

A RESOLUTION

TO APPROVE THE RULES OF PROCEDURE OF THE DESIGN REVIEW BOARD


WHEREAS, Section 2-333(a) of the Code of Ordinances of the City of Greenville requires that all city boards and commissions, in consultation with the City Attorney, shall draft and approve proposed rules of procedure governing the operation of their respective areas of authority; and

WHEREAS, the City's Design and Review Board has prepared certain rules and procedures in accord with the City Code and presented the rules and procedures for consideration and approval of City Council; and

WHEREAS, the City Attorney has reviewed the rules and procedures and advises City Council that the rules and procedures comply as required by the City Code.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA that the rules and procedures of the City of Greenville's Design Review Board are approved in the form as attached to this Resolution. The operating procedures, which have also been shared with City Council and which are referenced in the rules and procedures, may be changed without further review and approval by Council with the understanding that any changes will otherwise comply with the approved rules and procedures and applicable law.

RESOLVED THIS 24 DAY OF August, 2009.



MAYOR

Attest:



CITY CLERK

**Design Review Board
Rules of Procedure
City of Greenville**

Article I
Organization

Section 1. Rules

These rules of procedure are adopted pursuant to S.C. Code Section 6-29-870 and Section 2-333(a)(2) of the Greenville City Code for the City of Greenville Design Review Board, and its Urban Design Panel and Neighborhood Design Panel.

Section 2. Officers

The officers of the Board shall be a chairperson, who will be elected by the full Board, and a vice-chairperson from each Panel. The Chairperson and Vice-Chairpersons shall be elected for one year terms at the August meeting of the Board. The Zoning Administrator, or his designee, shall serve as secretary and staff liaison to the Board.

Section 3. Chairperson

The chairperson shall:

- a. Call meetings of the Board;
- b. Preside at meetings and hearings;
- c. Preserve order and decorum of meetings and hearings;
- d. Promote discussion by all members in deliberations;
- e. Serve as a voting member on both panels;
- f. Act as spokesperson for the Board;
- g. Confer with City Council regarding matters relating to the Board;
- h. Appoint Board members to apprise applicants on deferred matters or to represent the Board in appeals mediation;
- i. Select members from the Board to ensure a quorum for each Panel; and
- j. Perform other duties approved by the Board;

Section 4. 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 the vice-chairperson, the most senior member shall act as chairperson.

Section 5. Secretary

The secretary shall:

- a. Provide and publish notice of meetings and hearings;
- b. Prepare the agenda;

- c. Keep records and minutes of meetings and hearings;
- d. Maintain Board records as public records;
- e. Serve Board decisions on parties;
- f. Attend to Board correspondence;
- g. Maintain attendance records for each Board member, and notify the City Clerk of any members who violate the attendance requirement; and
- h. Perform other duties normally carried out by a secretary.

Article II Informal Review

An applicant or potential applicant may request to receive comments on their plans from the Board. The applicant may receive comments before one of the Board's panels during a regularly scheduled public meeting, or in an administrative meeting with Planning Staff and no more than two representatives of the Board. When informal review is conducted in an administrative meeting, Planning Staff shall select Board members with due consideration of the type of project being considered, and after consulting with the Chairperson.

Article III Meetings

Section 1. Time and Place

An annual schedule of regular meetings shall be adopted, published and posted at the Zoning Administrator's office in December of each year. A copy of such schedule shall be provided to the City Clerk. Special meetings may be called by the chairperson upon 24 hours notice, posted and delivered to all members and parties required by ordinance and parties requesting notification. Meetings shall be held at the place stated in the notices, and shall be open to the public. The secretary with the assistance of the City Clerk shall provide notice as required by South Carolina Freedom of Information Act. The Board may vote to go into executive session in accord with South Carolina Freedom of Information Act. No formal action shall be taken in executive session.

Section 2. 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 (5) 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 the meeting by majority vote.

The Board may include a Consent Agenda as part of its regular agenda. The Consent Agenda may include:

- a. Certificate of Appropriateness applications recommended for approval,
- b. Certificate of Appropriateness applications recommended for approval with conditions in which the applicant has agreed to the conditions in writing;

- c. Other matters deemed by the Administrator as being in definite accordance with design guidelines, and in which opposition is not expected.

Section 3. Quorum

For matters pertaining to the full Board, a majority of the members of the Board shall constitute a quorum. For matters pertaining to each Panel of the Board, a majority of the members of each Panel shall constitute a quorum. The Chairman may select members from one Panel to sit on the other Panel to ensure a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

Section 4. Attendance

Any member, who, for reasons other than sickness or bona fide emergency, misses three consecutive regular meetings, or 30 percent of all meetings within a calendar year, is subject to removal from the Board by City Council. Any member who is unable to attend a meeting, whether regular or special, shall contact the secretary as soon as possible so the secretary can determine and report to the chairperson whether a quorum can be established.

Section 5. Voting

Each member, including the chairperson, shall vote and shall not abstain from voting unless such member claims a conflict of interest recognized under the law, in which event the member shall be excused from voting. The member shall state for the record the basis for the abstention and complete a Statement of Potential Conflict of Interest form. Voting by proxy or absentee is prohibited.

Section 6. Rules of Order

Robert's Rules of Order may be used as a reference for the conduct of meetings except as otherwise provided by these Rules of Procedures.

Article IV Design Guidelines for Certificate of Appropriateness

Section 1. Preservation Overlay Districts

In deliberating on an application for certificate of appropriateness in preservation overlay districts, the Board shall use the Secretary of the Interior's Standards for Rehabilitation, any locally-developed guidelines which have been adopted by the Board and approved by City Council, and/or any pertinent Master Plan or other plan approved by City Council.

Section 2. Central Business District

In deliberating on an application for certificate of appropriateness in the Central Business District (properties zoned C-4) the Board shall use locally-developed guidelines which have been adopted by the Board and approved by City Council, and/or any pertinent Master Plan or other plan approved by City Council.

Article V Application and Appeal Procedure

Section 1. Form of Application and Procedure for Certificate of Appropriateness

Applications for certificate of appropriateness shall be filed on forms approved by the Board and provided to applicants by the secretary. The Board may require additional information deemed necessary or appropriate. The failure to submit adequate information may be grounds for dismissal. All applications shall be signed by the property owner, or include a written statement, signed by the property owner, designating an agent. The procedure for applying for a certificate of appropriateness is listed in Section 19-2.3.8 of the Greenville City Code.

Section 2. Time for Application

Complete applications must be filed with the secretary in adequate time to meet required public notice for the next regularly scheduled meeting of the Board. Applications deemed incomplete by the secretary shall not be included on an agenda until all required items are satisfactorily submitted.

Section 3. Rehearing

Applications for certificate of appropriateness which are denied by the Board may be resubmitted for a subsequent meeting of the Board, if new relevant information or modifications which address the reason for denial are submitted.

Section 4. Form of Appeal and Procedure

Appeals from administrative decisions shall be filed on forms approved by the Board and provided to applicants by the secretary. The Board may require additional information deemed necessary or appropriate. The failure to submit adequate information may be grounds for dismissal. All appeals shall be signed by the appealing party, or include a written statement, signed by the appealing party, designating an agent. Appeals shall be placed on the agenda of the next regular meeting of the Board, which allows for adequate public notice.

Section 5. Time for Appeal

Appeals from administrative decisions shall be filed according to the provisions of Section 19-2.3.8 of the Greenville City Code.

Section 6. Form for Application and Procedure for Exemption by Unreasonable Hardship

Applications for exemptions from the requirements of a Certificate of Appropriateness, based on the imposition of an unreasonable hardship, shall be filed on forms approved by the Board and provided to applicants by the secretary. The Board may require additional information deemed necessary or appropriate. All applications shall be signed by the property owner, or include a written statement, signed by the property owner, designating an agent.

Section 7. Time for Application

Complete applications must be filed with the secretary in adequate time to meet required public notice for the next regularly scheduled meeting of the Board. Applications deemed incomplete by the secretary shall not be included on an agenda until all required items are satisfactorily submitted. Applications must be filed within 60 calendar days of the date of the Board's decision on the Certificate of Appropriateness in question.

Article VI Hearing Procedure

Section 1. Staff reports and recommendations

The staff liaison shall submit reports and recommendations for those agenda items requiring decisions or recommendations by the Board. Other staff having experience, education, and professional training in the subject matter may provide input into or additional reports and recommendations. The material submitted may be oral, written, or graphic, or some combination of all. The reports and recommendations shall be accepted as evidence of record to the same extent as oral testimony and exhibits accepted from applicants, opponents, subjects of an inquiry, other witnesses to the facts, and members of the public who provide information for the record of the proceedings.

Section 2. Consideration of Consent Agenda

At the appropriate time during the meeting, the Chair shall announce consideration of the consent agenda and shall identify agenda items on which telephone calls, letters or other communications have been received. Any item for which opposition has been received shall be removed to the regular agenda to be considered separately. After announcing the consent agenda, the Chair shall open a public hearing on all remaining

items on the consent agenda. The Chair shall ask if any member of the public wants to comment on any item on the consent agenda or provide testimony; and, if so, this item shall be moved to the regular agenda to be considered separately. After closing the public hearing, the agenda shall be read. As each item on the consent agenda is read, any Board member may request that the item be removed for further debate, and, any Board member wishing to record his vote as a “nay” vote shall so state. At the conclusion of the reading of the consent agenda, but before debate on any removed items, the Chair shall call for one vote on the entire consent agenda, which vote shall be applicable to each item on the consent agenda (except removed items) except where a Board member has stated that he desires his vote to be recorded as a “nay” vote on a particular item. Any item removed from the consent agenda for further debate shall be debated and considered immediately following the vote on the consent agenda.

Section 3. Appearances

The applicant, appellant, or any person in interest may appear in person, by agent, or by attorney. In the absence of an appearance on behalf of the applicant or appellant, the Board may postpone or proceed to dispose of a matter on the agenda before it.

Section 4. Documentation

Relevant documents, photographs, maps, plans, drawings, and like items will be received in the record without authentication in the form of legible copies. Relevant comments which are not cumulative or hearsay will be received. Such documents and comments may be placed in the record with an objection noted.

Section 5. Conduct of Hearing

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

- a. Statement of the matter to be heard (chairperson or secretary);
- b. Presentation by applicant (5-minute limit); or
- c. Presentation by official appealed (5-minute limit);
- d. Presentation by opponents (5-minute limit);
- e. Rebuttal by applicant (3-minute limit);
- f. Public comment when appropriate;
- g. The Board may question participants at any point in the hearing;
- h. Matters in which additional time is granted may be moved to the end of the agenda.

Section 6. Disposition

- a. The Board may deliberate and make a final disposition of the matter by majority vote of the members present at the hearing and qualified to vote; provided that not less than a quorum are qualified to vote. The vote shall be taken at the same meeting or subsequent meeting. A member may not vote on a matter which the

member has not heard. Deliberations shall be conducted and votes taken in public. Deliberations shall not include public comments or participation, unless allowed by the Board.

- b. When an application is deferred for modifications, the Chairperson shall appoint two Board members to apprise the applicant of design issues that should be changed to comply with the standards established for the evaluation of the application.

Article VII Records

Section 1. Minutes

The secretary shall record all meetings and hearings of the Board on tape, which shall be preserved until the 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.

Section 2. 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, documents, orders and forms shall be maintained as public records.

Article VIII Adoption and Amendment

Section 1. Adoption

These rules were originally adopted by vote of a majority of the members of the Board at a public meeting on August 6, 2009, and approved by resolution by City Council on August 24, 2009.

Section 2. Amendment

These rules may be amended at any regular meeting of the Board by majority vote of the members of the Board. Amendments shall not become effective until approved by City Council.

Notes and Revisions: