

**ARTICLE XII
SPECIAL EXCEPTIONS**

1100. DUTIES OF THE BOARD OF ZONING APPEALS

- (1) To hear and decide only such applications for special exceptions as the Board of Zoning Appeals is specifically authorized to pass upon by the terms of this Ordinance.
- (2) To decide such questions as are involved in determining whether special exceptions shall be granted.
- (3) To prescribe appropriate conditions and safeguards in conformity with the Ordinance.
- (4) To deny special exceptions when not in harmony with the intent and purpose of this Ordinance.

1101. PROCEDURES

- (1) A written application for a special exception shall be submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
- (2) Notice of public hearing shall be posted on the property for which special exception is sought and shall be published at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the Town of Summerton.
- (3) The public hearing shall be held. Any party may appear in person, or by agent or attorney.
- (4) The Board of Zoning Appeals shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.
- (5) The Board of Zoning Appeals may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both.

1102. EFFECT OF FAILURE TO MEET CONDITIONS

- (1) Violation of conditions or safeguards prescribed in conformity with this Ordinance, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance, punishable under penalties established herein.
- (2) Failure to begin or complete, or begin and complete, any action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted, shall void the special exception.

1103.

DECISION OF THE BOARD OF ZONING APPEALS

The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to grant a special exception. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent and failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall immediately be filed in the office of the Planning Commission and shall be made a public record.

1104.

RECONSIDERATION OF DENIED REQUESTS

The Board of Zoning Appeals shall not reconsider a special exception request affecting the same lot, parcel, or portion thereof, for a period of one (1) year from the date of the denial unless the Planning Commission finds that either:

- A. There has been a substantial change in the character of the area,
or
- B. Evidence of factors or conditions that were not considered by the Planning Commission in previous deliberations might substantially alter the basis upon which the previous determination was reached.