



Staff Report

Amendment to the Zoning Ordinance

DATES: Planning Commission: April 8, 2024
Town Council First Reading: April 16, 2024
Town Council Second Reading: May 21, 2024

TO: Irmo Planning Commission
Irmo Town Council

FROM: Douglas Polen, Assistant Town Administrator

SUBJECT: Zoning Ordinance Amendment

ACTION REQUESTED: Consideration of a text amendment to Articles 12 of the Zoning Ordinance as regards the Board of Zoning Appeals

Background

At present, there are no guidelines for when members of the Board of Zoning Appeals will be appointed. The terms of the Planning Commission official begin on April 1st and run for four years. For the sake of consistency and ease of appointment, Staff recommends that members of the Board of Zoning Appeals also be appointed on April 1st. With this, members appointed in the middle of a term will also see their terms end on March 31st.

Text Amendment

Section 12-3 Board of Zoning Appeals

~~The Board of Zoning Appeals, as established in the Town of Irmo Code of Ordinances, Appendix A, Article VIII, Section 12-8, shall continue as follows:~~

The Board of Zoning Appeals shall consist of five members who shall be citizens of the Town and shall be appointed by the Mayor and Town Council for overlapping terms of four years, commencing on April 1. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. ~~Any member may be removed by the Council for cause after a public hearing.~~

There will be a 2-term limit for serving on the board. However, If an individual is appointed to complete an unfinished term, they may do so, and then get up to two consecutive terms on the board. Any former member will be allowed to reapply for additional terms after he/she has vacated the seat for a full 4-year term. In the event no new qualified applicants apply for the empty seat, a majority of the Council can approve the reappointment for additional terms of any board member. Term limits are hereby in effect beginning with the date of each member's initial appointment to the board. Any vacancy in the membership of the board of zoning appeals shall be filled for the unexpired term by the council. Members shall serve until their successors are appointed and qualified. All members of the board shall serve without compensation, but be reimbursed for actual expenses incurred in connection with their official duties from budgeted funds pursuant to reimbursement policies and procedures for employees of the town.

Members of the board of zoning appeals may be removed at any time by the town council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code 1976, § 30-4-70(a)(1), and the determination of removal shall be by vote in the public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.

Members of the board shall complete annually a minimum of three hours of continuing education on zoning and/or planning in seminars either provided by the town, or by other authorities approved by the town council. Records of such attendance and recommendations for education shall be the responsibility of the town's administrator in cooperation with the planning commission chairperson. Failure to complete such training annually may be grounds for removal of any member by the town council in January of each year.

Staff Findings

Staff recommends APPROVAL of this zoning ordinance change.