

**TOWN OF PINE RIDGE
BOARD OF ZONING APPEALS
RULES OF PROCEDURE**

Section 1. Establishment.

The Town of Pine Ridge Board of Zoning Appeals (Board) is established in accordance with S.C. Code §6-29-780(A) & Pine Ridge Zoning Ordinance Article 12, Section 1200(a).

Section 2. Rules.

The Board is adopting these rules of procedure by Resolution in accordance with the *South Carolina Local Government Comprehensive Act of 1994* S.C. Code §6-29-790 & Pine Ridge Zoning Ordinance Article 12, Section 1200(c).

Section 3. Membership.

- A. Appointment. The Board shall consist of seven (7) members appointed by Town Council. A vacancy in membership must be filled for the unexpired term by Town Council appointment. Board members shall serve without compensation. No member of the Board shall hold any other public office or elected position in the Town, other municipalities within Lexington County, or Lexington County. Members of the Board may be removed by Town Council for cause.
- B. Officers. The Chair and a Vice-Chair shall be elected by a majority for a one-year term at the first meeting of the commission in each calendar year.
1. The Chair shall be a voting member of the commission and shall:
 - i. call meetings of the commission;
 - ii. preside at meetings and hearings;
 - iii. act as spokesperson for the commission;
 - iv. sign documents for the commission;
 - v. transmit reports and recommendations to council; and
 - vi. perform other duties approved by the commission.
 2. Vice-Chair. The Vice-Chair shall exercise the duties of the Chair in the absence, disability or disqualification of the Chair. In the absence of the Chair and Vice-Chair, and acting Chair shall be elected by a majority vote of members present.
- C. Secretary. The zoning administrator shall serve as secretary of the board and shall perform the following duties:
1. provide notice of meetings and public hearings;
 2. prepare the agendas;
 3. keep minutes of meetings and hearings;
 4. maintain board records as public records;
 5. attend to board correspondence; and
 6. perform other duties normally carried out by a secretary.

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- D. Attendance. A member shall notify the Secretary of an absence at least 24 hours before the scheduled meeting. The board shall recommend to the governing body the removal for cause of any member who is absent from three consecutive meetings without adequate reason.

Section 4. Educational Requirements.

Commission members and staff liaisons are required to attend mandatory annual training in accordance with the *South Carolina Local Government Comprehensive Act of 1994*. S.C. Code §6-29-1340.

- A. New Members and New Staff Liaisons. No earlier than one hundred and eighty days prior to and no later than three hundred and sixty-five days after the initial date of appointment or employment, attend a minimum of six hours of orientation training.
- B. Existing Members and existing Staff Liaisons. Annually, after the first year of service or employment, but no later than three hundred and sixty-five days after each anniversary of the initial date of appointment or employment, attend no fewer than three hours of continuing education.
- C. Prior Appointment or Employment. An appointed official or professional employee who attended six hours of orientation training for a prior appointment or employment is not required to comply with the orientation after a break in service, with proof of attendance. Member or Staff Liaison must comply with the annual requirement of attending no fewer than three hours of continuing education no later than three hundred and sixty-five days after each anniversary of the initial date of appointment or employment.
- D. Exemptions. Exemptions from education requirements in accordance with S.C. Code §6-29-1350:
1. Certification by the American Institute of Certified Planners;
 2. A masters or doctorate degree in planning from an accredited college or university;
 3. A masters or doctorate degree or specialized training or experience in a field related to planning as determined by the State Advisory Committee;
 4. A license to practice law in South Carolina.

Board members and staff liaisons must file a certification form and documentation of his/her exemption as required by S.C. Code §6-29-1360 no later than the first anniversary date of his/her appointment or employment.

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Section 5. Ethics.

- A. Ethics Reform Act. The Board shall adhere to the *South Carolina Ethics Reform Act*. S.C. Code of Laws, Title 8, Chapter 13.
- B. Disqualification. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification, provide the Secretary with a completed Recusal Form, have it placed in the minutes, and refrain from deliberating or voting on the question in any way.
- C. Ex Parte Contact. An ex parte contacts with applicants, opponents, or other parties of interest in a matter to come before the Board shall be reported at the earliest opportunity to the Chair. It shall be considered the duty of Commission members to conduct themselves in a manner that will discourage such contact.
- D. Expressions of Bias. Board members shall avoid all situations and circumstances that may lead to bias or prejudice in manners presented to the Board. No Board member shall offer expressions of individual opinion regarding any matter of consideration by the Board prior to the meeting.

Section 6. Meetings.

- A. Rules of Order. The current edition of Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.
- B. Meeting Schedule. Meetings of the board are held on an as needed basis. Public notice shall be provided by publication in a newspaper of general circulation. In addition, a notice will be placed on the outdoor sign in front of Town Hall, placed in the lobby of Town Hall, emailed to residents, media and posted on the Pine Ridge Facebook. Meetings shall be held at the Pine Ridge Town Hall located at 2757 Fish Hatchery Road. Meetings may begin at 6:30 pm and shall be open to the public.
- C. Agenda. The Secretary shall post the meeting agenda at least 5 days prior to each meeting by notice delivered to the local news media, interested citizens and posting at Town Hall. Special meetings may be held at the call of the Chair or a majority of the Commission upon 24 hours by notice to the local news media, interested citizens and posting at Town Hall.
- D. Applicant Attendance. The applicant or any party in interest must appear in person or by agent or attorney. The Board may postpone or proceed to dispose of a matter on the records before it in the absence of an appearance of the applicant, agent or attorney.
- E. Conduct of Meeting. Except for applicants on the agenda or public hearings, no person shall speak at the board meeting unless invited to do so by the Chair. The board may question participants at any point during the public hearing. In matters

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brought before the Board for public meeting, the normal order to hear the agenda item, subject to modification by the Chair, shall be:

1. Statement of matter to be heard (Chair or secretary);
 2. Presentation by applicant (5 minute time limit);
 3. Presentation by staff or official appealed in cases of an Appeal from Zoning Administrator (5 minute time limit);
 4. Board Comments and Questions;
 5. Unsworn public comment, from those that signed up to speak. No person may speak more than once without permission by the Chair (3 minute time limit);
 6. Written comments from proponents, received prior to the hearing will be read in full or in summary by the Chair;
 7. Written comments from opponents, received prior to the hearing will be read in full or in summary by the Chair;
 8. Final staff or official appealed remarks (3 minute time limit);
 9. Final applicant remarks (3 minute time limit); and
 10. Motion, debate, and vote of the Board.
- F. Public Hearing. Members of the public desiring to be heard by the Board during a Public Hearing must sign in on the speaker sheet prior to commencement of the hearing in order to be recognized. Members of the public shall be recognized by the Chair before stating their business and shall be limited to 3 minutes.
- G. Recess. A recess may be called by the Chair or by a majority vote of members present and qualified to vote. The Chair shall state the duration of the recess and time the meeting will recommence before the recess begins. The recess start and end time shall be recorded in the minutes.
- H. Executive Session. The Board may enter Executive Session as set forth in the S.C. Code §30-4-70. The Board may request the attendance of non-members as they deem appropriate. All proceedings of Executive Sessions are confidential and attendees are honor bound not to divulge the proceedings.
- I. Workshops. The Board may periodically hold workshops to discuss issues and general policies and procedures to determine the necessity for future action. No formal action shall be taken at the workshop. Workshop sessions shall be open to the public.
- J. New Items after 9:00 pm. The Board will not hear new items after 9:00 pm unless authorized by a majority vote of members present and qualified to vote. Items not heard before 9:00 pm may be continued to the next regular meeting or a special meeting date as determined by the Board.
- K. Minutes. The secretary shall record all meetings and hearings of the board on tape which shall be reserved until final action is taken on all matters presented.

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

- L. Orders and Documents. The secretary shall assist in the preparation and service of all orders of the board in appropriate form. Copies of all notices, correspondence, documentary evidence, orders and forms shall be maintained as public records.

Section 7. Voting/Quorum.

- A. Voting. A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification, give it to the chair in writing, have it place in the minutes, and refrain from deliberating or voting on the question. The Board may be deliberate and make final disposition of a matter by a majority vote of members present and qualified to vote. Deliberating and voting shall be done in public.
- B. Quorum. A majority of the members of the Board shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling a meeting.

Section 8. Appeals Procedure.

- A. Form of Appeal. Appeals from administrative decisions, applications for variances and applications for special exceptions shall be filed on forms approved by Town Council and provided to applicants by the secretary. The board may require additional information deemed necessary. The failure to submit adequate information may be grounds for dismissal. An application filed by an agent shall be accompanied by written designation of the agent signed by the applicant or party in interest.
- B. Time for Appeal. An appeal from an administrative decision must be filed within 15 days after the decision becomes a mater of public record by denial or issuance of a permit or the filing of a written decision in the office of the zoning administrator. An appeal shall be filed by delivery of the approved appeal form to the secretary of the board who shall notify the official appealed from.
- C. Calendar. Appeals and application shall be marked with the date of receipt and placed on the hearing calendar in the order in which received. Appeals shall be heard in the order on the calendar unless otherwise set by the board for good cause shown.
- D. Withdrawal of Appeal. Any appeal or application may be withdrawn by written notice delivered to the secretary prior to action by the board. An appeal from an

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administrative decision which is withdrawn may not be refilled after the 15 day time for appeal has expired. Withdrawn application for variances and special exceptions may be refilled after six months and shall be placed on the calendar according to the date refilled.

- E. Continuances. The board may continue an appeal or application hearing one time for good cause shown.
- F. Public Notice. Notice of a hearing of the board shall be published in a local newspaper at least 15 days prior to the hearing. The public notice shall contain a description of each matter to be heard and identify the applicant and property affected. In addition, a sign shall be posted on the property affected at least 15 days prior to the hearing. The sign shall contain letters not less than 1 inch in height, stating date and time of hearing with one visible sign from each street bordering the property.

Section 9. Public Hearing Procedure.

- A. Appearances. The applicant or any party in interest may appear in person or by agent or attorney. The board may postpone or proceed to dispose of a matter on the records before it in the absence of an appearance on behalf of the applicant.
- B. Witnesses. Parties in interest may present testimony under oath. The oath "Do you swear to the truth, the whole truth and nothing but the truth?" shall be administered by the Chair. Witnesses may be compelled to attend by subpoena requested at least 10 days prior to a hearing and signed by the Chair. The board may call its own witnesses when deemed appropriate.
- C. Cross-examination. No party shall have the right to cross-examine witnesses; however, the opportunity to examine opposing witnesses may be freely extended when conducted in an orderly manner. Intimidation of witnesses will not be allowed. The Board may question participants at any point in the Hearing.
- D. Evidence. Relevant documents, photographs, maps, plans, drawings, etc., will be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative or hearsay will be received. The Chair will rule on all evidentiary matters. Evidence may be placed in the record with an objection noted.
- E. Disposition. The board may deliberate and make final disposition of a matter by majority vote of members present and qualified to vote; provided a quorum is present. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which he or she has not heard. Deliberating and voting shall be done in public.
- F. Form of Order. Within 15 days of a ruling, an order shall be issued disposing of a

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matter by granting or denying relief with such conditions may be deemed necessary; or affirming, modifying, or reversing and administrative decision. A matter may be dismissed for lack of jurisdiction or prosecution. Findings of fact and conclusions of law shall be separately stated in final decisions or orders of the Board.

- G. Service of Order. The secretary shall deliver a copy of an order to each party that has filed an interest by certified mail immediately upon execution of the order by the Chair.

- H. Rehearing. The board may grant a rehearing of an application which has been dismissed or denied upon written request filed with the secretary within 15 days after delivery of the order accompanied by new evidence which could not reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.

Section 10. Appeals of Board Decisions.

Appeal to Circuit Court. A person having a substantial interest in a decision of the board of zoning appeals regarding a variance or special exception, or an officer of the Town authorized by Town Council, may appeal to circuit court by petition for review on grounds that the decision is contrary to law, filed with the clerk of court and secretary of the board within thirty (30) days after the decision of the board is mailed. Within thirty (30) days after receipt of the notice of filing a petition, the Zoning Administrator or secretary of the board, with assistance of the Town Attorney, shall file with clerk of court a certified copy of the board proceedings, including a transcript of evidence and findings and conclusions of the board.

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Section 11. Amendment and Adoption.

- A. Amendment. These rules may be amended at any regular meeting of the board by majority vote of the members of the board at least seven days after the written amendment is delivered to all members.

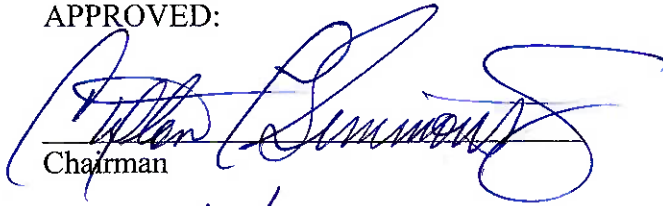
- B. Adoption. These rules were adopted by vote of a majority of the members of the Board at a regular public meeting on 12/8/2016.

Respectfully submitted,



Viki M. Miller, Town Administrator

APPROVED:


Chairman

Date: 12/8/2016

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Submitted to Town Council on December 13, 2016.

Councilman Wells made a motion to approve the Board of Zoning Appeal's Rules of Procedure as submitted. Councilman Dinkins seconded the motion, which was unanimously approved by Town Council.

APPROVED:

ATTESTED:

David L. Busby
David L. Busby, Mayor

Viki M. Miller
Viki M. Miller, Town Administrator

Date: December 13, 2016

Date: December 13, 2016