

Spartanburg County Planning Commission Rules and Procedures

Adopted: February 8, 2000
Revised: March 7, 2000
Revised: March 6, 2012
Revised: May 5, 2020

Article I Organization

Section 1. Rules.

These rules of procedure are adopted pursuant to S.C. Code 6-29-360 and Spartanburg County Ordinance O-99-015 for the Spartanburg County Planning Commission, which consists of nine members appointed by the Spartanburg County Council.

Section 2. Officers.

The officers of the Commission shall be a chairman, vice-chairman, and secretary elected for one-year terms at the first meeting of the Commission in each calendar year. The Commission shall designate a member of the staff of the Spartanburg County Planning Department to assist as the secretary of 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;
- f. Perform other duties as 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, the Commission secretary shall exercise said duties.

Section 5. Secretary.

The secretary or staff designee shall:

- A. Provide notice of meetings;
- B. Assist the chairman in preparation of agendas;
- C. Keep minutes of meetings and hearings;
- D. Maintain Commission records as public records;
- E. Attend to Commission correspondence; and
- F. Perform other duties as needed.

Article II Meetings

Section 1. Time and Place.

An annual schedule of regular meetings shall be adopted, published and posted at the entrance to the Spartanburg County Administrative Building and in the reception area of the Spartanburg County Planning Department in December of each year. Special meetings may be called by the chairman upon at least a 24-hour notice, posted and delivered to all members and local news media. Regular meetings shall be held at the place stated in the notices, and shall be open to the public.

Section 2. Compliance with the S. C. Freedom of Information Act (FOI) and the Americans with Disabilities Act (ADA).

The Commission shall comply with the requirements of the State of South Carolina Freedom of Information Statute and with the Americans with Disabilities Act;

Section 3. Agenda.

A written agenda shall be furnished by the secretary or staff designee 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 requiring a variance may not be added to the agenda at a meeting.

Section 4. Quorum

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

Section 5. Rules of Order

In conducting all business of this Commission, the Rules of Procedure adopted by Spartanburg County Council on November 13, 1995, as amended, shall be followed. In the event that County Council Rules cannot be applied; Robert's Rules of Order (current edition) shall apply. In case of a conflict of Rules or Procedures the more stringent shall apply.

Section 6. Voting.

A member must be present to vote. Each member shall vote on every question unless disqualified by law due to a conflict of interest. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification, give it to the chairman in writing, and refrain from deliberating or voting on the question. The concurring vote of at least a majority of the members present and voting shall be required to reverse or affirm, wholly or in part, or modify any order, requirement, decision; or determination of the County Official, to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to take action on any matter arising under this Ordinance. An abstention for purposes of these rules, shall be construed as a “yes” vote.

Section 7. Conduct.

Except for public hearings, no person other than Commission members and appointed staff shall speak at a Commission meeting unless recognized by the Chairman and invited to speak. All persons speaking shall state their name for the public record.

Article III Public Hearings

Section 1. Notice.

The secretary or designated staff shall give the notice required by statute or ordinance for all public hearings conducted by the Commission

Section 2. Procedure.

2.1 In matters brought before the Commission for public hearing which were initiated by an applicant, appropriate staff shall first give Commission an Overview of the application; the applicant, his agent or attorney shall be heard next, followed by members of the public, Individuals speaking must record their name with the Commission. The applicant shall have the right to reply last. 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.

2.2 Such public hearings shall be advertised as required by County Ordinance O-99-015. If there is no applicable law, public hearings shall be advertised in a newspaper of general circulation in the community at least fifteen (15) days prior to such hearing with notices and agenda publicly posted following procedures outlined in “Meetings”: Section 1.

2.3 A public hearing is understood to be a forum for people interested in the subject matter to present information to the Commission for their consideration as they deliberate an issue. It is

not a forum for opponents and proponents to debate their differences and neither is it a forum for debate or argument between members of the Commission and opponents or proponents, or each other.

2.4 Each speaker shall be limited to five (5) minutes unless the Commission authorizes one (1) extension of three (3) minutes.

2.5 The presiding officer may terminate a presentation that is covering the same information as presented by a previous speaker. Such speakers shall be encouraged to simply state their agreement with a previous speaker and bring new information to the subject.

2.6 In addition to verbal presentation, written material may be submitted to the Commission for their consideration.

2.7 Proponents and opponents will each be limited to a total of thirty (30) minutes for formal presentations on any agenda item. Notwithstanding the time limitations in Section 2.4, the proponents or opponents may opt to devote their entire time allocation to one or more speakers with the total time of all speakers not exceeding thirty (30) minutes. The presiding officer shall determine if this approach will be used by either side prior to recognizing the first speaker.

Article IV Records

Section 1. Minutes.

The secretary or designated staff shall record, to the best of his/her technical capability, all meetings and hearings of the Commission on tape or by digital media and shall preserve them until final action is taken on all matters presented. The secretary or designee 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 secretary or designee 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 will recommend to the Spartanburg County Council the removal for cause of any member who is absent as provided in Section 2-121 of the County Code.

Article V
Review Procedure

Section 1. Amendments.

The Commission may initiate amendments to the Subdivision Regulations, Performance Zoning Ordinance, and Unified Land Management Ordinance. The Commission may appoint appropriate study committees to study land use issues for possible inclusion in the ordinances. The Commission shall hold a public hearing on any proposed amendments to the regulations and ordinances, as required by 6-29-1110(2), S. C. Code, as amended, the notice of which shall be publically posted and advertised in a paper of general circulation within the County at least fifteen (15) days prior to the hearing date or at least thirty (30) days prior to the hearing date for amendments to the Subdivision Regulations. The Planning Commission shall forward said amendments to the County Council within thirty (30) days after completion of work on the proposed amendments, unless additional time is granted by County Council.

Section 2. Subdivision Plats.

All subdivisions as defined by to 6-29-1110(2), S. C. Code, as amended, which have been submitted for review shall be reviewed by designated staff members who may approve the plats for recording in the Register of Deeds Office. The Commission shall be informed in writing of all staff approvals pursuant to the Spartanburg County Subdivision Regulations at the next regular meeting, and the Commission shall vote to approve for the public record all such staff actions.

Section 3. Comprehensive Plan.

All Unified Land Management Ordinance, Performance Zoning Ordinance, and Subdivision Regulation amendments shall be reviewed for conformity with the adopted County 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 the requirements of S.C. Code. 6-29-510(E).

Article VI
Finances

Section 1. Budget and Expenditures

Members of the Planning Commission shall be reimbursed for all required travel and other direct expenses incurred as provided for in Article 5 of the Unified Land Management Ordinance. In addition, at the discretion of the Spartanburg County Administrator, the Commission may receive compensation for services and expenses may be provided for special meetings and Commission training/seminars.

Article VII
Adoption and Amendment

Section 1. Adoption.

These rules were adopted by vote of a majority of the members of the Spartanburg County Planning Commission on February 8, 2000, and as amended March 7, 2000, March 6, 2012, and May 5, 2020.

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 proposed written amendment is delivered to all members. Rules of Procedure, as amended, of Spartanburg County Council shall serve as a guide for amendment.