

**TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
PLANNING COMMISSION
RULES OF PROCEDURE**

I. Organization

1. Rules

These rules of procedure, also known as bylaws are adopted pursuant to [S.C. Code of Laws, Title 6, Chapter 29](#), section 320 for the Mount Pleasant Planning Commission which consist of members appointed by Town Council.

2. Membership

Members shall be appointed by Town Council and shall serve without compensation. Members are expected to serve for the entire term of appointment and attend scheduled meetings. Members should notify the Chairman and Secretary in advance if they expect to be tardy or absent. Attendance of each meeting will be recorded and maintained. Members shall abide by the attendance policy outlined in §156.400(C) of the [Mount Pleasant Code of Ordinances](#).

A. Education Requirements

Each appointed official must comply with the educational requirements as outlined in [S.C. Code of Laws, Title 6, Chapter 29](#), Article 9 and annually report proof of satisfaction to the Clerk of Council.

3. Officers

The officers of the Commission shall be a chairman and vice-chairman elected for one-year terms at the first regularly scheduled meeting of the Commission in each calendar year. Members of staff of the Town shall serve as secretary and recording secretary of the Board.

A. Chairman

The chairman shall be a voting member and shall:

- 1) Call special meetings;
- 2) Preside at meetings and hearings;
- 3) Swear in witnesses when applicable;
- 4) Act as spokesperson for the Commission; and
- 5) Perform other duties approved by the Commission.

B. 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.

C. Secretary

The secretary, when applicable, shall:

- 1) Provide public notice of appeals and meetings;
- 2) Prepare the agenda;
- 3) See that the property involved is properly posted;
- 4) Keep and maintain Commission records as public records;

- 5) Serve Commission decisions on parties;
- 6) Attend to Commission correspondence; and
- 7) Perform other duties normally carried out by a secretary.

D. Recording Secretary

The recording secretary, when applicable, shall:

- 1) Assist with meeting room setup;
- 2) Ensure recording and A/V equipment are available and setup as needed;
- 3) Attend and record each meeting in accordance with Town procedures;
- 4) Transcribe recorded meetings in accordance with Town procedures; and
- 5) Serve as support staff to Secretary.

II. Meetings

1. Time and Place

An annual schedule of regular meetings shall be published each year and posted for the public. Special meetings may be called by the chairman upon at least 24-hour notice and must be posted for the public. An agenda for each meeting and/or special meeting shall be posted in accordance with the requirements outlined in [S.C. Code of Laws, Title 30, Chapter 4](#), known as the SC Freedom of Information Act. Meetings shall be held at the place stated on the notices and shall be open to the public.

2. Form of Application and Fees

Applications shall be submitted on forms approved by the Department of Planning and Development in accordance with the submittal deadline published on the annual schedule of meetings. The application may be filed by the applicant or his or her designee. Applications may require a submittal and review fee in an amount specified by the schedule of fees established by the Town. Failure to submit required information or forms may be grounds for rejection of the application. Any changes to plans after final disposition of the request shall require a new application and applicable fee.

3. Order of Business

An agenda shall be furnished by the secretary and posted in accordance with the [S.C. Freedom of Information Act](#). Administrative items such as, but not limited to, Call to Order, Approval of Minutes, Public Comment, etc., shall be placed first on the agenda. Each of the following agenda items shall be placed after the administrative items, in the order as numbered and according to the date and time received:

- 1) Items required by ordinance or rules and typically include applications from the public requiring action of the body.
- 2) Matters submitted by Council or departmental staff for the body's consideration.
- 3) Matters proposed by a member of the body with at least one additional sponsoring board member initiated at least one meeting in advance of consideration and having received an affirmative vote for inclusion by the body.

Unfinished business shall be heard at the next regularly scheduled meeting, unless otherwise specified by motion and vote and shall precede new business on the agenda. Items deferred by the Commission that are not finalized after a period of six months shall

be deemed terminated and become null and void. Items may be removed from the agenda or deferred at a meeting by a majority vote.

4. Quorum

The number of members that constitute a quorum shall be pursuant to [Mount Pleasant Code of Ordinances](#), §156.400(E). A quorum shall be present before any business is conducted other than rescheduling a meeting. Those recusing themselves for a conflict of interest pursuant to [S.C. Code of Laws, Title 8, Chapter 13](#), section 700(B)(1) and (5), remaining present, shall be counted as present for the purposes of establishing a quorum.

5. Rules of Order

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

6. Ethics, Conduct and Conflict of Interest

A. Ethics

1. Ex parte communication

As applicable, each appointed official must comply with the requirements regarding ex parte communication as outlined in [S.C. Code of Laws, Title 1, Chapter 23, Article 3](#). The provisions of this section shall apply from the date the matter pending before the Commission commences to and including the effective date of the final decision.

B. Conduct of Members

- 1) It is the responsibility of a Commission member to render a fair and impartial judgment and remain objective. All reasonable efforts shall be made to avoid individual communications with applicants or those with a vested interest.
- 2) A Commission member shall avoid the appearance of influence from applicants or those with a vested interest in a request before the Commission.
- 3) A Commission member should help to maintain the dignity and integrity of the meeting and all who participate.
- 4) Abuse of any meeting participant of any kind will not be tolerated and could be grounds from dismissal by the governing body.
- 5) A Commission member, upon recognition by the Chair, shall have the floor until he/she relinquishes it.
- 6) Each Commission member who wishes to speak will be afforded the utmost opportunity.
- 7) No Commission member shall interrupt while another is speaking, except where otherwise provided in the rules.
- 8) No Commission member should speak twice in a matter until all members have been afforded the opportunity to speak once.
- 9) Individual Commission members may express their views or request information without limitation on any subject provided that no member of the Commission shall speak for the Commission except as may be directed by the Commission. In all circumstances, members should exercise care to ensure that

their statements and opinions are understood to be solely those of the members.

- 10) The Commission members shall refrain from initiating or responding to private communications (including but not limited to emails, instant messages, text messages, etc.) during the meeting. All electronic devices shall be silenced or turned off during the meeting.
- 11) The Commission members shall refrain from initiating, commenting, or responding on social media on any matter before the Commission as such communication creates an appearance of an inability to render an impartial and objective decision on an agenda item.

C. Conflict of Interest

Members shall abide by the provisions outlined in the [S.C. Code of Laws, Title 8, Chapter 13](#), section 700(B)(1) and (5) pertaining to conflict of interest. Recusals are permissible pursuant to these provisions.

III. Procedures

1. Application Procedures

- A. Requests to be heard before a Commission shall be made by submitting the appropriate application form(s) approved by the Department of Planning and Development in accordance with the submittal deadline published on the annual schedule of meetings. The application may be filed by the applicant or his or her designee.
- B. Applications may require a submittal and review fee in an amount specified by the schedule of fees established by the Town.
- C. All meetings required prior to submission, must be held prior to an application being filed. Failure to meet preliminary meeting requirements may be grounds for rejection of an application.

1) Pre-application meeting

A pre-application meeting is a non-binding review by Town staff of a proposal or request prior to being submitted to the Commission and shall be required prior to a formal submittal. During the pre-application meeting, the applicant shall present any available construction plans, concept drawings or figures of the proposed project or request. The applicant shall also request any needed clarifications of the application and submittal process. Town staff shall provide guidance concerning the submittal and review/approval process and assist in identifying any additional information that is required.

A pre-application meeting shall be valid for six months. If an applicant does not submit a project for review by the Commission within the six months, a new pre-application meeting will have to be scheduled prior to submittal to the Commission.

- D. Staff will review applications to ensure all required information, forms, and applicable fees have been submitted. Failure to submit required information or forms and applicable fees may be grounds for rejection of the application.

- E. Requests not permitted or prohibited according to the Mount Pleasant Code of Ordinances shall be rejected unless relief has been sought from the appropriate governing body or appellate body.
- F. Any changes, alterations, or additions to plans after final disposition of the request shall require a new application and applicable fee.

2. Meeting Procedures

A. Order of Agenda

An agenda shall be furnished by the Secretary and posted in accordance with the [S.C. Freedom of Information Act](#). As applicable, agenda items will be listed as outlined in section II.3 of these rules of procedure in the following order:

- 1) Approval of Agenda
 - a) Consent Motion
- 2) Approval of Minutes
- 3) Public Comment
- 4) General Correspondence
- 5) Administration of Oath
- 6) Unfinished Business
- 7) Business
- 8) Other Business
- 9) Adjournment

B. Public comment

Public comment shall be allowed in accordance with the provision of the [Mount Pleasant Code of Ordinances §30.36](#) (Ord 19016). Public comment is not a question and answer period or dialogue between the Commission or public at any point during the meeting.

Except for public hearings, no person shall speak at a meeting unless invited to do so by the Commission. All electronic devices shall be silenced, turned off or left outside the meeting room or building during the meeting.

Written correspondence related to agenda items for the Commission shall be submitted to the Town two business days prior to the meeting in order to be published with the agenda for the public. Correspondence received after that date, will not be forwarded to the Commission.

C. Cross examination

No party shall have the right to cross-examine; however, the opportunity to question speakers with opposing viewpoints may be freely extended to the Board/Commission when conducted in an orderly manner. Intimidation of speakers will not be allowed. All questions shall be posed by members of the Commission.

D. Voting

All eligible Commission members present are expected to vote. A Commission member absent for preliminary review of a request is eligible to vote on final review

of same request. Voting shall be by voice, except where specifically outlined in the Mount Pleasant Code of Ordinances. An abstention from a vote or failure of a member to vote shall be considered a nonvote. Recusals are only allowed pursuant to [S.C. Code of Laws](#) and as outlined in section II.6.c. of these rules of procedure. A roll call vote can be requested by any member of the Commission.

E. Appearance

The applicant or any party in interest may appear in person or by agent or attorney. In the absence of an applicant, the Commission may decide by a majority vote to either postpone the matter or proceed with hearing the matter.

F. Evidence

Relevant documents, photographs, maps, plans, drawings, etc., will be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative or hearsay will be received. The Chair or designee will rule on all evidentiary matters. Evidence may be placed in the record with an objection noted.

3. Public Hearing and Request Procedures

The Secretary shall give notice as required by the [S.C. Freedom of Information Act](#) and as required by the Mount Pleasant Code of Ordinances for all hearings and requests before the Commission. In matters brought before the Commission, the following process and time limits will be followed:

<u>Public Hearings</u>	<u>Time Limit</u>
A. Chair or designee opens the hearing (reads title)	N/A
B. Staff presentation	N/A
C. Applicant presentation	10 minutes
D. Public comments	Up to 3 minutes per speaker per §30.36
E. Board/Commission Questions	N/A
F. Applicant response (rebuttal)	5 minutes
G. Chair or designee closes the public hearing	N/A
H. Board/Commission comments and deliberation	N/A
I. Board/Commission Disposition of Request (motion and vote)	N/A

<u>Requests or Other Agenda Items</u>	<u>Time Limit</u>
A. Chair or designee announces item (reads title)	N/A
B. Staff presentation	N/A
C. Applicant presentation	10 minutes
D. Public comments	Up to 3 minutes per speaker per §30.36
E. Board/Commission Questions	N/A
G. Chair or designee closes public comment	N/A
H. Board/Commission comments and deliberation	N/A
I. Board/Commission Disposition of Request (motion and vote)	N/A

The times set above may be changed on majority acceptance of a motion to suspend the rules with a new time set.

The Chair or designee will recognize and accept testimony and public comment from all who wish to be heard. No person speaking at a public hearing or on an agenda item shall be subject to cross-examination. All inquiries or questions from the public during the meeting shall be posed to the Commission and not the applicant or other member of the public. Commission members shall refrain from making comments and/or asking questions during the applicant presentation or public comment.

Irrelevant testimony or public comments will not be accepted, nor will the reading of repetitious letters and petitions be permitted by the public. These documents may be filed with the Secretary so that the record will show the names of the persons supporting or opposing an application.

Upon the conclusion of the presentations and public comment, each Commission member will have an opportunity to ask questions. Upon the close of the public hearing or public comments, no further testimony or comments will be heard from the public. The Commission will then make final comments and deliberation of the request prior to a motion being made. Errors of fact may be corrected at any time after the close of the public hearing or public comments.

4. Disposition/Action of the Board

A. Preliminary Review

Preliminary review is an optional, courtesy review provided by the Commission prior to a final review and requires less information than a final review as outlined on the appropriate review checklist. Approval of a preliminary review does not confer a vested right nor does it obligate the Town in any manner. Neither a preliminary review nor preliminary approval are required prior to requesting final review. Where required, a pre-application meeting will be needed prior to submittal for preliminary review or where there is a substantial change from any previous preliminary submittal.

B. Final Review

Final review is final consideration of the Board/Commission. Final review approved by the Commission may be vested in accordance with the [S.C. Code of Laws, Title 6, Chapter 29](#), Article 11 and [Mount Pleasant Code of Ordinances §156.049](#). Where required, a pre-application meeting will be needed prior to submittal for final review or where there is a substantial change from any previous final submittal.

C. Disposition

The Commission may deliberate and either 1) approve, 2) approve with conditions, 3) defer, or 4) deny a matter by a majority vote of members present at the hearing and qualified to vote, provided that not less than a quorum is present. Deliberations shall be conducted in public and voting shall be in public for the record. All decisions

by a Commission shall include findings of fact pursuant to [S.C. Code of Laws, Title 1, Chapter 23](#), section 350.

1) Approve

The Commission may approve a matter as submitted.

2) Approval with conditions

The Commission may approve a matter with conditions except where prohibited under [S.C. Code of Laws, Title 6, Chapter 29](#), section 720. The conditions should be clearly and distinctly enumerated and when applicable must include a timeframe for compliance.

3) Deferral

The Commission may defer a matter for the applicant to address comments and conditions. Deferred requests are not considered approved and the revised request must be resubmitted to the Commission for review. A member may vote on a matter that the member was not present for when the matter was initially heard.

Matters deferred by the Commission that are not finalized after a period of six months shall be deemed terminated and become null and void. Resubmittal of terminated requests shall be processed as a new application with all prescribed fees and other requirements.

a. Deferral to subcommittee or staff

The Commission may defer final disposition of a matter to a subcommittee of the Commission or staff by a majority vote of the members present at the hearing and qualified to vote. Matters deferred to a subcommittee or staff that are not finalized after a period of six months shall be deferred back to the Commission and placed on the next meeting's agenda.

4) Denial

Matters before the Commission for final disposition that are denied shall not be resubmitted for a period of twelve months, regardless of change(s) in ownership, unless it can be demonstrated that there has been a substantial change in the community or project design since prior consideration of the petitioner's proposal to justify another review. Justification for consideration of review within the twelve-month waiting period shall be submitted in writing to the Zoning Administrator or designee. Any person aggrieved from actions of the Zoning Administrator or other administrative official, may appeal to the appropriate appellate body pursuant to [S.C. Code of Laws, Title 6, Chapter 29](#).

a. Substantial change

A substantial change includes, but is not limited to any of the following as applicable:

- 1) Modification of the site that effects the number of primary structures, building location, and location of required site design elements such as parking, open space, or site access;
- 2) A change in height of the building(s) by more than ten (10) feet or one story;
- 3) A change of more than ten percent (10%) to the building footprint, density, or intensity of uses;
- 4) A change of more than five percent (5%) to lot coverage;
- 5) A change in the architecture, exterior elevation of the building(s), or type or style of dwelling units proposed to be constructed in a particular area or block;
- 6) A change of more than five percent (5%) to areas devoted to open space or the relocation of such areas;

D. Consent motion

Any items listed on the published agenda could be recommended for approval through a consent motion where the Commission acts on a group of agenda items together. Once the consent motion is made and seconded, public comment for any agenda items proposed to be approved through consent will be allowed in accordance with the [Mount Pleasant Code of Ordinances §30.36](#) (Ord 19016). A Commission member may request removal of an item offered for consent approval in accordance with Robert's Rules of Order; discussion of such an item shall occur when originally listed on the agenda. A consent motion cannot be used for denial or disapproval of a request.

E. Vested Rights

A request approved by the Commission may be vested in accordance with the [S.C. Code of Laws, Title 6, Chapter 29](#), Article 11 and [Mount Pleasant Code of Ordinances §156.049](#).

5. Appeals, Withdrawals, and Continuances

A. Appeal of a Board/Commission Decision

A person who may have a substantial interest in a decision of the Commission may appeal any decision of the Commission to the appropriate appellate body. The appeal must be filed within the required timeframe after actual notice is received as outlined by the [S.C. Code of Laws, Title 6, Chapter 29](#), section 1150.

1) Actual Notice

Actual notice is actual knowledge, as defined in Black's Law Dictionary, or knowledge of information that would lead a reasonable person to inquire further or notice given to a party directly, not arising from any inference, duty or inquiry.

B. Withdrawal

A request may be withdrawn by the applicant or designee upon written notice (or sent via electronic mail) delivered to the Secretary prior to action by the Commission.

Applications withdrawn by the applicant shall be considered a termination of the application, except as specifically outlined in the [Mount Pleasant Code of Ordinances, §156.031](#). Resubmission of withdrawn applications may be refiled after six months and shall be placed on the agenda according to the date refiled except as specifically outlined in the [Mount Pleasant Code of Ordinances, §156.031](#). Resubmissions shall be processed as a new application with all prescribed fees and other requirements met.

An appeal which is withdrawn may not be refiled after the time for appeal has expired.

C. Continuance by the Board

The hearing of an appeal or application may be continued for a time specified by the Commission upon its own motion. If a decision has not been rendered within the specified timeframe, the original request will be placed on the next meeting agenda to be heard and the applicant notified of the date and time of hearing.

D. Continuance by the Applicant

Parties filing applications or appeals may upon a showing of good cause, request that the application be continued for a specified amount of time. A request for a continuance must be made in writing, signed (or sent via electronic mail) by the applicant, or agent and must specify a reason for the continuance. Upon its own motion, the Commission may either approve the request for a continuance or proceed to hear the request. Without an extraordinary and compelling reason, only one such continuance shall be permitted. If a decision has not been rendered within the specified timeframe, the original request will be placed on the next meeting agenda to be heard and the applicant notified of the date and time of hearing.

IV. Records

1. Minutes

The Recording Secretary shall record all meetings and hearings of the Commission. The Recording Secretary shall prepare a transcription of minutes of each meeting for approval of the Commission. Minutes shall include, at a minimum the following information:

- A. Title and date of the meeting
- B. Commission members present and absent
- C. Staff members in attendance
- D. Time meeting was called to order
- E. Any action taken by the Commission and final disposition of agenda items
- F. Time meeting adjourned
- G. Name of transcriptionist

Recordings and minutes shall be preserved and maintained as public records according to the [S.C. Code of Laws, Title 30, Chapter 1](#) and the Town of Mount Pleasant document retention schedule.

2. Orders and Documents

Where applicable, the Secretary shall prepare and serve all orders of the Commission. Copies of all notices, correspondence, documentary evidence, orders, reports, and forms shall be maintained as public records in accordance with the [S.C. Code of Laws, Title 30, Chapter 1](#) and the Town of Mount Pleasant document retention schedule.

A. Form and Service of Order

The secretary shall assist in the preparation and service of all orders of the Commission in the appropriate form to each party of interest as outlined in the [S.C. Code of Laws Title 6, Chapter 29](#), section 1150(B) and the Mount Pleasant Code of Ordinances.

B. Reports

The secretary shall assist in the preparation and forwarding of all reports in the appropriate form to the Commission members.

V. Adoption and Amendments to Rules of Procedure

1. Adoption

The Commission shall approve adoption of the Rules of Procedure by majority vote of the members on an annual basis as outlined by the Mount Pleasant Code of Ordinances. The Secretary shall note the date of adoption on the Rules of Procedure as follow:

These rules were adopted by a majority vote of the members of the Commission at the meeting held on _____ (*insert date*).

2. Amendments

These rules may be amended at any regular Commission meeting by majority vote of the members at least seven days after the written amendment is delivered to all members and upon appropriate notice to the public.