

RESOLUTION NO.: R-2002-003

*Authorizing Approval and Adoption of
Rules and Regulations of the Design/Development Review Commission*

BE IT RESOLVED by the Mayor and City Council of the City of Columbia, South Carolina, that the attached revised Rules and Regulations of the Design/Development Review Commission (DDRC), which were adopted by the DDRC at their meeting on January 8, 2002, are hereby approved and adopted this 6th day of February, 2002.

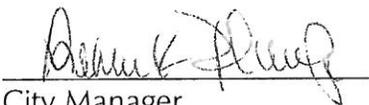
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STAMPED IN REC.

Requested by:



Mayor

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 2/6/2002

Final Reading: 2/6/2002

**RULES AND REGULATIONS
OF
THE DESIGN/DEVELOPMENT REVIEW COMMISSISON
COLUMBIA, SOUTH CAROLINA**

Article I - Organization

Section 1 Rules. These Rules and Regulations are adopted pursuant to S.C. Code 6-29-870 and City of Columbia Section 17-653 for the City of Columbia Design/Development Review Commission, which consists of nine members appointed by City Council.

Section 2 Officers. The Commission shall have as officers a chair and vice-chair elected for one-year terms at the first meeting of the Commission in each calendar year. The City Manager shall appoint a member of staff of the City of Columbia to serve as secretary of the Commission.

Section 3 Chair. The chair shall be a voting member and shall:

- a. Call meetings of the Commission;
- b. Preside at meetings and hearings;
- c. Sign documents for the Commission;
- d. Appoint Subcommittees
- e. Have orders of the Commission served on parties; and
- f. Perform other duties approved by the Commission

Section 4 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 the vice-chair, the members present shall elect an acting chair.

Section 5 Secretary. The secretary shall be appointed by the City Manager and shall:

- a. Provide and publish notice of appeals and meetings;
- b. Assist in the preparation of agenda;
- c. Keep recordings and minutes of meetings and hearings;
- d. Maintain Commission records as public records;
- e. Serve Commission decisions on parties;
- f. Attend to Commission correspondence; and
- g. Perform other duties normally carried out by a secretary.

Article II - Meetings

Section 1 Time and Place. Regular meetings of the Commission shall be held on the first Tuesday of each month at 4:00 P.M., at a designated place. In the case of a

holiday, the meeting shall be held the subsequent week. The Commission may elect to hold work sessions at a date and time agreed to by the members with notice given to the public of such meetings. The chair, upon 24 hours notice posted and delivered to all members and local news media, may call special meetings at which business may be conducted.

Section 2 Cancellation. Whenever there are no applications to be considered, and there appears to be no other business to be transacted by the Commission at any regular meeting, other than the annual meeting, the chair may dispense with such meeting by notifying each member of the Commission not more than five (5) days, nor less than twenty-four (24) hours prior to the time for such meeting.

Section 3 Open to the Public. All regular meetings shall be open to the public, except that the Commission may go to into executive session in accordance with provisions of the South Carolina Freedom of Information Act.

Section 4 Quorum. A majority of the members currently appointed to the Commission shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

Section 5 Attendance. If a member of the Commission has two (2) consecutive unexcused absences or six (6) unexcused absences in one calendar year, the Commission may recommend to City Council that the position be declared vacant and that the position be filled.

Section 6 Rules of Order. Roberts Rules of Order shall govern the conduct of the meetings except as otherwise provided by these Rules of Procedure. The Chair shall decide all points of procedure unless otherwise directed by a majority of Commissioners in session at the time.

Section 7 Subcommittees. The Chair may appoint sub-committees to study issues and make recommendations to staff, the Commission, or other bodies concerning cases before the Commission, policy initiatives, or other topics identified as necessary.

Article III -Appeals and Applications Procedure

Section 1 Form . Applications for Design Approval and Appeals from Administrative decisions shall be filed on forms approved by the Commission and provided to the applicants by the secretary. The Commission may require information to be supplied in sufficient detail so as to afford that a clear understanding and considered action by the Commission may be made. The failure to submit adequate information may be grounds for dismissal or deferral. Applications for Certificate of Design Approval shall be made either by the property owner or the owner's agent. An application filed by an agent shall be accompanied by written designation of the agent signed by the property owner or party in interest.

Section 2 Time for Appeal. Applications for Design Approval shall be filed no less than twenty (20) days prior to the set meeting date. An appeal from an administrative decision must be filed within fifteen (15) days after actual notice of the decision by delivery of the approved appeal form to the secretary of the Commission who shall notify the official appealed from.

Section 3 Withdrawal. Any appeal or application may be withdrawn by written notice delivered to the secretary prior to the action by the Commission. An appeal from an administrative decision which is withdrawn may not be refiled after the fifteen (15) day time for appeal has expired.

Section 4 Continuances. The hearing of an appeal or application may be continued up to three times by the Commission for cause shown.

Section 5 Notice. Public notice of a hearing of the Commission shall be published in a local newspaper of general circulation and posted on or adjacent to the property no less than fifteen (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.

Article IV Hearing Procedure

Section 1 Appearances. The applicant or any party in interest may appear in person or by agent or attorney. The Commission 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.

Section 2 Witnesses. Parties in interest appearing before the Commission shall be required to be placed under oath. Witnesses may be compelled to attend by subpoena requested at least (10) days prior to a hearing and signed by the chairman. The Board may call its own witnesses when deemed appropriate.

Section 3 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 evidentiary matters. Evidence may be placed in the record with an objection noted.

Section 4 Conduct. The normal order of hearing, subject to modification by the Chair, shall be:

- a. Statement of matter to be heard (chair or staff)
- b. Presentation by applicant (10 minute limit);
- c. Presentation by opponents (10 minute limit); or
- d. Presentation by official appealed (10 minute limit);
- e. Rebuttal by applicant (5 minute limit);

- f. Public comment when appropriate;
- g. The Commission may question participants at any time in the hearing.

Parties in interest shall direct their statement and arguments to the Commission and shall not direct them to their opponents; however, the opportunity to cross-examine opposing witnesses may be freely extended when conducted in an orderly manner.

Section 5 Disposition. The final disposition of any application or appeal shall be in the form of a motion either granting, denying, varying, deferring, or modifying the application or dismissing the application for lack of jurisdiction or prosecution. Such motion may show the reason or reasons for the Commission's determination. All actions of the Commission shall require the affirmative vote of a majority of the members present.

Section 7 Conditions. Whenever the Commission recommends any variation or imposes any restriction with respect to an application so as to carry out the intent and purpose of the Design/Development ordinance, such variation and condition shall be specifically stated in the motion and summarized in the zoning permit. Any decision made by the Commission remains valid for one year after the date of the decision after which, if construction has not begun, the applicant must return to the Commission for review of the project with notation made if changes have been made to the project.

Section 8 Rehearing. The Commission may grant a rehearing of an application which has been dismissed or denied upon written request filed by a party in interest with the secretary within fifteen (15) days after delivery of the decision accompanied by new evidence which could not have reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.

If a motion to grant a rehearing receives the affirmative vote of a majority of the members present, the case shall be put on the calendar for a rehearing.

Section 9 Adjournments. When all applications cannot be disposed of on the date set, the Commission may adjourn from day to day or to a day certain, as it may order, and such adjournment day shall be considered a continuance of the meeting and no further notice need be given thereof.

Article V Records

Section 1 Minutes. The secretary shall have prepared minutes of each meeting for approval by the Commission. Minutes shall be maintained as public records.

Section 2 Documents. The secretary shall assist in the preparation of orders, certificates and other documentation of the Commission. Copies of all notices,

correspondence, documentary evidence, orders and forms shall be maintained as public records.

Article VI Adoption and Amendment

Section 1 Adoption. These rules were adopted by a majority vote of the members of the Commission at a regular meeting on _____

City Council passed a resolution approving these rules on _____

Section 2 Amendment. These rules may be amended at any regular meeting of the Commission by a majority vote of the members present provided notice in writing thereof has been given to each member of the Commission at least five days prior to such meeting, or provided such amendment was read at the last preceding meeting of the Commission. Such amendments must be approved by resolution of City Council. The suspension of any rule of procedure may be ordered at any meeting by a vote of not less than five members of the Commission.

Article VII Demolition Requests

Section 1 Information to be Provided by the Applicant. The applicant for a demolition permit of a historic structure shall provide sufficient information to deal with each of the demolition criteria discussed in Section 17-675 (e) of the City of Columbia's Code of Ordinances. The Commission may require additional information to be provided and action on the request shall be deferred until the additional information is provided. The request cannot be deferred for longer than thirty (30) days unless agreed upon by both the Commission and the applicant.

Section 2 Degree of Detail in Information. The amount of detailed information will be governed by the significance of the individual request. More detailed information shall be provided for landmark structures.

Section 3 Type of Information. In addressing each of the demolition criteria the following types of information might be provided:

- (a) Estimate of the cost of demolition, and estimate of the cost of renovation;
- (b) Report from an engineer, architect, or contractor as to the structure(s) on the property and their suitability for demolition, after renovation of the existing property for continued use, and with proposed redevelopment;
- (c) Estimated market value of the property in its current condition; after demolition, after renovation of the existing property for continued use, with proposed

redevelopment;

(d) Estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation or reuse of the existing structure(s) on the property;

(e) In a request for a demolition of a landmark, a detailed feasibility study of the property may be required;

(f) Information on any current negotiations to buy, rent, or lease property;

(g) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;