

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

ORDINANCE – 23-003

TOWN OF PELZER

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**AN ORDINANCE ESTABLISHING A MUNICIPAL BOARD OF ZONING APPEALS FOR THE TOWN OF PELZER, S.C. AS AUTHORIZED IN SOUTH CAROLINA CODE OF LAWS SECTION 6-29-780 & SECTION 6-29-790**

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**WHEREAS**, a local Zoning Board of Appeals is authorized by S.C. Code 6-29-780 and S.C. Code 6-29-790; and

**WHEREAS**, it is desired to implement the provisions of Title 6, Chapter 29, Code of Laws of South Carolina;

**NOW, THEREFORE**, be it ordained by the Town Council of the Town of Pelzer that the following requirements are hereby adopted:

**Section 1. Board of Zoning Appeals Established.**

There is hereby established a board of zoning appeals for the Town Council of the Town of Pelzer, S.C., which shall have the powers and duties as provided in S.C. Code 6-29-820.

**Section 2. Composition of Zoning Board of Appeals.**

The Zoning Board of Appeals shall have [3 to 9] members appointed by Council to serve overlapping terms of not less than three years but no more than five years. Members shall serve until their successors are appointed and qualified.

**Section 3. Compensation**

Members of the Board of Zoning Appeals shall serve without compensation. Actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds pursuant to policies and procedures for employees of the town.

**Section 4. Removal of Members**

Members of the Zoning Board of Appeals may be removed at any time by council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.

**Section 5. Organization and Rules of Procedure.**

The Zoning Board of Appeals may hear appeals concerning the zoning administrator's interpretation and enforcement of the zoning ordinance, hear and decide appeals for variances from the ordinance, decide

applications for special exceptions, and remand a matter to the administrative official for supplementation of the record. Section 6-29-800. The appeal of a board of zoning appeals decision is made to the circuit court. Section 6-29-820. Amendments to the Planning Act in 2003 allow for a mediation procedure as part of an appeal by a property owner. Section 6-29-820, 6-29-825.

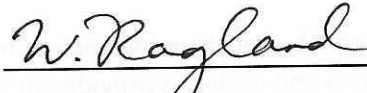
#### Section 6. Meetings

Meetings of the board must be held at the call of the chairman/zoning administrator and at such other times as the board may determine. Public notice of all meetings of the board of appeals shall be provided by publication in the newspaper of general circulation in the municipality or county. In cases involving variances or special exceptions conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property.

#### Section 7. Potential Conflicts.

It is further ordained by the Town Council of the Town of Pelzer that all Ordinances in conflict with this Ordinance are hereby repealed.

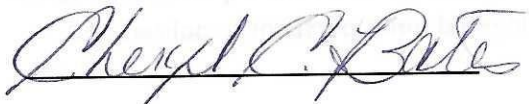
**DONE AND RATIFIED** in Council assembled on this 14 day of February 2023.



**Will Ragland, Mayor**

**Town of Pelzer, South Carolina**

**ATTEST:**



**Cheryl C. Bates, Town Clerk**

**Town of Pelzer, South Carolina**

**1<sup>st</sup> Reading:** 1-10-23

**2<sup>nd</sup> & Final Reading:** 2-14-23