson. In the absence of the Chairperson and Vice-Chairperson, an acting Chairperson shall be elected by the members present.

(4) *Secretary (non-voting member).* The Secretary shall:

- (a) Provide and publish public hearing and notice of meetings;
- (b) Preside at meetings and hearings;
- (c) Assist the Chairperson in preparation of agenda;
- (d) Keep minutes of meetings and hearings;
- (e) Maintain Commission records as public records;
- (f) Attend to Commission correspondence; and
- (g) Perform other duties normally carried out by a Secretary.

(B) *Meetings.*

(1) *Time and place.* The Commission shall meet (either physically or by telephonic or other electronic means) at the call of the Chairperson and at the times as the Chairperson or Commission may determine. An annual schedule of regular meetings shall be adopted, published and posted at City Hall in December of each year. Special meetings may also be called by the Chairperson upon 24 hours notice, posted and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public.

(2) *Agenda.* A written agenda shall be furnished by the Secretary to each member of the Commission and the news media, and shall be posted at least 24 hours prior to each regular meeting and each special meeting. Items may be added to, or removed from the agenda at a meeting by majority vote.

(3) *Quorum.* A quorum in all meetings shall be a simple majority of the total members. A quorum shall be present (either physically or by telephonic or other electronic means) before any business is conducted other than rescheduling the meeting.

(4) *Rules of order.* Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by these rules of procedure. To the extent Robert's Rules require a physical presence of the Council for purposes of constituting a quorum, such requirement is waived so long as the Council maintains a quorum under § 151.173(B)(3).

(5) *Voting.* Motions may be made by any member other than the presiding official:

- (a) A member must be present (either physically or by telephonic or other electronic means) to vote;
- (b) Each member shall vote on every question unless disqualified by law;
- (c) The disqualification shall be decided by the member affected, however, a member shall disqualify himself or herself from voting whenever he or she has a personal or monetary interest in the property under discussion, or upon belief that he or she will be directly affected by the Commission's decision, or when any applicant/agent has sought to influence his or her vote (other than influences exerted during public hearings);

(d) The member shall announce the reason for disqualification, give it to the Chairperson in writing, have it placed in the minutes and refrain from deliberating or voting on the question;

(e) A member present but disqualified from voting on a question by state law due to a conflict of interest shall not be counted for purpose of a quorum;

(f) A motion to approve any matter before the Commission, whether requiring subsequent Council approval or not, shall require a majority vote of the members present; and

(g) Tie votes constitute a failure of the motion.

(6) *Conduct.* Except for public hearings, no person shall speak at a Commission meeting unless invited to do so by the Commission.

(C) *Public hearings.*

(1) *Notice.* The Secretary shall give notices required by statute or ordinance for all public hearings conducted by the Commission, at least 15 days notice of the time and place of which shall be published in a newspaper of general circulation in the city, and a sign shall be placed on the property in question, facing the thoroughfare serving the property, stating the present zoning classification and other information deemed necessary in consideration of the proposed action. Members of the public desiring to be heard shall give written notice to the Secretary prior to commencement of the hearing.

(2) *Procedure.*

(a) The public shall be advised of the procedures to be followed during the hearing, and the Secretary shall advise the Commission of relevant communications received prior to hearing public comment of the matter.

(b) The Commission or Secretary, as directed, shall call each proposal in the order as to be in accord with the hearing time specified in the notice of public hearing.

(c) The Chairperson shall next call on the city staff for a factual summary and presentation relative to the proposal, and shall be afforded an opportunity to call to the Commission's attention any additional pertinent communications.

(d) In matters brought before the Commission for public hearing which were initiated by an applicant, the applicant, his or her agent or attorney shall be heard first, followed by members of the public, those in support, followed by those in opposition.

(e) In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in the order as the Commission shall determine.

(f) The applicant shall have the right to reply last.

(g) The Chairperson may limit the time for each person who wishes to speak.

(h) The Chairperson shall, when necessary, direct that all remarks shall be germane to the proposal. No rebuttal shall be permitted by either side, but the Commission may direct questions to any speaker in order to clarify statements and information presented. All questions shall be posed by members of the Commission.

(i) The Chairperson shall then declare the public presentation or hearing closed, as to that proposal.

(D) *Records.*

(1) *Minutes.* The Secretary shall record all meetings and hearings of the Commission on tape which shall be preserved until final action is taken on all matters presented. The Secretary shall

prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public records.

(2) *Reports.* The Secretary shall assist in the preparation and forwarding of all reports and recommendations of the Commission in appropriate form. Copies of all notices, correspondence, reports and forms shall be maintained as public records.

(3) *Attendance.* The minutes shall show the presence, absence, vote or abstention of each member, with the reason for absence submitted by any member. The Commission shall recommend to the governing body, the removal for cause of any member who is absent from three consecutive meetings without adequate reason.

(4) *Official record.* The official record shall be these regulations and the meetings minutes, together with all findings, decisions and other records of the Commission. All matters coming before the Commission shall be made part of the official record, the record to be available to the public for inspection at city planning during normal working hours.

(E) *Review procedure.*

(1) *Application procedure.* Every proposal submitted for Commission consideration shall be in the form required by the Zoning Administrator, to include filing fees when specified. Any information supporting a proposal or request for approval or denial, shall be submitted only in writing through the Secretary, or publicly before the Commission. A proposal may be withdrawn effective on the date of receipt of written request by the Secretary. No request shall be valid after the mailing of notices, except on action of the Commission. Withdrawal at any stage of consideration terminates all consideration by the city, and files shall be closed. No refund of required filing fees shall be made.

(2) *Zoning amendments.* Reference §§ 151.045 through 151.047.

(3) *Review of plats.* Plats submitted for review pursuant to land development regulations shall be reviewed by the Zoning Administrator who may approve for recording plats of existing lots of record, and subdivisions of land which meet all zoning requirements.

(4) *Comprehensive Plan.* All zoning and land development regulation amendments shall be reviewed first for conformity with the Comprehensive Plan. Conflicts with the Comprehensive Plan shall be noted in any report to City Council on a proposed amendment. The elements of the Comprehensive Plan shall be reviewed and updated on a schedule adopted by the Commission meeting the requirements of S.C. Code § 6-29-510(E).

(5) *Street naming and numbering:*

(a) It shall be unlawful for a person in laying out a new street or road to name the street or road on a plat, by a marking, or in a deed or instrument without first getting the approval of the Commission. Any person violating this provision is guilty of a misdemeanor, and, upon conviction, shall be punished in the discretion of the court.

(b) The Commission may, after reasonable notice through a newspaper having general circulation in the city, change the name of a street or road within the boundary of its territorial jurisdiction:

1. When there is duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders or messages;

2. When it is found that a change may simplify marking or giving of directions to persons seeking to locate addresses; or

3. Upon any other good and just reason that may appear to the Commission.

(c) On the name being changed, after reasonable opportunity for a public hearing, the Commission shall issue its certificate designating the change, which shall be recorded in the office of the Berkeley County Register of Mesne Conveyances, and the name change and certified shall be the legal name of the street or road.

(F) *Reconsideration.* The Commission may reconsider any review when so requested by City Council, or when an applicant brings to the attention of the Commission new facts, a mistake of fact in the original review, correction of clerical error, matters not the fault of the applicant which affect the result of the review, or upon receipt of written request from the original applicant stating how conditions have substantially changed in the community since prior consideration was given the proposal, thereby justifying earlier review.

(G) *Amendment.* These rules may be amended by the Commission by a majority vote of the members present at the public hearing when the matter was considered. Results of the proposed amendments shall be submitted to the Council for review and approval.

(1985 Code, Art. I, § 108) (Ord. 99-005, passed 4-13-1999; Ord. 2021-024, passed 10-12-2021) Penalty, see § 151.999

§ 151.009 PURPOSE OF THIS CHAPTER.

(A) To guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity and general welfare, the city does, in accordance with the authority cited in § 151.001, and in accordance with the following sections, regulate the following:

- (1) The location, height, bulk, number of stories and size of buildings and other structures;
- (2) The percentage of lot which may be occupied;
- (3) The sizes of yards, courts and other open spaces;
- (4) The density and distribution of population;
- (5) The uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation and airports and approaches thereto; and
- (6) Water supply, sanitation, protection against flood, public activities and other purposes.

(B) These regulations are made in accordance with the Comprehensive Plan, and are designed to:

- (1) Lessen congestion in the street;
- (2) Secure safety from fire, flood, panic and other dangers;
- (3) Promote the public health and the general welfare;
- (4) Provide adequate light, air and open space;
- (5) Prevent the overcrowding of land;
- (6) Avoid undue concentration of population;
- (7) Facilitate the creation of a convenient, attractive and harmonious community;
- (8) Protect and preserve significant or natural scenic, historic or ecologically sensitive areas;
- (9) Protect the unique, special or desired character of the Commercial and Light Industrial Districts, and uses;

(10) Facilitate the adequate provision of transportation, police and fire protection, water, sewerage, schools, parks and other recreational facilities, affordable housing and disaster evacuation; and

(11) Preserve and protect historic and architecturally valuable districts and neighborhoods, and other public requirements.

(C) The regulations are made with, but not limited to:

(1) The character of each area and its peculiar suitability for a particular use, with a view to promoting desirable living conditions, and the sustained stability of neighborhoods;

(2) Protecting property against blight and depreciation;

(3) Securing economy in governmental expenditures;

(4) Conserving the value of land and buildings; and

(5) Encouraging the most appropriate use of land, buildings and structures, and to further the public welfare in any other regard specified by Council.

(1985 Code, Art. I, § 109) (Ord. 99-005, passed 4-13-1999)