

**ORDINANCE NO. 2024-03-06-00**

**AN ORDINANCE TO AMEND THE TOWN OF SANTEE CODE OF ORDINANCES CHAPTER 26 (PLANNING) TO AMEND SECTIONS OF THE BOARD OF ZONING APPEALS PROVISION AND ADD ARCHITECTURAL REVIEW BOARD.**

**WHEREAS**, the Town of Santee desires to promote good governance and proficiency of its planning boards;

**WHEREAS**, the amendment expands the number of Board of Zoning Appeal (BZA) members from three to five and adds language to appeal BZA's decisions to the circuit court per SC Codes § 6-29-820;

**WHEREAS**, the change ensures a quorum to conduct planning and zoning matters and the appeal process;

**WHEREAS**, added is the provision for the Architectural Review Board (ARB);

**WHEREAS**, this authorizes the ARB to review and make recommendations on design and aesthetic appropriateness;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Town Council for the Town of Santee, South Carolina, that Chapter 26 is hereby amended.

**BE IT FURTHER ORDAINED** that this ordinance shall be effective on this date.

DONE and RATIFIED in Town Council duly assembled this 6<sup>th</sup> day of March 2024.

First Reading: February 14, 2024

Public Hearing: March 6, 2024

Second/Final Reading: March 6, 2024

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Donnie L. Hilliard, Mayor

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Gregory King, Mayor Pro Tempore

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Robert T. Anderson

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Sheryl J. Patrick

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Shirley P. Small

ATTEST:

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Willia B. Wright, Clerk/Treasurer

## **CHAPTER 26 – PLANNING AMENDMENT**

### **AS IS:**

#### **Sec. 26-95. Rules.**

These rules of procedure are adopted pursuant to S.C. Code 1976, § 6-29-790 for the town board of zoning appeals which consists of ~~three~~ members appointed by the town council.

#### **Sec. 26-96. Officers.**

The zoning board of appeals shall consist of ~~three~~ members. The officers of the board shall be a chairperson and vice-chairperson elected for one year terms at the first meeting of the board in each calendar year. The board shall appoint a member of the staff of the town as secretary of the board.

#### **~~Sec. 26-119. Minutes.~~**

~~The secretary shall record all meetings and hearings of the board 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 board at the next regular meeting. Minutes shall be maintained as public records.~~

#### **~~Sec. 26-120. 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.~~

#### **~~Sec. 26-121. Adoption.~~**

~~These rules were adopted by vote of a majority of the members of the board at a regular public meeting. (See enactment for date.)~~

#### **~~Sec. 26-122. 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.~~

### **PROPOSED ADD/REPLACE:**

#### **Sec. 26-95. Rules.**

These rules of procedure are adopted pursuant to S.C. Code 1976, § 6-29-790 for the town board of zoning appeals which consists of five members appointed by the town council.

Sec. 26-96. Officers.

The zoning board of appeals shall consist of five members. The officers of the board shall be a chairperson and vice-chairperson elected for one year terms at the first meeting of the board in each calendar year. The board shall appoint a member of the staff of the town as secretary of the board.

Sec. 26-120. Appeal of Board Decision to Circuit Court.

A person who may have a substantial interest in any decision of the Board, any officer, or agent of the appropriate governing authority may appeal from a decision of the board to the circuit court in the county by filing with the clerk of court a petition. The appeal must be filed within thirty (30) days after the affected party receives actual notice of the decision of the Board.

Sec. 26-121. Minutes.

The secretary shall record all meetings and hearings of the board on tape, which shall be preserved until final action is taken on all matters presented. The secretary shall prepare the minutes of each meeting for approval by the board at the next regular meeting. Minutes shall be maintained as public records.

Sec. 26-122. 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.

Sec. 26-123. Adoption.

These rules were adopted by a vote of a majority of the members of the board at a regular public meeting. (See enactment for date.)

Sec. 26-124. 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.

**PROPOSED ADDITION:**

**ARTICLE IV. ARCHITECTURAL REVIEW BOARD**

Sec. 26-124. Rules.

These rules of procedure are adopted pursuant to S.C. Code 1976, § 6-29-870 for the town architectural review board which consists of five members appointed by the town council.

Sec. 26-125. Officers.

The architectural review board shall consist of five members, preferably at least one architect and/or person with building construction expertise. The officers of the board shall be a chairperson and vice-chairperson elected for one year terms at the first meeting of the board in each calendar year. The board shall appoint a member of the staff of the town as secretary of the board.

Sec. 26-126. Chairperson.

The chairperson shall be a voting member of the board and shall:

- (1) Call meetings of the board;
- (2) Preside at meetings and hearings, and swear in witnesses;
- (3) Act as spokesperson for the board;
- (4) Sign documents for the board;
- (5) Have orders of the board served on parties; and
- (6) Perform other duties approved by the board.

Sec. 26-127. 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.

Sec. 26-128. Secretary.

The secretary shall:

- (1) Provide and publish notice of appeals and meetings;
- (2) Prepare agenda;
- (3) Properly posted agenda and property;
- (4) Keep recordings and minutes of meetings and hearings;
- (5) Maintain board records as public records;
- (6) Serve board decisions on parties;
- (7) Attend to board correspondence; and
- (8) Perform other duties normally carried out by a secretary.

Sec. 26-129. Time and place.

An annual schedule of regular meetings shall be adopted, published, and posted at the designated town office in December of each year. Special meetings may 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.

Sec. 26-130. Agenda.

A written agenda shall be furnished by the secretary to each member of the board and the news media and shall be posted at least five days prior to each regular meeting, and at least 24 hours prior to a special meeting. Items may be removed from the agenda or postponed at a meeting by majority vote.

Sec. 26-131. 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 the meeting.

Sec. 26-132. Rules of order.

Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by these rules of procedure.

Sec. 26-133. Form of Appeal of an Administrative Decision.

Appeals to the Board from an administrative decision concerning architectural design appropriateness. Any person aggrieved, by an officer, department, board, or stakeholders filed on forms approved by the Board and provided by the secretary of the Board. A detailed narrative must accompany the appeal, specifying the grounds of appeal. The Board may require additional information deemed necessary. The failure to submit adequate information may be grounds for dismissal.

Sec. 26-134. Time for appeal.

An appeal from an administrative decision must be filed within 15 days after actual notice of the decision by delivery of the approved appeal form to the secretary of the board who shall notify the official appealed from.

Sec. 26-135. Calendar.

Appeals and applications 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.

Sec. 26-136. Withdrawal of appeal.

Any appeal may be withdrawn by written notice delivered to the secretary prior to action by the Board. An appeal may not be re-filed after the fifteenth (15) day after the appeal has expired.

Sec. 26-137. Continuances.

The hearing of an appeal or application may be continued one time by the board for good cause shown.

Sec. 26-138. Notice.

Public notice of a hearing of the board shall be published in a local newspaper and posted on or adjacent to the property affected at least 15 days prior to the hearing. The notice shall contain a description of each matter to be heard and identify the applicant and property affected.

Sec. 26-139. Appearances.

The applicant or any party of 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 an applicant.

Sec. 26-140. 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.

Sec. 26-141. 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 hearsay will be received. The chairperson will rule on all evidentiary matters. Evidence may be placed in the record with an objection noted.

Sec. 26-142. Conduct of hearing.

The normal order of hearing, subject to modification by the chairperson, shall be:

- (1) Statement of matter to be heard (chairperson or secretary);
- (2) Presentation by applicant (five-minute limit);
- (3) Presentation by official appealed (five-minute limit); or
- (4) Presentation by opponents (five-minute limit);
- (5) Rebuttal by applicant (three-minute limit);
- (6) Unsworn public comment when appropriate;
- (7) The board may question participants at any point in the hearing;
- (8) Matters in which additional time is granted may be moved to the end of the agenda.

Sec. 26-143. Disposition.

The board may deliberate and make a final disposition of a matter by a majority vote of members present at the hearing and qualified to vote, provided that not less than a quorum is qualified to vote. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which the member has not heard. Deliberations shall be conducted, and voting shall be in public.

Sec. 26-144. Form of order.

An order shall be issued disposing of a matter by granting or denying relief when such conditions may be deemed necessary; or affirming, modifying, or reversing an 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 the order.

Sec. 26-145. Service of order.

The secretary shall deliver a copy of an order to each party in interest by certified mail immediately upon execution of the order by the chairperson.

Sec. 26-146. Rehearing.

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

Sec. 26-147. Appeal of Board Decision to Circuit Court.

A person who may have a substantial interest in any decision of the Board, any officer, or agent of the appropriate governing authority may appeal from a decision of the board to the circuit court in the county by filing with the clerk of court a petition. The appeal must be filed within thirty (30) days after the affected party receives actual notice of the decision of the Board.

Sec. 26-148. Minutes.

The secretary shall record all meetings and hearings of the board on tape, which shall be preserved until final action is taken on all matters presented. The secretary shall prepare the minutes of each meeting for approval by the board at the next regular meeting. Minutes shall be maintained as public records.

Sec. 26-149. 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.

Sec. 26-150. Adoption.

These rules were adopted by a vote of a majority of the members of the board at a regular public meeting.

Sec. 26-151. 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.