

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: February 20, 2023

Agenda Item: 5H	Prepared for: Chris Noury, City Attorney
Agenda Section: Consent: Ordinance. First Reading.	Date: February 10, 2023
Subject: This is a housekeeping issue to amend Section 23-158 of the North Myrtle Beach Code of Ordinances (i.e., organization and proceedings of the Board of Zoning Appeals) to be consistent with Section 6-29-790 of the state code regarding those appropriate for appointment as secretary	Division: Legal

Background:

The Board of Zoning Appeals is a statutory committee whose officers, rules, meetings, records, and rules of notice are clearly laid out in Section 6-29-790 of the South Carolina Code of Laws.

Section 6-29-790 of the state code says, "... The board shall appoint a secretary who may be an officer of the governing authority or of the zoning board."

Section 23-158 of the City of North Myrtle Beach Code of Ordinances, organization, and proceedings, however, currently states that, "... The board shall appoint the city clerk as the secretary to the board."

The proposal is to replace the current sentence in the City Code with the corresponding sentence in the state code as detailed above.

Recommended Action:

Approve or deny the proposed ordinance on first reading

Reviewed by City Manager		Reviewed by City Attorney
--------------------------	--	---------------------------

Council Action:
Motion By _____ 2nd By _____ To _____

SECTION 6-29-790. Board of zoning appeals; officers; rules; meetings; notice; records.

The board shall elect one of its members chairman, who shall serve for one year or until he is re-elected or his successor is elected and qualified. The board shall appoint a secretary who may be an officer of the governing authority or of the zoning board. The board shall adopt rules of procedure in accordance with the provisions of an ordinance adopted pursuant to this chapter. Meetings of the board must be held at the call of the chairman 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 a 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. The chairman or, in his or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the board and must be a public record.

HISTORY: 1994 Act No. 355, Section 1.

North Myrtle Beach Code of Ordinances

Sec. 23-158. Organization and proceedings.

The board of zoning appeals shall elect a chairperson and vice-chairperson from its members who shall serve for one (1) year or until re-elected or until their successors are elected. The board shall appoint ~~the city clerk as the secretary to the board~~ a secretary who may be an officer of the governing authority or of the zoning board. The board shall adopt rules and by-laws in accordance with section 6-29-790 of the South Carolina Code of Laws. Meetings of the board must be held at the call of the chairperson 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 a newspaper of general circulation in North Myrtle Beach. In cases involving variances or special exceptions conspicuous notice shall be posted on or adjacent to the property affected, with at least one (1) such notice being visible from each public thoroughfare that abuts the property. The chairperson or, in his or her absence, the vice-chairperson, may administer oaths and compel the attendance of witness by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the board and must be a public record.

(Ord. No. 88-35, 11-1-88; Ord. No. 95-10, §§ 7, 10, 3-20-95; Ord. No. 20-25, § 1, 10-5-20; Ord. No. 21-02, § 2, 3-1-21)