

Planning Commission Rules of Procedure

Article I Organization

Section 1. Rules

These rules of procedure are adopted pursuant to S.C. Code § 6-29-360 for the Oconee County Planning Commission which consists of members appointed by the Oconee County Council.

Section 2. Officers

The officers of the Commission shall be a chairman and vice-chairman elected for (1) year terms at the first meeting of the Commission in each calendar year. The Oconee County Planning Department shall fulfill the role of secretary for the Commission

Section 3. 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;
- c. Act as spokesperson for the Commission;
- d. Sign documents for the Commission;
- e. Transmit reports and recommendations to Council; and
- f. Perform other duties approved by the Commission.

Section 4. 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, an acting chairman shall be elected by the members present.

Section 5. Planning Department

The Planning Department Shall:

- a. Provide notice of meetings;
- b. Assist the chairman in preparation of agenda;
- c. Keep 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

Section 1. Time and Place

An annual schedule of regular meetings shall be adopted, published and posted at the designated Oconee County Planning Department Office in December of each year. Special meetings may be called by the chairman upon twenty four (24) hours' notice, posted and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public.

Section 2. Agenda

A written agenda shall be furnished by the Planning Department 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.

Section 3. Quorum

A majority of the members of the Commission, four (4), shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

Section 4. Rules of Order

The Model Rules of Parliamentary Procedure for South Carolina Counties shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

Section 5. Voting

A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification, have it placed in the minutes, and refrain from deliberating or voting on the question.

Section 6. Conduct

No person shall speak at a Commission meeting unless invited to do so by the Commission.

Article III
Public Hearings
(S.C. Code § 6-29 340, 1150, 1560)

Section 1. Notice

The Planning Department shall give notice required by statute or ordinance for all public hearings conducted by the Commission. Members of the public desiring to be heard shall give written notice to the Planning Department at least one week prior to commencement of the hearing.

Section 2. Procedure

In matters brought before the Commission for public hearing which were initiated by an applicant, the Planning staff shall be heard first, the applicant, his agent or attorney shall be heard second, and members of the public next. The applicant shall have the right to reply last. No person may speak for more than three (3) without consent of the Commission. No person speaking at a public hearing shall be subject to cross-examination. All questions shall be posed by members of the Commission. In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the Commission shall determine.

Article IV

Variance Procedures and Hearings

Section 1. Notice

Once an application has been received by the Planning Department, a meeting will be scheduled no earlier than thirty (30) days from the date of application, and no later than sixty (60) days from the date of application. Upon good cause shown by the applicant, the meeting may be held earlier than thirty (30) days if so ordered by the chairman of the Planning Commission.

Once the hearing date is set, the Planning Department shall issue notification to the adjacent property owners by mail, notify the public through a press release and by posting the property in question on road frontage property lines, and by placing notice on the Planning Department website.

The notice shall contain the following: a tax map number identifying the property, the party requesting the variance, the deadline for the submission of comments and signing up to speak at the hearing, notice that application is on file in the Planning Department.

Section 2. Submission of Comments and Speaking

The deadline for the submission of written comments and signing up to speak at the hearing will be one week prior to the date of the scheduled meeting.

The Planning Department will mail all comments and a list of those wishing to speak to all Commission members prior to the scheduled meeting.

Section 3. Hearing Procedures

The Chairman will call the meeting to order;

The Planning Director or their designee will present the department's findings and give a synopsis of the issues surrounding the variance;

The party requesting the variance shall be granted a maximum of ten (10) minutes to present their case before the Commission;

Once the party wishing to receive a variance has finished his or her presentation, those opposing the variance request shall be granted a maximum of ten (10) minutes to speak;

No debate shall occur between those who favor the variance and those who do not;

The Commission, for good cause shown, may extend the time limits set out in this section;

Once all parties have presented their concerns to the Commission, the Commission may ask questions and render a decision.

Article V Records

Section 1. Minutes

The Planning Department shall record all meetings and hearings of the Commission on tape which shall be preserved until final action is taken on all matters presented. The Planning Department shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public records.

Section 2. Reports

The Planning Department 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.

Section 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 the governing body the removal for cause of any member who is absent from three (3) consecutive meetings without adequate reason.

Article VI Review Procedure

Section 1. Plats

Plats submitted for review pursuant to land development regulations shall be reviewed by designated staff members who may approve for recording plats of existing lots of record, minor subdivisions of land which meet all zoning requirements, and subdivisions which are exempt from regulation pursuant to S.C. Code § 6-29-1110(2). A public record of such actions shall be maintained. All other plats shall be subject to review and approval by the Commission. [NOTE: See Chapter 6 of the Performance Standards Ordinance]

Section 2. Comprehensive Plan

All land development regulation amendments shall be reviewed first for conformity with the comprehensive plan. Conflicts with the comprehensive plan shall be noted in any report to the governing body on a proposed amendment. The elements of the comprehensive plan shall be reviewed and updated on a schedule adopted by the Commission meeting requirements of S.C. Code § 6-29-510(E).

Section 3. Reconsideration

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

Article VII

Adoption and Amendment

Section 1. Adoption

These rules were adopted by vote of a majority of the members of the Commission at a regular public meeting on October 26, 2015.

Section 2. Amendment

These Rules may be amended at any regular meeting of the Commission by majority vote of the members of the Commission at least seven (7) days after the written amendment is delivered to all members.