

**CITY OF HANAHAN, SOUTH CAROLINA
PLANNING COMMISSION
RULES OF PROCEDURE**

I. Organization

1. Rules

These rules of procedure, also known as bylaws, are adopted pursuant to the [S.C. Code of Laws, Title 6, Chapter 29](#), Section 320 for the Hanahan Planning Commission.

2. Membership

Members shall be appointed by the City 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 shall be recorded and maintained in accordance with Section IV(1)(B) of this document.

A. Education Requirements

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

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 for dismissal by the City Council.
- 5)** Each Commission member who wishes to speak will be afforded the utmost opportunity.
- 6)** No Commission member shall interrupt while another speaks except where otherwise provided in the rules.
- 7)** No Commission member should speak twice in a matter until all members have been afforded the opportunity to speak once.
- 8)** 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.
- 9)** All electronic devices shall be silenced or turned off during the meeting. By all present at the meeting, including the Commission Member. Prior to the start of the meeting, the Chair shall remind all those in attendance of this requirement.

10) 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.

D. 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 is pending before the Commission commences to and including the effective date of the final decision.

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. A City staff member shall serve as secretary of the Board.

A. Chairman

The Chairman shall be a voting member and shall:

- 1) Call special meetings;
- 2) Preside at meetings and public hearings;
- 3) Swear in witnesses when applicable;
- 4) Act as spokesperson for the Commission; and
- 5) Perform other duties approved by the Commission.
- 6) Shall not give a motion on business agenda items in order to preserve the impartiality required of the presiding officer of the Planning 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. For training purposes, the Vice-Chairman shall be required to chair (1) one meeting per year

C. Secretary

The Secretary, when applicable, shall:

- 1) Keep the minutes of all meetings of the Commission.
- 2) Give or serve all notices required by law or by these rules and regulations.
- 3) Prepare the agenda for all meetings of the Commission.
- 4) See that the property involved is properly posted in compliance with Zoning Ordinance Section 2.4 (E)(3) and S.C. Code of Laws, Title 30, Chapter 4, Section 80(A) requirements.

- 5) Be custodian of Commission records.
- 6) Inform the Commission of correspondence relating to the business of the Commission and to attend to such correspondence.
- 7) Perform other duties normally carried out by a secretary.
- 8) When an agenda is published by the secretary, it will be posted to the city's website.

II. Meeting Procedures

1. Time and Place

Regular meetings of the Planning Commission will normally be held the first Tuesday night of each month at 6:00 P.M. At such meetings, the Commission shall consider all matters properly brought before the Commission. A regular meeting may be canceled or rescheduled by the Commission at a prior meeting.

Special meetings may be called by the Chairman upon at least a four-day notice unless an emergency or an exigent circumstance exists that delays the notice. The latest notice for a special meeting can be posted is 24 hours before the meeting. The public notice must be posted for the public in accordance with the S.C. Freedom of Information Act.

2. Public Notice of Meetings

- A. Written public notice must be given for regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. (S.C. Code of Laws, Title 30, Chapter 4, Section 80(A))
- B. An agenda for regularly scheduled, rescheduled, or special meetings must be posted on a bulletin board in a publicly accessible place at city hall and on the City of Hanahan's website at least four days prior to such meetings unless an emergency or an exigent circumstance exists that delays the posting. The latest the agenda can be posted is 24 hours before the meeting. The public notice must include the agenda, date, time, and meeting place. (S.C. Code of Laws, Title 6, Chapter 29, Section 760(A))

3. Agenda

A. Order of Agenda

An agenda shall be furnished by the Secretary and posted in accordance with the S.C. Code of Laws, Title 30, Chapter 4, Section 80(A). As applicable, agenda items will be listed as outlined in section II.3 of these rules of procedure in the following order:

- 1) Call to Order
- 2) Determination of a quorum
- 3) Pledge allegiance to the Flag
- 4) Approval of Minutes
- 5) Old Business
- 6) Business (in accordance with section II.2.B below)
- 7) Public Comment
- 8) Date of the next meeting
- 9) Adjournment

B. Order of New Business

New business items shall be placed after the administrative items (section II.2.A, 1-4) in the order as numbered and according to the date and time received:

- 1) Items required by ordinance or rules 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.
- 4) Items deferred by the Commission that are not finalized after a period of six months shall be deemed terminated and become null and void.
- 5) Applications and other Items may be removed from the agenda at a meeting by a majority vote.

C. Amending the Agenda

- 1) An item that requires no vote may be added to the agenda by a two-thirds vote of the members present and voting.
- 2) An item that does not require a final vote with public comments may be added to the agenda with a two-thirds vote of the members present and voting.
- 3) An item that does not require a final vote with no public comments may be added to the agenda with a two-thirds vote of the members present and voting upon a finding by the Planning Commission that an emergency or an exigent circumstance exists if the item is not added to the agenda.
- 4) An item with a final vote may be added to the agenda with a two-thirds vote of the members present and voting upon a finding by the Planning Commission that an emergency or an exigent circumstance exists if the item is not added to the agenda.

(S.C. Code of Laws, Title 30, Chapter 4, Section 80(A))

4. Applications

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

5. 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 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.

6. Rules of Order

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

III. Hearing Procedures

1. Conduct of Hearing

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	4 minutes
E. Board/Commission Questions	N/A
F. Applicant and staff 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

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

2. Appearance

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

3. 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.

4. Witnesses

Testimony by each witness may be presented under oath, as applicable or necessary. The oath shall be administered by the Chair or the Chair's designee.

5. Public comment

Public comments at Planning Commission meetings are governed by the provisions in these rules of procedure.

- Any person shall address the commission only during the designated time period. Three minutes will be allowed for each speaker.
- The Chairman may elect to allow those public comments related to published agenda items to speak prior to those making general comments on non-agenda items.
- Public comment is not a question-and-answer period or dialogue between the Commission or the 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.
- The Chair or designee will recognize and accept testimony and public comment from all who wish to be heard.
- No person speaking 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 or petitions be permitted by the public.
- Documents received during the meeting 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.

6. Correspondence

Written correspondence related to agenda items shall be submitted to the City by noon one business day prior to the meeting to be reviewed by the Commission. Correspondence received after that date will not be forwarded to the Commission.

7. 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 Commission when conducted in an orderly manner. Intimidation of speakers will not be allowed.

8. Electronic Devices

All electronic devices shall be silenced, turned off, or left outside the meeting room or building during the meeting.

9. Disposition/Action of the Commission

A. 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 the 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. The conditions should be clearly and distinctly enumerated and, when applicable, must include a timeframe for compliance.

3) Deferral Request by the Applicant

Parties filing appeals or applications may, after the application has been advertised as part of a meeting's agenda, request that the application be deferred. A request for deferral must be made in writing, signed (or sent via electronic mail) by the applicant or agent, and must specify an extraordinary and compelling reason for the deferral. The Commission must vote to approve or deny the request for deferral. Without an extraordinary and compelling reason, only one deferral shall be permitted. The deferred item shall be placed on the agenda of the next regular meeting. An item may only be deferred one time.

Matters deferred 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.

4) Deferral by the Commission

An application may be deferred by the Commission upon its own motion. Deferred requests are not considered approved, and the 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. The deferred item shall be placed on the agenda of the next regular meeting. An item may only be deferred one time.

The Commission may defer the final disposition of a matter to a subcommittee of the Commission or to 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.

5) 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 per Zoning Ordinance Section 2.9.1 and Land Development Ordinance Section 1.6(C). Any person aggrieved from the actions of the City Planner or other administrative official may appeal to the appropriate appellate body pursuant to [S.C. Code of Laws, Title 6, Chapter 29](#).

6) Continuance by the Applicant

Parties filing applications 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 will be notified of the date and time of the hearing.

7) 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. Resubmissions shall be processed as a new application with all prescribed fees and other submittal requirements met.

10. Voting

All eligible Commission members present are expected to vote. A Commission member absent at a previous review of a request is eligible to vote on subsequent review of the same request. Voting shall be done by Roll call. Voting shall be by voice, except where specifically outlined in the Hanahan Code of Ordinances. An abstention from a vote or failure of a member to vote shall be considered a nonvote. Recusals are only allowed permitted in accordance with S.C. Code Ann. § 8-13-700.

Any member recusing themselves from voting on a matter shall prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision. Commission members not present may not vote.

Applications containing multiple requests may be addressed by separate votes of the Commission.

A. Tie votes

In the event of a tie vote on any given motion, the Commission shall endeavor to either approve or disapprove an applicant’s request through subsequent motions and votes.

If, after at least one additional attempt, the board remains deadlocked as determined by the Chair or designee, no further motions are necessary, no final decision has been made, and the matter is unresolved.

The applicant may then return at a subsequent meeting for further consideration of the relief requested. Since no final decision has been rendered, a return will not be considered a rehearing; rather, it will be considered a new hearing. All Commission members, including those that had not participated in the original hearing, may participate in the new hearing. Those that previously participated must do so with an open mind to the new proceedings. Any member prejudiced otherwise shall state so on the record and must not participate.

B. Vested Rights

A request approved by the Commission may be vested in accordance with the Hanahan Land Development Ordinance Section 1.11 (Vested Rights to Develop Property) and [S.C. Code of Laws, Title 6, Chapter 29, Article 11](#).

11. Appeal of Commission Decision

A. Appeal of a Commission Decision

Any person aggrieved by a decision of the Commission may appeal to the appropriate appellate body. The appeal must be filed in a timely manner as outlined by the [S.C. Code of Laws, Title 6, Chapter 29, Article 11](#).

IV. Records

1. Minutes

The Secretary shall record all meetings and hearings of the Commission. The Secretary shall prepare the 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

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

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](#).

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).

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 the adoption of the Rules of Procedure by a majority vote of the members on an annual basis. The Secretary shall note the date of adoption on the Rules of Procedure as follows: These rules were adopted by a majority vote of the members of the Commission at the meeting held on October 3, 2023.

2. Amendments

These rules may be amended at any regular Commission meeting by a 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.