

RESOLUTION

A RESOLUTION ADOPTING RULES OF PROCEDURE FOR THE BEAUFORT COUNTY PLANNING COMMISSION

WHEREAS, county governments are authorized by S.C. Code Sec. 6-29-320 to establish a local planning commission to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the area within its jurisdiction; and

WHEREAS, the County Council adopted the Zoning and Development Standards Ordinance [the ZDSO] on April 26, 1999; and

WHEREAS, Article II, Division 2, Subdivision III of the ZDSO establishes a planning commission for Beaufort County; and

WHEREAS, Sec. 106-111 of the ZDSO grants to the County Council the power to adopt rules of procedure to carry out the powers and duties of appointed administrative boards; and

WHEREAS, County Council desires to implement the provisions of Sec. 106-111 of the ZDSO.

NOW THEREFORE, BE IT RESOLVED, the Beaufort County Council does adopt these Rules of Procedure for the Beaufort County Planning Commission.

Adopted this 22nd day of November, 2004.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: Wm. Weston J. Newton
Wm. Weston J. Newton, Chairman

ATTEST:

Suzanne M. Rainey
Suzanne M. Rainey, Clerk to Council

**Beaufort County, South Carolina
Planning Commission
Rules of Procedure**

**Article I
Organization**

Sec. 1. Rules

These rules of procedure are adopted pursuant to S.C. Code 6-29-360 for the Beaufort County Planning Commission (Commission).

Sec. 2. Membership

The Commission shall consist of nine members appointed by the Beaufort County Council as follows: one member from each of the five planning areas identified in the Beaufort County Comprehensive Plan, including Sheldon Township, Port Royal Island, Lady's Island, St. Helena Township, and Bluffton Township/Daufuskie Island, and four at-large members. Members appointed from the five planning areas shall reside within the unincorporated portions of those areas, while members appointed at-large may reside anywhere within the County, including municipalities. Members shall be a resident of the district in which they serve for their entire term, and shall notify the secretary in writing if they relocate out of the district at any time during their tenure on the Commission. Relocation from the district constitutes a resignation from the Commission.

Sec. 3. Terms of Office

Members shall be appointed to three-year terms, staggered so that one-third of the members shall have terms expiring in each year.

Sec. 4. Officers

The officers of the Commission shall be a chairman and vice-chairman elected for one-year terms at the first meeting of the Commission in each calendar year. The Commission shall appoint a member of the Beaufort County Planning staff as secretary to the Commission.

Sec. 5. Chairman

The chairman shall be a voting member of the Commission and shall:

- a. Call meetings of the Commission;
- b. Preside at meetings and hearings of the Commission;
- c. Act as spokesperson for the Commission;
- d. Sign documents for the Commission;
- e. Transmit reports and recommendations to County Council; and
- f. Perform other duties approved by the Commission.

Sec. 6. Vice-Chairman

The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, the members present shall elect an acting chairman.

Sec. 7. Secretary

The secretary shall:

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

**Article II
Meetings**

Sec. 1. Time and Place

An annual schedule of regular meetings shall be adopted, published and posted at the Beaufort County Planning Division in December of each year. Meetings of the Commission shall be scheduled once per month. Special meetings may be called by the chairman with 24 hours notice. The Commission shall meet in County Council Chambers. All meetings of the Commission shall be open to the public.

Sec. 2. Notice and Agenda

A written agenda shall be furnished by the secretary to each member of the Commission and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items may be added to the agenda at a meeting by majority vote.

Sec. 3. Quorum

A simple majority of appointed members of the Commission shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

Sec. 4. Rules of Order

The most recent edition of Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

Sec. 5. Voting

A member must be present to vote. Each member shall vote on every question unless a member has a conflict of interest on a particular issue. The member affected shall decide the question of disqualification. The member shall announce the reason for disqualification, give it to the chairman in writing, have it placed in the minutes, and refrain from deliberating or voting on the question.

Sec. 6. Conduct

Except for public hearings, no person shall speak at a Commission meeting unless invited to do so by the Commission. The Commission shall provide a time during each meeting to receive public comments.

Sec. 7. Decisions

All decisions shall be by vote of all qualified members present. A tie vote shall constitute a denial. All decisions shall be accompanied by a written summary of the action.

**Article III
Review Procedure**

Sec. 1. Zoning and Comprehensive Plan Amendments

Proposed zoning text amendments, zoning map amendments, and amendments to the comprehensive plan shall be considered and recommendations shall be forwarded to the County Council within forty-five (45) days after receipt of the proposed amendments by the Planning Commission, unless the County Council gives additional time. The Planning Commission shall conduct a public hearing prior to making a recommendation. All amendments shall be reviewed first for conformity with the Comprehensive Plan. Conflicts with the Comprehensive Plan shall be noted in any report to the County Council on a proposed amendment.

Sec. 2. Review and Update of Comprehensive Plan

The elements of the Comprehensive Plan shall be reviewed and updated on a schedule meeting the requirements of S. C. Code 6-29-540(E).

Sec. 3. Reconsideration

The Commission may reconsider a previous decision when so requested by County Council, or when an applicant brings to the attention of the Commission new facts, a mistake of fact in the original decision, correction of clerical error, or matters not the fault of the applicant, which could affect the result of the review.

**Article IV
Public Hearing Procedure**

Sec. 1. Notice

Public notice of a public hearing, including time and place, shall be published in a local newspaper and posted on or adjacent to the property affected, at least fifteen (15) days prior to the hearing. Members of the public desiring to be heard shall give written notice to the secretary prior to commencement of the hearing.

Sec. 2. Procedure

In matters brought before the Commission for public hearing that was initiated by an applicant, staff shall first present the case, including staff's recommendation on the matter, then the applicant or his/her agent shall be heard next, followed by members of the public. The applicant shall have the right to reply last. No person may speak for more than five (5) minutes without consent of the Commission. No person speaking at a public hearing shall be subject to cross-examination. Members of the Commission shall pose all questions. In matters not initiated by an applicant, members of the public shall speak in the order in which requests to speak were received, or in such order as the Commission shall determine.

Sec. 3. Continuances

The Planning Commission may, on its own motion, continue the public hearing to a fixed date, time, and place. An applicant shall have the right to request and be granted one continuance. Any subsequent continuances requested by any party shall be granted at the discretion of the Planning Commission only upon demonstrating good cause.

Article V Administrative Appeals

Sec. 1. Form of Appeal

Appeals from administrative decisions by the Development Review Team (DRT) shall be filed on forms provided to the applicants by the secretary. The Commission may require any additional information that they deem necessary. Failure to submit adequate information may be grounds for denial or dismissal. Applications submitted by an applicant's agent shall be accompanied by written designation of the agent signed by the applicant or party in interest.

Sec. 2. Time for Appeal

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. An appeal from an administrative decision may not be filed after the fifteen (15) day time for appeal has expired.

Sec. 3. Calendar

Appeals shall be assigned a number or other designation with date of receipt, placed on the Commission's meeting schedule in the order received and shall be heard in that order unless good cause is shown.

Sec. 4. Withdrawal of Appeal

An appeal may be withdrawn by written notice to the secretary no later than one working day prior to the meeting.

Sec. 5. Continuances

The Planning Commission may, on its own motion, continue the hearing of an appeal to a fixed date, time, and place. An applicant shall have the right to request and be granted one continuance. Any subsequent continuances requested by any party shall be granted at the discretion of the Planning Commission only upon demonstrating good cause.

Sec. 6. Notice

Public notice of an appeal hearing, including time and place, shall be published in a local newspaper and posted on or adjacent to the property affected, at least fifteen (15) days prior to the hearing.

**Article VI
Administrative Appeals Procedure**

Sec. 1. Appearances

The applicant may appear in person or by agent or attorney. The Commission may postpone or proceed to dispose of a matter on the agenda before it in the absence of an appearance on behalf of an applicant.

Sec. 2. Witnesses

The applicant or the County Administrator or his designees, or the property owner, if the applicant is not the property owner or his designee, may present testimony under oath. The Commission may call its own witnesses when deemed appropriate. The chairman may compel witnesses to attend by subpoena delivered at least seven (7) days prior to a hearing.

Sec. 3. Cross Examination

The applicant or the County Administrator or his designees, or the property owner, if the applicant is not the property owner or his designee, shall have the right to examine opposing witnesses in an orderly manner. Intimidation of witnesses will not be allowed.

Sec. 4. Evidence

A court reporter may record all official proceedings at the expense of the requestor. Legible copies of relevant documents, photographs, maps, plans, drawings, and other materials will be received in the record. Relevant testimony, which is not hearsay, will be received. The chairman will rule on all evidentiary matters. Evidence may be placed in the record with an objection noted.

Sec. 5. Normal Order of Appeal

The normal order of appeal, subject to modification by the chairman and approval by the Commission, shall be

1. Statement of matter to be heard (chairman or secretary);
2. Presentation by the applicant;
3. Presentation by or for official appealed;

4. Presentation by the property owner, if the applicant is not the property owner or his designee;
5. Rebuttal by applicant.

The Commission may question participants at any point during the hearing. Time limitations on presentations and rebuttals shall be at the discretion of the chairman and concurrence of the Commission.

Sec. 6. Disposition

The Commission may deliberate and make a final disposition of a matter by majority vote of qualified members present, provided that not less than a quorum are qualified to vote. The vote may be taken at the same meeting or a subsequent meeting. The Commission shall vote on the final disposition separately stating findings of fact and conclusions of law. A member may not vote on a matter that the member has not heard. Deliberations and voting shall be conducted in public, and the vote of each member of the Commission shall be recorded in the minutes. An order will be issued, in writing, disposing of an appeal by affirming, modifying, or reversing the administrative decision.

Sec. 7. Service of Order

The secretary shall deliver a copy of the written decision to each party of interest by certified mail as soon as possible after the execution of the order by the chairman.

Sec. 8. Rehearing

An applicant may file a motion for reconsideration within 10 days following the receipt of the order.

Article VII Records

Sec. 1. Minutes

The secretary shall record all meetings and hearings of the Commission on tape and shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public record.

Sec. 2. Reports

The secretary shall assist in the preparation and forwarding of all reports and recommendations of the Commission in appropriate form. Copies of all notices, correspondence, reports and forms shall be maintained as public records.

Sec. 3. Attendance

The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The Commission shall recommend to County Council the removal of any member based upon the County's Template Ordinance.