

ARTICLE XVII: COMMUNITY APPEARANCE BOARD

1700 Creation of the Community Appearance Board

There is hereby created a Community Appearance Board to be composed of seven (7) members appointed by the City Council. The Board is created as authorized by South Carolina Code of Laws, Section 6-29-870.

It is the declared policy of the City Council that it will consider and approve only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, competence and knowledge of architecture, landscape, and design and ability to prepare for and attend meetings. Preference shall be given to professionals from the fields of architecture, landscape architecture, building construction, and engineering living within the City of Georgetown; in the cases where members cannot be found within the city, members shall be residents of Georgetown County.

1701 Terms of Office

The term of office for all members of the board shall be four (4) years except that at the Board's creation, two (2) members shall be appointed for one three (3) year term to be eligible for appointment to additional four (4) year terms, and two (2) members shall be appointed for one two (2) year term to be eligible for appointment to additional four (4) year terms. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. All terms hereunder shall, however, continue until a successor is appointed by City Council. Board members may be appointed to succeed themselves for a maximum of two successive terms. None of the members shall hold any other public office or position in the municipality or council while serving on this board.

1702 Vacancy and Removal

A vacancy in a term of office shall occur whenever it is found that a member has resigned or is unable to serve for whatever reason or is removed by the City Council. Inefficiency, neglect of duty, three consecutive unexcused absences, any unlawful act or misconduct in office shall constitute reasons for removal of office.

1703 Organization

The board shall elect by majority vote a Chairperson and vice-chairperson from among its members at the first meeting of each year. The term of office for the chairperson and vice-chairperson shall be one (1) year. If a vacancy occurs in an office prior to the expiration of the full term, another election to fill the remainder of the term of office shall be conducted at the first meeting thereafter. The chairperson and the vice chairperson may be re-elected only one time after serving a full term in office, for a maximum total of two successive full terms. Passage of a one year period without holding a particular office however shall make a member eligible again for that office. The board shall appoint a secretary who may be an officer or employee of the City of Georgetown.

1704 Meetings and Quorum

Four members of the board shall constitute a quorum for conducting business. Meetings of the board shall be held at the call of the Chairperson and at such other times as the board may determine. The Board shall adopt rules and by-laws in accordance with the provisions of this ordinance and of the General Statutes of South Carolina Code of Laws, Section 6-29-870. Decisions shall be made by a majority vote. The Board shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Building and Planning office. Said minutes and records shall be public.

Members of the board shall regularly attend meetings of the board and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties. Absences by members shall be declared excused or unexcused at each meeting by the chairperson or in his or her absence, the acting chair. All meetings of the board shall be open to the public.

1705 Decisions of the Community Appearance Board

The concurring vote of a simple majority shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation of this ordinance.

1706 Appeals, Hearings, and Notice

A. Appeals to the Board may be taken by any person aggrieved by the decision of the Zoning Administrator or acting officer of the Building and Planning Department. Such appeal shall be taken within thirty (30) days from the date that the decision is rendered, as provided by the rules of the board, by filing with the Building and Planning Department notice of said appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit the Board all papers constituting the record upon which the action appealed from was taken.

B. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate a stay would in his or her opinion, cause imminent peril to life and or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

C. The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the city/county at least fifteen (15) days in advance of the scheduled hearing date. At the hearing any party may appear in person or by agent or attorney. Notice shall also be posted in the affected property, with at least one such sign being visible from each public thoroughfare that abuts the property.

It is the intention of this ordinance that all questions arising in connection with the enforcement of the ordinance shall be presented first to the Zoning Administrator and that questions shall be presented to the Community Appearance Board only on appeal from the decision of the Zoning Administrator.

1707 Powers and Duties of the Community Appearance Board

The Community Appearance Board shall have the following powers and duties:

1707.1 To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination by the Zoning Administrator in the enforcement of Article XVI: Design Overlay District for the Main Corridors ordinance found within the Zoning Ordinance.

1707.2 To hear and decide appeals for variances from the design requirements of Article XVI of the Zoning Ordinance when strict interpretation of these requirements would result in unnecessary

hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular building or structure;
2. These conditions do not generally apply to other buildings or structures in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular building or structure would effectively prohibit or unreasonably restrict the utilization of the property;
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance.

1707.3 All final decisions and orders of the board must be in writing and permanently filed in the office of the Building and Planning Department as public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board, which must be delivered, to parties of interest by certified mail.

1707.4 In exercising the above powers, the Community Appearance Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination and to that end shall have all powers of the Zoning Administrator from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the Circuit Court having jurisdiction.

1708 Conflict of Interest

Any member of the Board who shall have a direct or indirect interest in any property which is the subject matter of or affected by a decision of said board shall be disqualified from participating in the discussion, decision, or proceedings of the board in connection therewith. A member disqualified from voting shall be counted as present for purposes of a quorum.

1709 Liability of Members

Any member of the board acting within the powers set forth herein is relieved from all personal liability from any damage and shall be held harmless by the City of Georgetown. Any suit brought against any member of the board shall be defended by a legal representative furnished by the City of Georgetown until termination of the procedure.

1710 Annual Report

The board shall make an annual report to the City Council at the end of the city fiscal year citing applications brought before the board and the approvals, denials, or other resolutions issued by the board.

1711 Appeals from Decisions of the Community Appearance Board

Any person who may have a substantial interest in any decision of the Community Appearance Board may appeal any decision of the Board to the Circuit Court in and for the County of Georgetown by filing with the Clerk of said Court a petition in writing setting forth plainly, fully and distinctly why the decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the Board is rendered.

1712 Contempt; Penalty

In case of contempt by a party, witness, or other person before the Community Appearance Board, the board may certify that fact to the circuit court of the county in which the contempt occurs and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.