



# Rules of Procedure City of Clemson Board of Architectural Review



## ARTICLE I – RULES

Section 1: **These rules of procedures** are adopted pursuant to S.C. Code §6-29-870 for the City of Clemson Board of Architectural Review which consists of seven members appointed by City Council.

## ARTICLE II – MEETING DATES

Section 1: **The Board shall meet** as necessary on the first Tuesday, unless noted, of each month, at 6:00 PM in the Council Chambers of the Clemson City Hall.

Section 2: **Additional meetings** may be held at any time upon the call of the Chairman or by a majority of the voting members of the Board.

## ARTICLE III – OFFICERS

Section 1: **The Board, at its first regular meeting** after January of each year, shall elect a Chair and Vice-Chair and shall also recognize the recording secretary who shall be from the administrative staff from the Planning and Codes Administration Office.

Section 2: **The duties and powers** of the officers of the Board shall be as follows:

A. **Chair:**

1. Preside at all meetings of the Board.
2. Call special meeting of the Board in accordance with these by-laws.
3. Sign documents of the Board.

B. **Vice-Chair:** During the absence, disability or disqualification of the Chairman, the Vice-Chairman shall exercise or perform all duties and be subject to all of the responsibilities of the Chairman.

C. **Recording Secretary:**

1. Keep the minutes of all meetings of the Board in an appropriate and easily marked file located at the City Planning and Codes Administration Office.
2. Give or serve all notices required by law or these by-laws.
3. Prepare and distribute the agenda for all meetings of the Board.
4. Be custodian of the Board records.
5. Inform the Board of correspondence relating to business of the Board and attend to such correspondence.
6. Handle funds allocated to the Board in accordance with its directives, the law and city regulations.
7. Sign official documents of the Board.

Section 3: **No member** may serve more than two (2) full consecutive terms as Chair or Vice-Chair.

Section 4: **The Vice-Chair shall succeed the Chair** if the office is vacated before the term is completed, and shall serve the unexpired term of the vacated office. A new Vice-Chairman shall be elected at the next regular meeting.

Section 5: **The Board** is considered a quasi-judicial body and is advised against discussing a project with an applicant or member of the public. Such communications may be considered *ex-parte*.

#### ARTICLE IV – AGENDAS

Section 1: **The deadline** for requesting a project review, filing an appeal or for a variance shall be at least twenty-one (21) calendar days prior to the regularly scheduled monthly meeting. Applications shall be filed at the office of the recording secretary. Application for a sign review only may be accepted up to one (1) week prior to a meeting date with approval from the Chair.

Section 2: **No item shall be placed** on the Board’s agenda unless 10 hard copies and one digital version of all materials essential to review the project have been submitted by the deadline. The applicant may submit digital and hard copies of supplemental materials up to one (1) week prior to a scheduled meeting. The Zoning and Codes Administrator may request additional information at any time such material has been submitted or reasonable assurance is given by the applicant that the required information will be available for review one (1) week prior to the meeting at which it will be considered.

Section 3: **The Board may remove** an item from the agenda of the Board if it is evident that the requirements of Section 2 above have not been observed.

Section 5: **All agendas** of the Board shall be published on the City of Clemson website no later than four (4) calendar days prior to the regularly scheduled meeting. All notices for variances shall be published in a newspaper of local circulation no later than fifteen (15) calendar days prior to the regularly scheduled meeting.

Section 6: **Item not on the published agenda** may be considered by the Board except after a unanimous vote by those present.

#### ARTICLE V – CONDUCT OF MEETINGS

Section 1: **All meetings** shall be open to the public.

Section 2: **A majority of the members** of the Board entitled to vote shall constitute a quorum for the transaction of business.

Section 3: **Any member of the Board** of who feels there is a conflict of interest on any matter that is on the Board agenda shall voluntarily excuse themselves, and refrain

from discussing on said items after the item is introduced and before opening comments.

Section 4: **Roberts Rules of Order** are hereby adopted for the government of the Board in all cases not otherwise provided for in these by-laws.

Section 5: **Reconsideration of any decision** of the Board may be had when the interested party for such reconsideration makes a showing – satisfactory to the Board – that without fault on the part of such party, essential facts were not brought to the attention of the Board. No item, however, may be reconsidered and a vote taken, unless such item has been placed on the agenda and duly published in accordance with these by-laws.

Section 6: **The following order of consideration of agenda items for reviews not requiring variances** will normally be observed; however, the board may rearrange if necessary for the expeditious conduct of business:

1. Staff presents report of finding and fact.
2. Applicant makes presentation to the board.
3. Public input session (when applicable)
4. Board may ask questions of the applicant or staff.
5. The Board shall take a vote.
6. The BAR has five choices in when responding to a project or proposal:
  - a. Approval
  - b. Approval with Conditions
  - c. Denial with Reasons
  - d. Table with Reasons
  - e. No Action Required

Section 7: The guidelines for public input are as follows:

1. A project on the agenda will have public input at all stages (limited to 30 minutes).
2. In such cases, residents of Clemson or the owner of property or a business in Clemson wishing to comment will be given three (3) minutes to do so. Please consider appointing a spokesperson if there are multiple people wishing to speak. Please do not repeat information already presented by someone else.
3. Prior to being allowed to speak a citizen must present a signed Speakers Form to the recording Secretary.
4. Questions asked by the Board during a presentation will not count toward the time limit.
5. At its discretion, the Chair may allow the applicant three (3) minutes for rebuttal.
6. All comments and questions must be directed to the Chairperson who will respond or direct the question to the appropriate party for response.

7. After all comments are offered, the Chairperson will close the hearing portion of the meeting and the Board will discuss and evaluate the information presented in the context of the requirements of the City Code.
8. Any written comments submitted to the Planning Office up to one (1) week prior to a meeting will be forwarded to the Board and will be considered in its decision.

**Section 7: The following order of consideration of agenda items for requests for variances** will normally be observed; however, it may be rearranged by the Chair for individual items if necessary for the expeditious conduct of business. At any stage in the proceedings, the Chair may request information or clarification from the Zoning Administrator and/or the Recording Secretary. The Chair will ensure that the meeting takes place in an orderly manner; this may include limiting time of testimony and requiring that questions be directed through the Chair. Written material may be submitted to the Board.

1. The Chair shall present the case to be heard.
2. An appropriate oath shall be administered to all parties presenting testimony of fact to the Board.
3. The initiating individual or their representative of the agenda item presents testimony to the Board. Each speaker shall be limited to ten (10) minutes unless the Board authorizes extensions in three (3) minute increments. The Board may question these individuals.
4. The Zoning Administrator or recognized city representative will present testimony.
5. The Board will hear sworn testimony from any individual who desires to present factual evidence directly related to this agenda item.
6. The Board will hear non-sworn public comment on the agenda item.
7. The initiating individual and Zoning Administrator will be given the opportunity to present a rebuttal or closing statement to the board.
8. Public comment is closed.
9. The Board discusses the agenda item, and members may direct specific questions to any individual who is a sworn witness.
10. The Chair will call for a motion on the item; the motion shall state the action to be taken and the basis for the motion.
11. The Chair will repeat the motion.
12. The Board votes and the Chair will announce the result with findings of facts and conclusions.

**Section 8: The following order of consideration of agenda items for requests for appeal from the Zoning Administrator** will normally be observed; however, it may be rearranged by the Chair for individual items if necessary for the expeditious conduct of business. At any stage in the proceedings, the Chair may request information or clarification from the Zoning Administrator and/or the Recording Secretary. The Chair will ensure that the meeting takes place in an orderly manner; this may include limiting time of testimony and requiring that questions be directed through the Chair. Written material may be submitted to the Board.

1. The Chair shall present the case to be heard.

2. An appropriate oath shall be administered to all parties presenting testimony of fact to the Board.
3. The initiating individual or their representative of the agenda item presents testimony to the Board. Each speaker shall be limited to ten (10) minutes unless the Board authorizes extensions in three (3) minute increments. The Board may question these individuals.
4. The Zoning Administrator or recognized city representative will present testimony.
5. When sworn testimony is submitted to the Board for consideration, the Board Chairperson or the Clemson City Attorney shall administer an oath to the individual(s) providing relevant information. The oath is to be administered as follows: "Please raise your right hand: Do you solemnly state that the evidence you shall give in this matter shall be the truth, the whole truth and nothing but the truth?"
6. The Board will hear sworn testimony from any individual who is directly affected by this specific agenda item.
7. The initiating individual and Zoning Administrator will be given the opportunity to present a rebuttal or closing statement to the board.
8. The Board discusses the agenda item, and members may direct specific questions to any individual who is a sworn witness.
9. The Chair will call for a motion on the item; the motion shall state the action to be taken and the basis for the motion.
10. The Chair will repeat the motion.
11. The Board votes and the Chair shall announce the result with findings of facts and conclusions.

## ARTICLE VI – ATTENDANCE

Section 1: **Each member of the Board** who had knowledge of the fact that he/she will not be able to attend a scheduled meeting of the Board shall notify the Recording Secretary at the earliest possible opportunity. The Recording Secretary shall notify the Chair in the event that the projected absences will produce a lack of a quorum.

Section 2: Only those members in attendance at the Board meeting may vote on matters before the Board. The chair may, however, allow the presentation of an absent member's statement on a matter.

Section 3: Members are expected to attend meetings, workshops, and other Board events in person at the designated location. However, in the event a member is prohibited from attending in person by an unusual event or circumstance, they may attend through electronic means approved by the City Director of Information Technology (IT). All votes and other actions taken by members attending by electronic means shall have the same authority as those taken by members attending in person, provided that all of the following conditions are met:

1. A quorum of members are present in person at the meeting place, and remain physically present throughout the meeting, with the loss of a quorum of members physically present constituting the conclusion of a meeting;

2. The presiding officer (the Chair, Vice-Chair, or temporary Chair appointed by majority vote) is present throughout all portions of a meeting;
3. All members, staff, and other persons present can hear all comments made by members attending either in person or through electronic means;
4. All members, staff, and other persons recognized by the presiding officer to speak or otherwise participate in meeting activities can engage members attending through electronic means in simultaneous aural oral communication;
5. All comments, motions, and votes of members attending through electronic means are duly recorded to the same degree of detail and accuracy as those of members attending in person; and,
6. Attendance through electronic means is limited to only those occasions when a member is otherwise unable to be present in person and absentee participation is approved by the chair.

Section 4: **The Minutes** shall show the members in attendance at each meeting and the reason for absence submitted by any member. Any member who is absent more than two (2) times in a calendar year may be removed for cause by the Clemson City Council. The Planning and Codes Director shall prepare a written report for the Board detailing attendance history for any member failing to attend the requisite number of meetings annually. Upon review of the record, the Board may forward a request to City Council asking that the member be replaced and a new member appointed to fulfill the remaining portion of the unexpired term.

## ARTICLE VII - DELEGATION TO ZONING ADMINISTRATOR

Section 1: **In accordance with Section 19-19-1104 (D)** the Board of Architectural Review delegates the following approvals to the Zoning and Codes Administrator for projects within the AR Districts:

1. Replacement of sign or sign face provided the new sign or sign face does not exceed the existing sign or sign face in area, remains the same shape as the existing sign or sign face, and is located in the same area as the existing sign or sign face.
2. New awnings or replacement of existing awnings provided the proposed awning does not have more than two colors, excluding any “day glow” or “fluorescent” colors including any signage on the awning.
3. Exterior building modifications provided the outline of the building does not change; nor is there a decrease in the amount of glass on the building face, or increase or decrease of more than 10% of any pervious surface area on the property.
4. Exterior color change to a building provided there is no more than two (2) colors utilized excluding any “day glow” or “fluorescent” colors, and the new colors remain within the same hue as the original color of the building.

5. Landscape issues to include final placement and species of plants for buffer yards, parking areas, and elsewhere.
6. Other issues requested by the Board.

#### ARTICLE VIII– AMENDMENTS

Section 1: **These by-laws may be amended** at any meeting of the Board of Architectural Review by a simple majority vote, provided that a notice of said proposed amendment is given to each member in writing at least ten (10) days prior to said meeting.

*As adopted on August 3, 2021*