



**South Carolina  
Association of Counties**

# **Part I – Orientation Training for Planning/Zoning Officials and Employees**

**May 15, 2014**

***“Building Stronger Counties for Tomorrow”***

# Overview of the Local Government Comprehensive Planning Enabling Act and the Local Planning Process

20 Years of Quality Planning in South Carolina

# By the end of the session...

- You will be able to:
  - Understand the components of the local planning process in South Carolina
  - Understand the differences between each of the components
  - Understand the relationships between each of the various components of the local planning process
  - Understand how you fit into this process

# Today's Agenda

- What is Planning
- Why We Plan
- What the SC Planning Enabling Act Is
  
- Planning Commission
- Board of Zoning Appeals
- Board of Architectural Review
  
- Comprehensive Plan
- Zoning
- Land Development Regulations
  
- Educational Requirements for Planners
- Additional Considerations for Appointed Officials



# WHAT IS PLANNING?

Financial Planning

Event Planning

Strategic Planning

Retirement Planning

City Planning

Business Planning

Career Planning

WHAT IS PLANNING?

# What is Planning?

“The term *planning* is used to describe activities conducted to prepare and organize for the future.”

*Comprehensive Planning Guide for Local Governments*

# Questions We Plan For

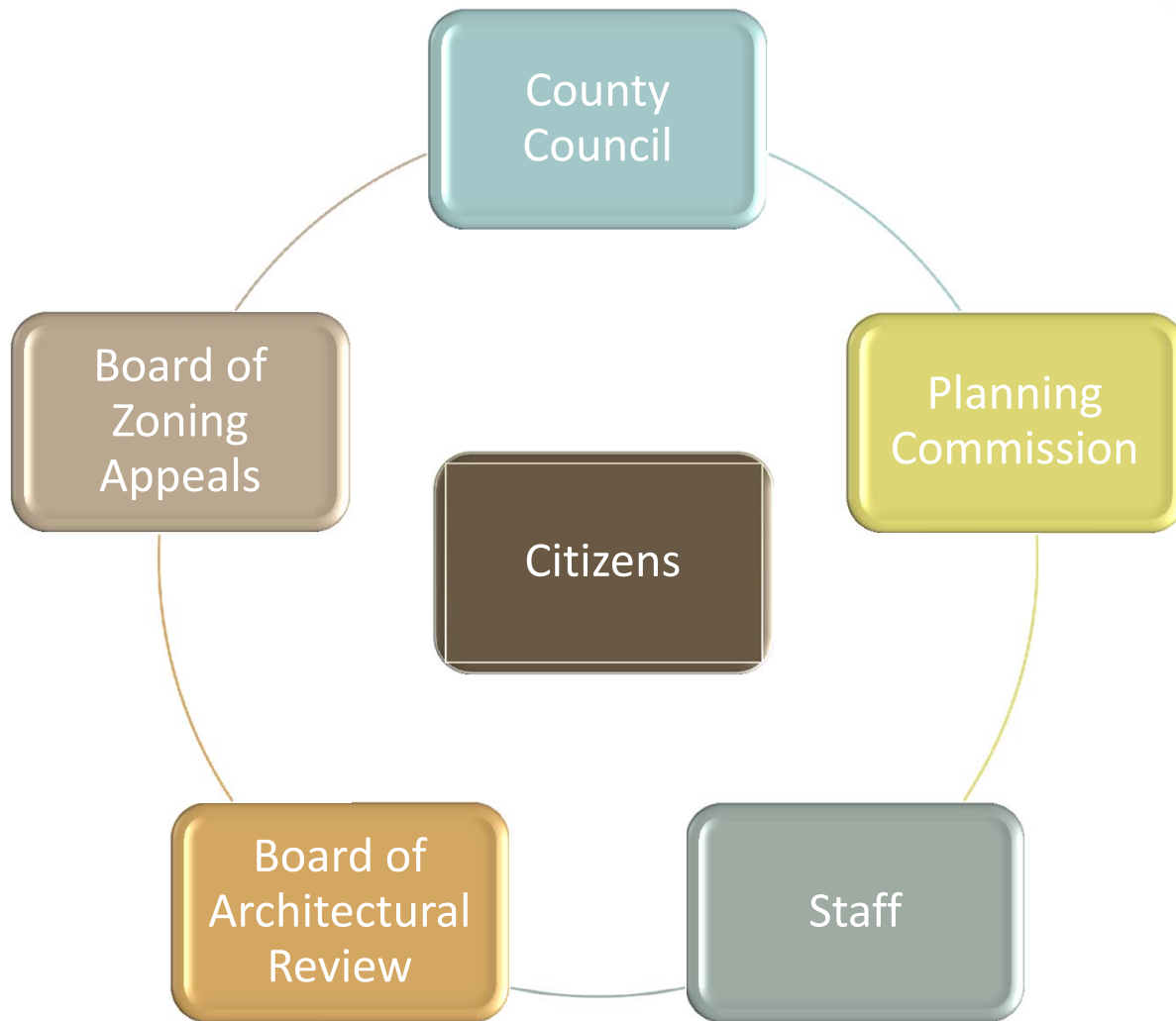
- What do we want our community to look like in 2030?
- Are adequate water, sewer and transportation systems in place to accommodate a new 100 lot subdivision?
- How much commercial space is necessary for an increase of 10,000 people?
- What will our transportation needs be if gas prices rise to \$5.00 per gallon?
- If this proposal is implemented, how will it impact the character of the neighborhood?



# Who plans?

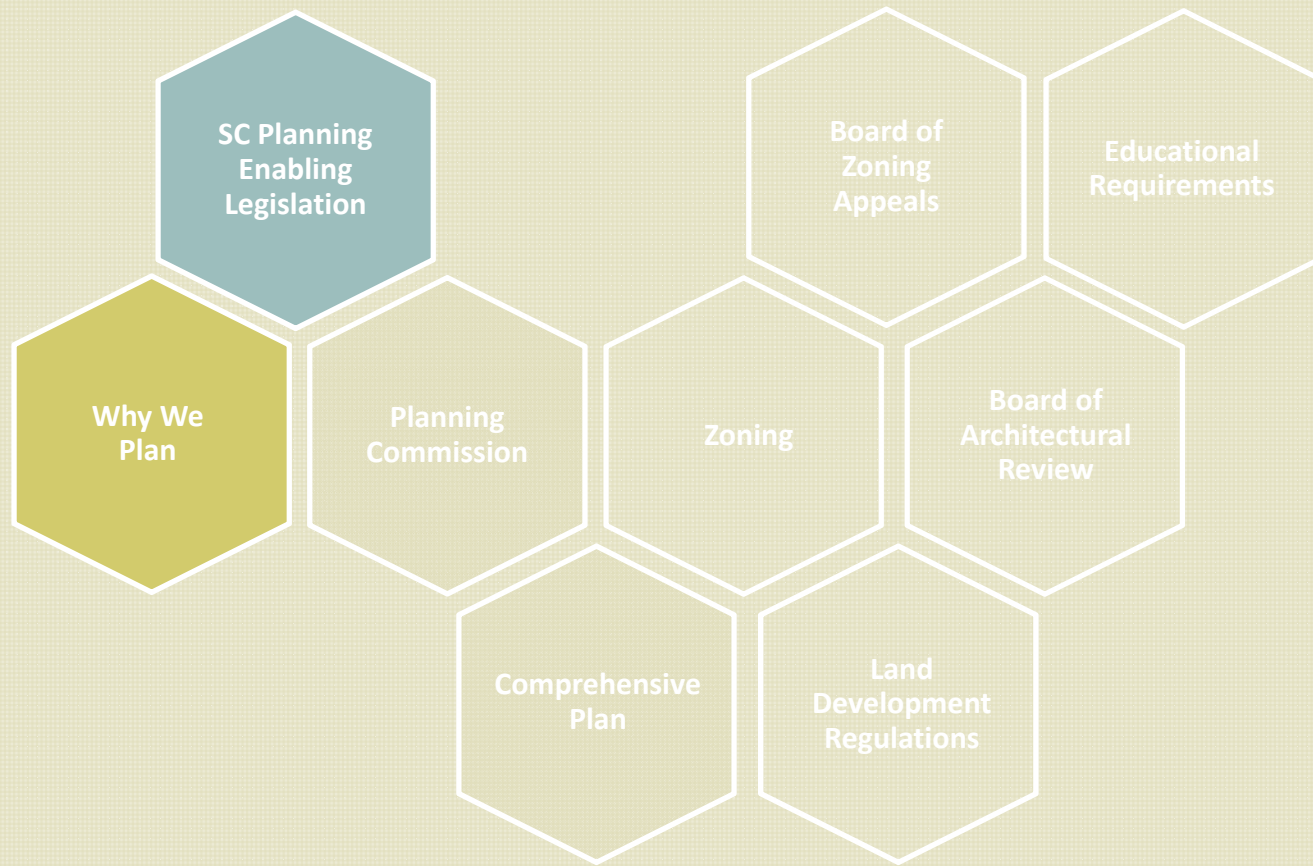
- We all do
- All are a part of the process and have a role to play





## **The Local Planning Framework**

### **Who is involved?**



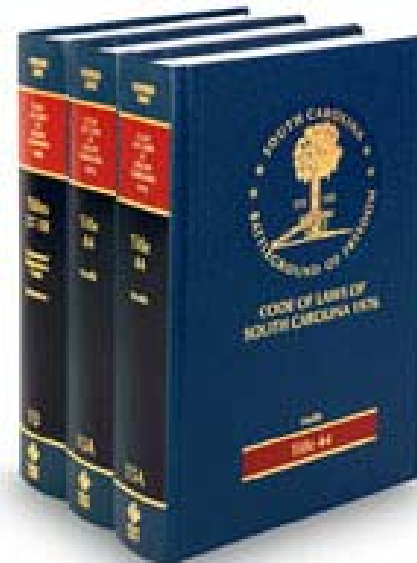
# SC PLANNING ENABLING LEGISLATION

# The SC Planning Enabling Act

- References:
  - *SC Local Government Comprehensive Planning Enabling Act of 1994*
  - *Title 6, Chapter 29 of the South Carolina Code of Laws*
  - *The Planning Act*
  - *The '94 Act*

- Code Reference: *SC Code Sections 6-29-310 through 6-29-1640*

[www.scstatehouse.gov/code/statemast.php](http://www.scstatehouse.gov/code/statemast.php) or  
Google 'sc code of laws'



# Why is the Act Important?

- Establishes a framework for how local governments in South Carolina plan
- Provides consistency for local government actions between jurisdictions for the ease of use of the public
- Establishes a relationship between development proposals and local concerns and needs
- Planning is not a federally mandated action; it is a local function

# Layout of the Planning Act

- Article 1. Creation of Local Planning Commission
- Article 3. Local Planning – The Comprehensive Planning Process
- Article 5. Local Planning – Zoning
- Article 7. Local Planning – Land Development Regulation
- Article 9. Educational Requirements for Local Government Planning or Zoning Officials or Employees
- Article 11. Vested Rights
- Article 13. Federal Defense Facilities Utilization Integrity Protection

# Pre-1994 Planning in SC

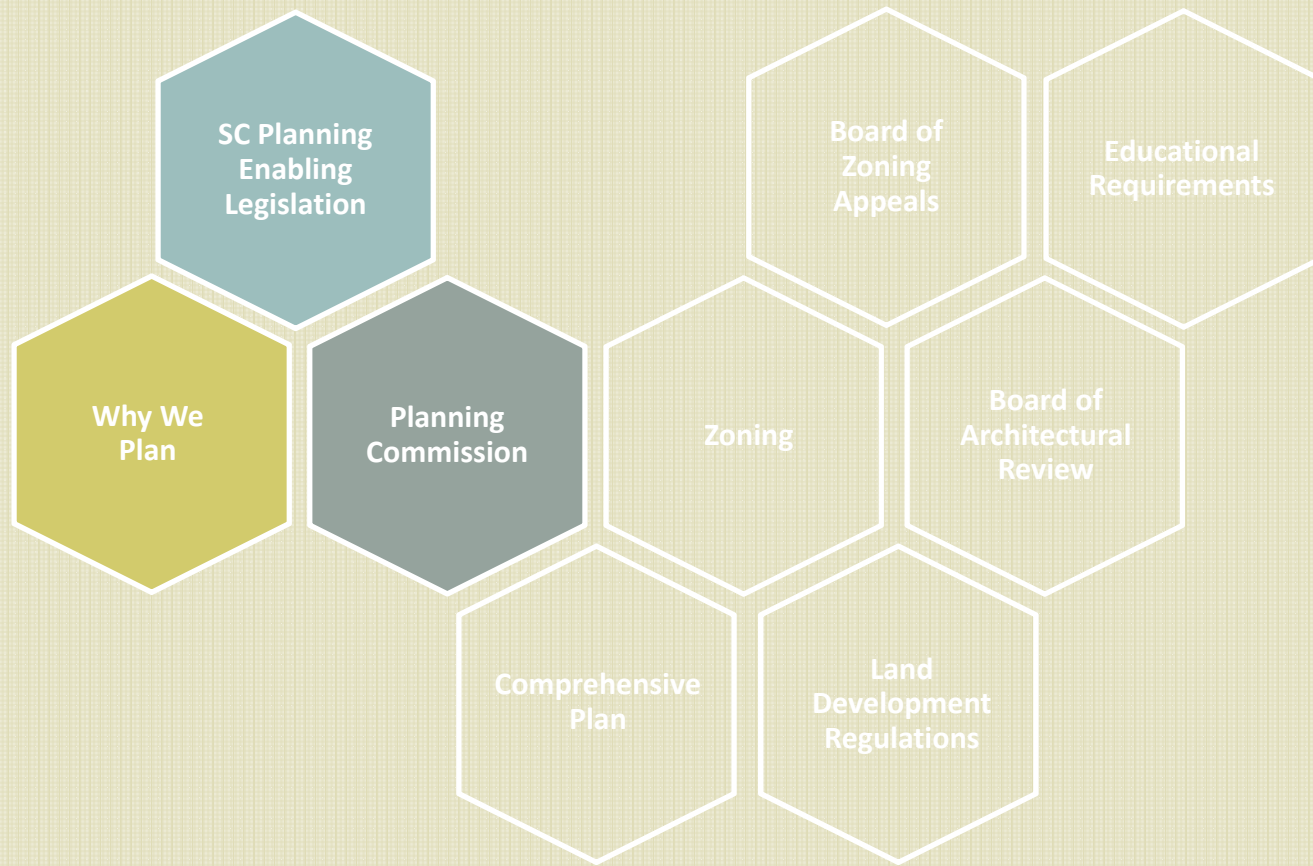
- SC first established enabling legislation for counties in 1942; cities in 1924
- Local planning enabling legislation for cities, counties and regions were found in various sections throughout SC Code
- Different sections created in different eras – 1924, 1942, 1967, 1971
- Cities, counties, regions and some specific counties had different legislative language
- Over time, changes were made by amendment rather than coherent integration which resulted in a ‘layered patchwork’ of legislation

# Role of County & City Councils

- Establish the Planning Commission, Board of Zoning Appeals and Board of Architectural Review and appoints members
- Provide funding for staff needs
- Provide guidance for specific needs of the community
- Review and adopt a Comprehensive Plan, development ordinances and programs
- May hold public hearings on such things as ordinance adoption and individual ordinance text or zoning map amendments
- Code Reference: *SC Code of Laws Title 4, Chapter 29*







Article 1 -

# THE PLANNING COMMISSION

# Article 1 – Planning Commission

- Function § 6-29-340
  - *“... to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the area within its jurisdiction.”*
  - *“The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of its area of jurisdiction.”*
  - *“Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development and include recommended means of implementation.”*

# Article 1 – Planning Commission

- Function § 6-29-340
  - *“The local planning commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the plans and programs and the development of its area of jurisdiction to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens.”*
  - *“...**promote the planning of its political jurisdiction.**”*

# Article 1 – Planning Commission

- Types of Planning Commissions § 6-29-330
  - Municipal Planning Commission
  - County Planning Commission
  - Joint Planning Commission

Commission	Primary Geography	Other Areas
Municipal	Within corporate limits	Extraterritorial jurisdiction in the unincorporated areas adjacent to corporate limits*
County	Within unincorporated area or portions of	In municipalities as designated
Joint	As agreed upon and stated in ordinance	County, cities and towns

# Article 1 – Planning Commission

- Is created by and individual members appointed by Council
- Prepares and reviews plans, studies and planning-related activities
- Reviews, updates and recommends a comprehensive plan
- Prepares, reviews and recommends zoning ordinance and landscape regulations
- Prepares, reviews and recommends land development regulations
- Makes recommendations on planning, zoning and land development matters
- May grant land development appeals
- May hold public hearings on zoning amendments if authorized by Council

# Article 1 – Planning Commission

- No Planning Commission member may hold an elected office in the municipality or county from which they are appointed.
- Members are considered and appointed based on their “professional expertise, knowledge of the community and concern for the future welfare of the total community and its citizens”.
- The Commission shall adopt rules of organizational procedure and shall keep a public record of its resolutions, findings, and determinations.

# Role of the Commission

- Serve as a citizen advisory group to council on planning matters.
- Give advice and recommendations on the adoption of plans and related ordinances.
- Provide insight into the community's future needs.

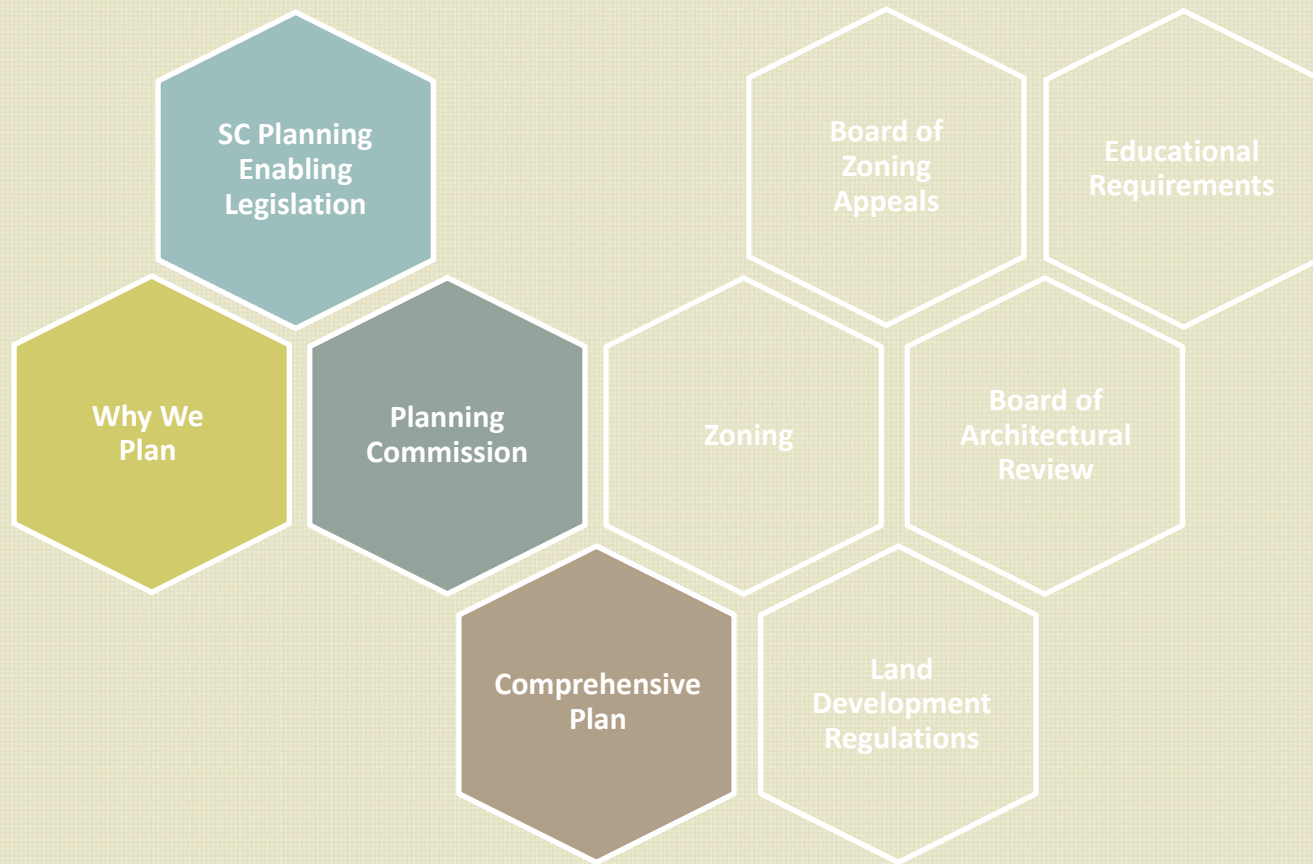


# Function and Duties

- The Planning Commission does not:
  - grant variances to the zoning ordinance
  - hear zoning variances
  - grant special exceptions
  - administer the zoning ordinance
  - make final decisions regarding zoning







Article 3 -

# THE COMPREHENSIVE PLAN

# Article 3 – Comprehensive Plan

- “The local planning commission shall develop and maintain a planning process which will result in the systematic preparation and continual re-evaluation and updating of those elements considered critical, necessary, and desirable to guide the development and redevelopment of its area of jurisdiction.”
  - Re-evaluation is defined as being reviewed by the Planning Commission as necessary but no less than once every five years
  - The comprehensive plan and all elements must be updated at least every ten years.
- Code Reference: *SC Code of Laws 6-29-510*

# Comprehensive Plan Elements

- Population
- Economic Development
- Natural Resources
- Cultural Resources
- Community Facilities
- Housing
- Land Use
- Transportation
- Priority Investment
- Optional
  - Energy
  - Urban Design
  - Social Infrastructure
  - Tourism
  - Coastal Zone

# Article 3 – Comprehensive Plan

- Comprehensive Plan Structure
  - Inventory of existing conditions
  - Statement of needs and goals
  - Implementation strategies with time frames
- Citizen participation encouraged
- The contents of each element may be developed in whatever detail or order set by the locality
- However, the Land Use element must be adopted before zoning ordinance and the Community Facilities element before land development regulations

# Article 3 – Comprehensive Plan

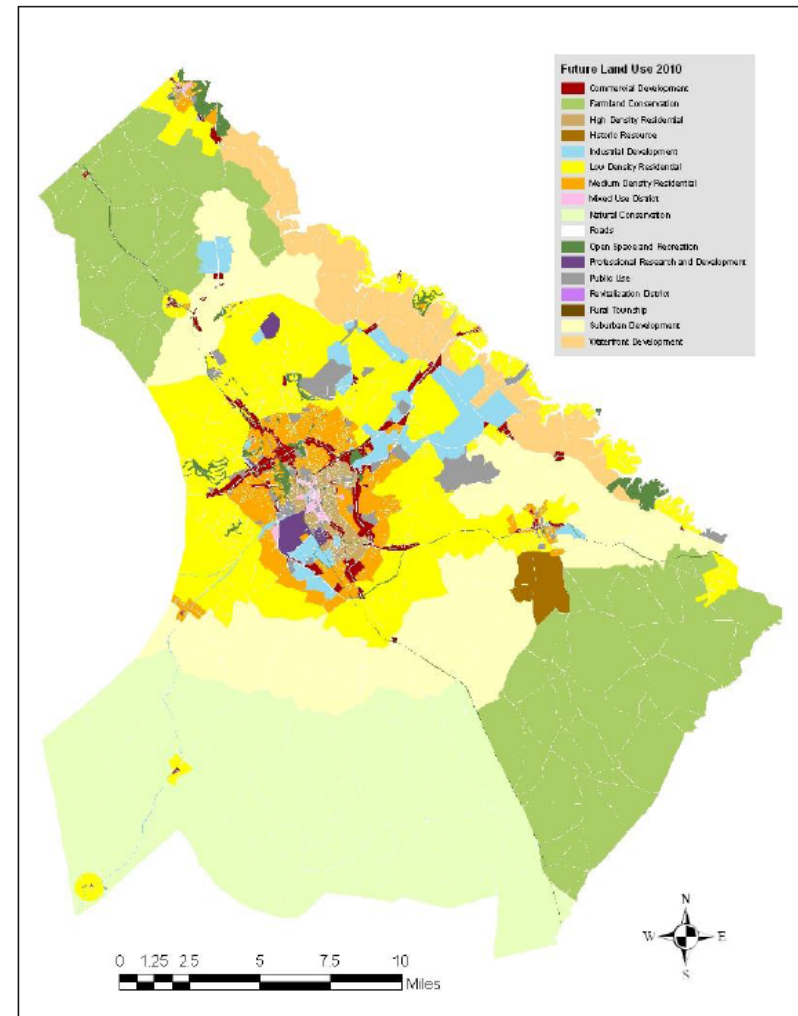
## The Greenwood City/County Comprehensive Plan

## The Greenwood City/County Comprehensive Plan

### Goals, Objectives, and Strategies for Implementation

Goals/Objectives/Strategies	Accountable Agency	Time Frame for Completion
<b>Goal 5.3. – Promote and enhance the County's cultural, historic and natural resource assets.</b>		
<b>Objective 5.3.2. Work to preserve rural working lands in the County</b>		
Strategy 5.3.2.1. Encourage agricultural uses of fertile and prime farmland through protection of agricultural zoning districts	Greenwood City/County Planning Commission	On-going
Strategy 5.3.2.2. Support Clemson University Extension, SC Agriculture Commission and USDA Service programs to educate landowners and provide innovations in agricultural production and agri-business	Greenwood County USDA CU Extension SC Dept of Agriculture	On-going
Strategy 5.3.2.3. Promote the development and expansion of local farmers markets and other related agri-business markets that benefit local producers	Greenwood County USDA CU Extension SC Dept of Agriculture	On-going
Strategy 5.3.2.4. Minimize conflicts between new residential development and longstanding farming interests	Greenwood City/County Planning Commission	On-going
Strategy 5.3.2.5. Support expansion of SC Heritage Corridor activities in Greenwood County to include the South Carolina Heritage Corridor Farmers Association efforts	Greenwood Tourism Board	On-going
<b>Objective 5.3.3. Promote the growth of tourism as an economic sector</b>		
Strategy 5.3.3.1. Support expansion of SC Heritage Corridor activities in Greenwood County to include the gardens and the fine and traditional arts routes	Greenwood Tourism Board	On-going
Strategy 5.3.3.2. Continue to build upon heritage tourism assets that include historic sites and towns of regional and national significance, State parks and forests, cultural attractions, family festivals and other venues, and diverse retail offerings	Greenwood Tourism Board	On-going
<b>Goal 5.4. – Increase business and commercial activity in targeted areas.</b>		
<b>Objective 5.4.1. Encourage redevelopment of commercial and industrial areas</b>		
Strategy 5.4.1.1. Identify and inventory infill and greyfield sites throughout the County and prioritize them for redevelopment	Greenwood City/County Planning Department	2013
Strategy 5.4.1.2. Encourage compatible commercial and retail investment in underserved communities to provide economic opportunity to all County residents	Greenwood City/County Planning Commission	On-going
Strategy 5.4.1.3. Provide economic incentives to businesses locating in targeted development areas	Partnership Alliance, Uptown Greenwood	On-going
<b>Goal 5.5. – Promote energy conservation through economic development.</b>		
<b>Objective 5.5.1. Recruit and retain businesses and industries with energy conservation in mind</b>		
Strategy 5.5.1.1. Work with local economic developers to link the Comprehensive Plan and economic development goals and objectives	Greenwood City/County Planning Commission, Partnership Alliance	On-going
Strategy 5.5.1.2. Consider local sustainability when evaluating industrial and business prospects	Partnership Alliance	On-going
Strategy 5.5.1.3. Develop strategies for recruiting industries that contribute to local energy conservation efforts	Partnership Alliance	On-going
<b>Objective 5.5.2. Revitalize existing facilities and districts and promote infill development</b>		
Strategy 5.5.2.1. Focus economic development efforts on the reuse of existing properties and the use of infill properties	Partnership Alliance	On-going
Strategy 5.5.2.2. Develop detailed inventories of vacant, underutilized and available commercial and industrial properties	Partnership Alliance	On-going
Strategy 5.5.2.3. Develop incentives to locating in existing facilities or infill properties such as tax or fee reductions or zoning incentives	Greenwood County Council, Greenwood City/County Planning Commission	On-going

Figure 9-9. Greenwood County Future Land Use Map



Source: Greenwood City/County Planning Department, 2010.





It's Our Future

Adopted: December 8, 2009  
 Unamended: May 11, 2010; July 6, 2010; January 25, 2011;  
 April 26, 2011; September 13, 2011; December 6, 2011;  
 February 14, 2012; April 24, 2012; August 28, 2012;  
 March 26, 2013



**CITY OF VIRGINIA BEACH**  
**COMPREHENSIVE PLAN** Policy Document

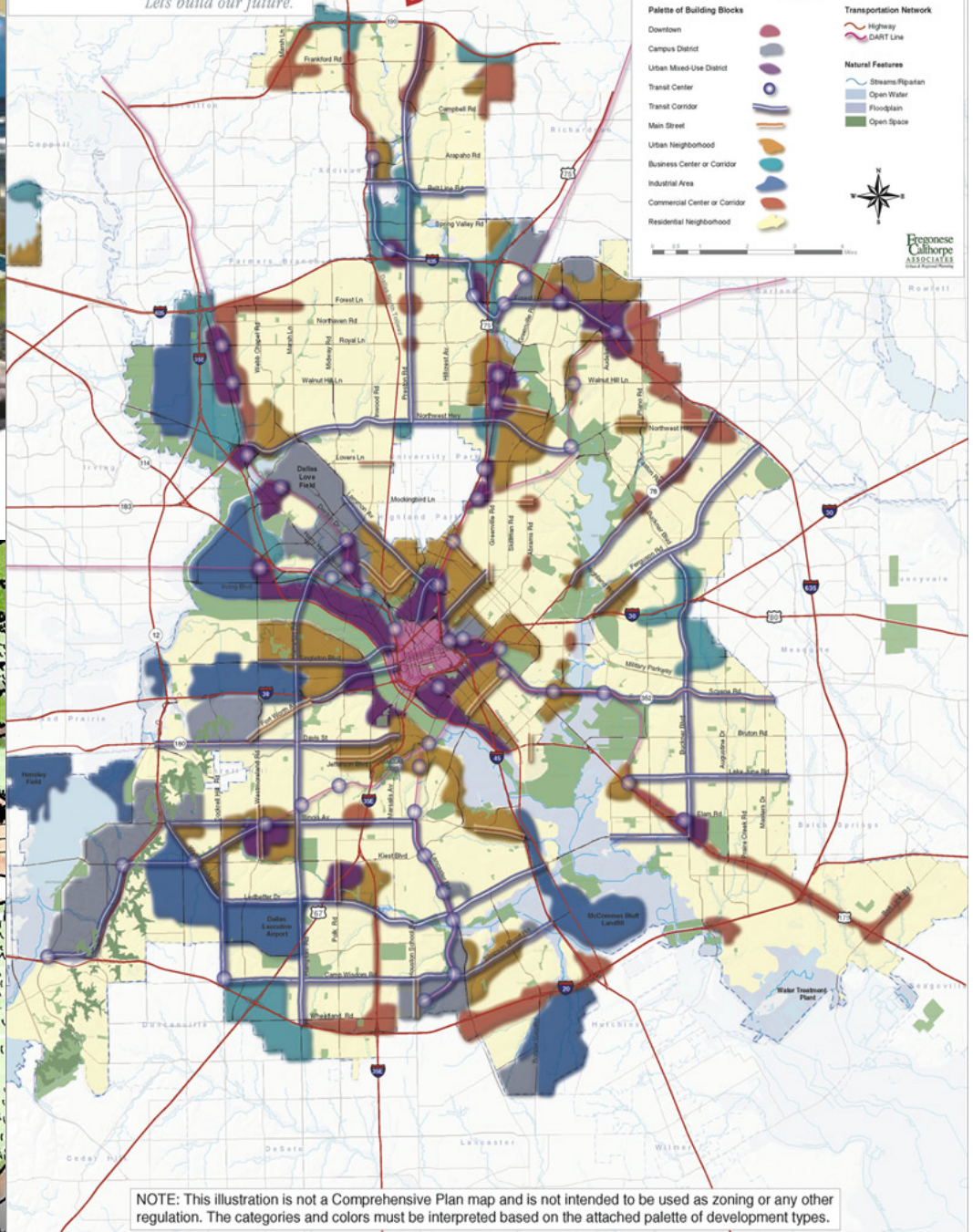


**forwardDallas!**  
*Let's build our future.*

**DRAFT**

**Vision Illustration**  
 Working Draft - March 2006  
 Legend

- |                                   |                               |
|-----------------------------------|-------------------------------|
| <b>Palette of Building Blocks</b> | <b>Transportation Network</b> |
| Downtown                          | Highway                       |
| Campus District                   | DART Line                     |
| Urban Mixed-Use District          |                               |
| Transit Center                    | <b>Natural Features</b>       |
| Transit Corridor                  | Stream/Riparian               |
| Main Street                       | Open Water                    |
| Urban Neighborhood                | Floodplain                    |
| Business Center or Corridor       | Open Space                    |
| Industrial Area                   |                               |
| Commercial Center or Corridor     |                               |
| Residential Neighborhood          |                               |



NOTE: This illustration is not a Comprehensive Plan map and is not intended to be used as zoning or any other regulation. The categories and colors must be interpreted based on the attached palette of development types.



# The Process

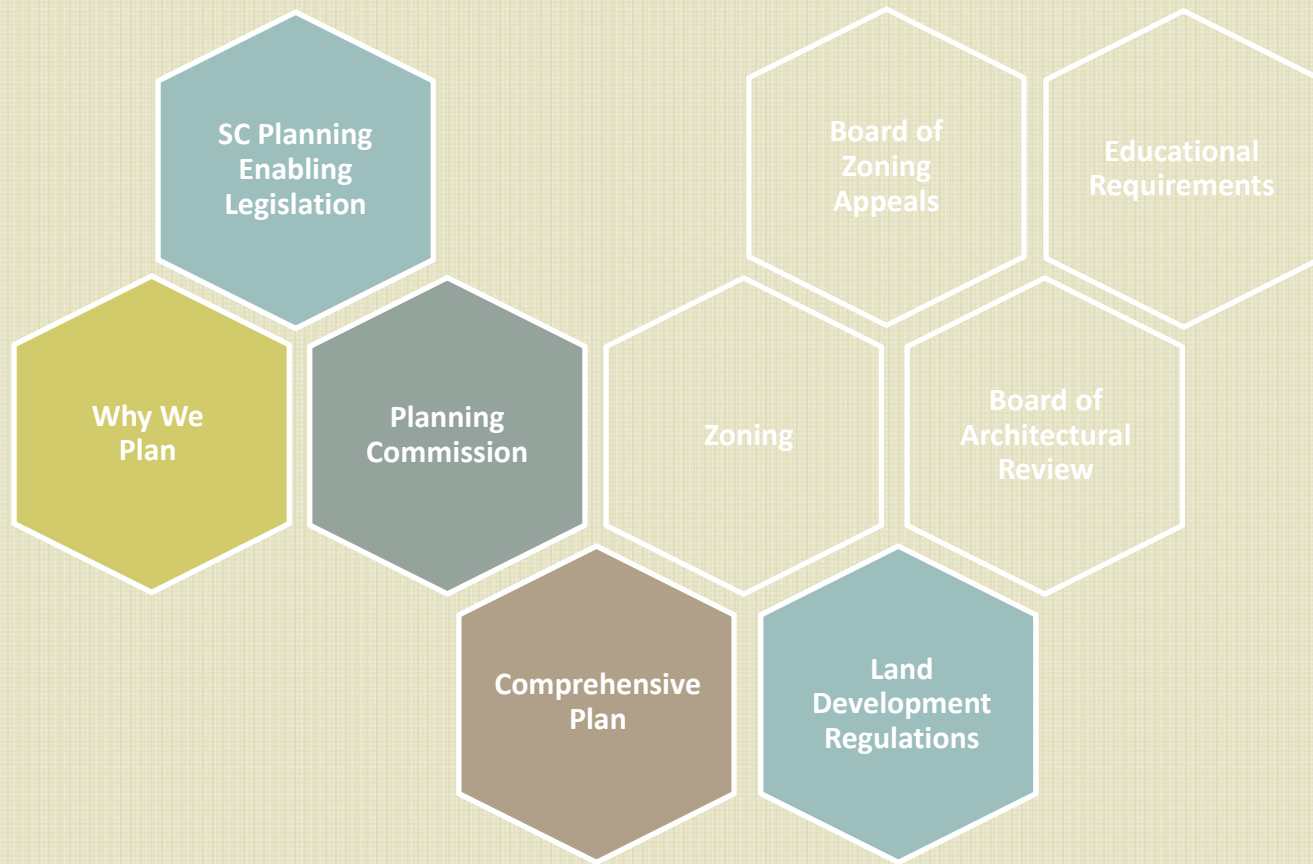
- Planning Commission directs staff to update the plan
- Planning Commission may use advisory committees to develop the elements of the plan
- Staff/Consultant/PC develops the draft plan
- PC reviews and makes a recommendation of the plan
- A public hearing is held
- County Council reviews and adopts the plan
- Staff and Planning Commission begins implementation of the plan

# Implementation of the Plan

- No new street, structure, utility, square, park, or other public way, grounds, or open space or public buildings for any use may be constructed in the political jurisdiction until the proposed use has been submitted to the planning commission for review and comment as to the compatibility with the comprehensive plan. *Section 6-29-510 (E)*







Article 7 -

# LAND DEVELOPMENT REGULATIONS

# Land Development Regulations

- Contain rules and standards for the development of property – either the conversion of vacant land into lots and parcels for development purposes or redevelopment of properties
- Provides for the adequate service of public facilities (such as roads, utilities, open spaces, etc.), proper distribution of population and traffic, and protection from flood and hazards
- Does not regulate land use
- Planning Commission recommends standards for approval and County Council adopts
- Requires adoption of the Community Facilities, Housing and Priority Investment elements of the Comprehensive Plan

# Intent of Development Standards

- The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within the municipalities and counties of the State.
  - Encourage economically sound and stable development of cities and counties
  - Provide required streets, utilities and other facilities and services to new land developments
  - Provide safe and convenient traffic access and circulation (vehicular and pedestrian)
  - Provide open spaces and building sites for recreation, transportation, education and other public purposes
  - Assure wise and timely development or redevelopment in harmony with the Comprehensive Plan

# Development Regulations

- Harmonious development
- Coordination of streets
- Sizes of blocks and lots
- Dedication and reservation of land for streets, school sites and recreation areas
- Easements for utilities and other services
- Distribution of population and traffic create favorable health, safety, convenience, appearance, prosperity or general welfare
- Building sites used safely for building without danger from flood or other hazards
- Construction standards for streets
- Installation requirements for water, sewer, septic tanks, utility mains, and piping

*S.C. Code 6-29-1130*

# Implementation of Regulations

- No subdivision plat or land development plan may be filed or recorded or building permit issued until it is approved in accordance with the land development standards

*S.C. Code 6-29-1140*





# Subdivision Defined

- All divisions of a tract of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development
- All division of land involving a new street or change to existing streets
- Re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law
- The alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law
- Combinations of lots of record (S.C. Code of Laws 6-29-1110)

# Land Development Regulations

- Approval Procedure
  - Sketch plans
  - Preliminary plans
  - Final plans
  - Naming and renaming of streets
- Review by staff and Planning Commission
- Appeals to Planning Commission, Circuit Court and/or pre-litigation mediation





Article 5 -

# ZONING



# The Zoning Connection

- Zoning ensures that development fits in with existing and future needs of the community, while providing for the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare. *S.C. Code 6-29-710*
- When the Council has adopted the land use element of the comprehensive plan, the Council may adopt a zoning ordinance to help implement the comprehensive plan. *S.C. Code 6-29-720*
- Zoning is a police power granted under the Constitution and originally provided to SC Counties through Home Rule
- The regulations must be in accordance with the comprehensive plan for the jurisdiction

# Purposes of a Zoning Ordinance

- Provide for adequate light, air and open space
- Prevent land overcrowding, avoid undue concentration of population and lessen street congestion
- Help create a convenient, attractive and harmonious community
- Protect and preserve scenic, historic, or ecologically sensitive areas
- Regulate population density and distribution
- Regulate building, structure and land uses
- Help provide adequate transportation, police and fire protection, water, sewage, schools, recreational facilities, affordable housing, disaster evacuation, and other public services
- Secure safety from fire, flood, and other dangers
- Further the public welfare in any way specified by Council

# Zoning – the Sum of Two Parts

## Zoning Text

### Chapter 3 – Zoning District Regulations

Adopted August 16, 2004

#### ARTICLE 2. RESIDENTIAL DISTRICT REGULATIONS

Residential zoning districts are designed to primarily accommodate the residential occupancy of dwelling units or group living facilities. Each district is characterized by individual requirements for type of dwelling, density, related uses permitted, minimum lot size, etc. The following zoning districts are included in this chapter:

DISTRICT	DISTRICT NAME
<b>Residential</b>	
R1	Residential – single-family, low-density
R2	Residential – single-family, low-density
R3	Residential – single-family, medium-density
RM3	Residential – medium-density manufactured housing
R4	Residential – medium density
R7	Residential – high-density
RM7	Residential – high density manufactured housing
R10	Residential – high density
R12	Residential – high density
R15	Residential – high density

The provisions of this Article apply to all residential districts. All permitted uses, conditional uses, special exceptions, and accessory uses that apply to all residential zoning districts are included in Section 3.2.1. as follows. Permitted uses, conditional uses, special exceptions and accessory uses that do not apply to all residential districts, but do apply in individual districts, are listed in the applicable district sections contained in this Article.

##### 3.2.1. Regulations Applied to All Residential Districts

The following sections contain all permitted uses, conditional uses, special exceptions, and accessory uses that apply to all residential zoning districts.

##### 3.2.1.1. Uses Permitted in All Residential Districts

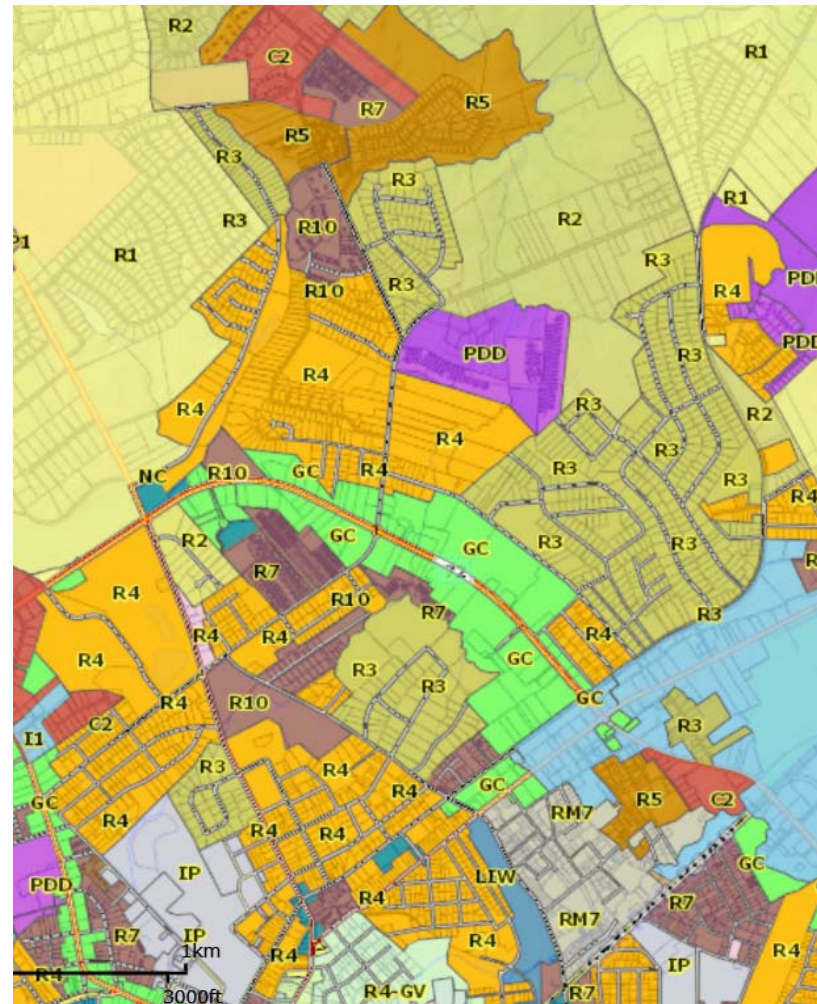
Church, Temple, or Synagogue  
Golf Course, including Clubhouse  
Police, Fire and EMS Station  
Single-Family Detached Dwelling

##### 3.2.1.2. Conditional Uses Allowed in All Residential Districts.

The following uses are permitted in all Residential Districts, provided the following conditions are met:

- A. Baseball/Softball/Soccer Park, Community Center, Community/Neighborhood Recreation, Outdoor Recreation Facility, Private Recreation Area, Public Park and/or Playground – provided any swimming pool, playground, ball field or game court is located no closer than 100 feet from any adjacent property line, including lighting for such uses. All lighting shall be shielded to prevent direct illumination of adjacent residential properties. In addition, no commercial activities shall be permitted in conjunction with recreational uses in residential areas except for charges and fees

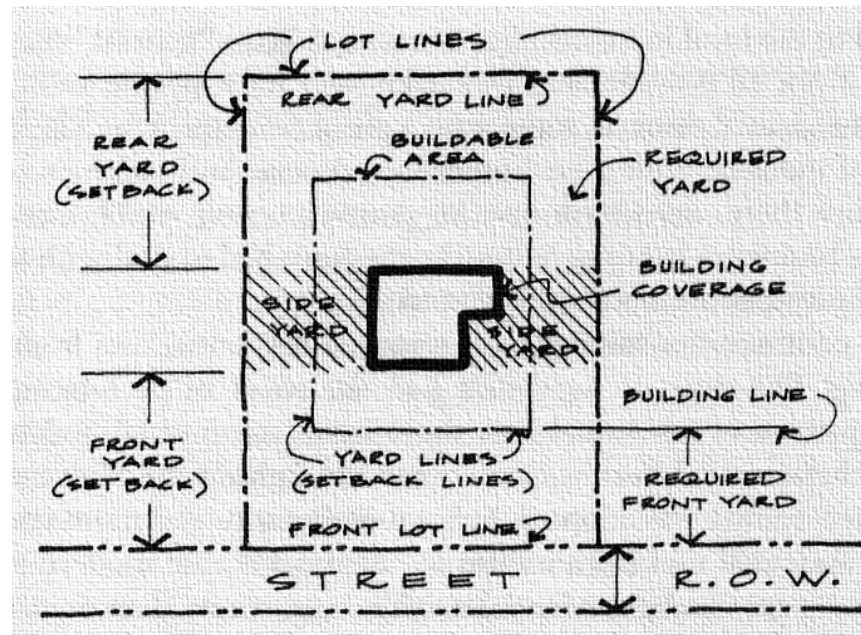
## Zoning Map



# Zoning Process

- Zoning Standards Established
  - Uses
  - Height, Bulk and Placement of Structures
  - Signs
  - Parking
  - Landscaping
  - Buffering
- Zoning Districts Established
  - R-1, AG2, GC

Property is Developed and Improved Based on These Standards



Source: Moskowitz, Harvey S. and Carl G. Lindbloom. *The New Illustrated Book of Development Definitions*, New Brunswick, NJ: Center of Urban Policy Research, Rutgers University, 1993.

# Process for Zoning Amendment

- Zoning is based on Procedural Due Process and Compliance with the Comprehensive Plan
- Map or Text Amendment
  - Public Hearing – at least 15 days notice in newspaper
  - Notice posted on or adjacent to property affected
  - Planning Commission provides review and recommendation
  - Forwarded to County Council for review and final action
- *Section 6-29-760*



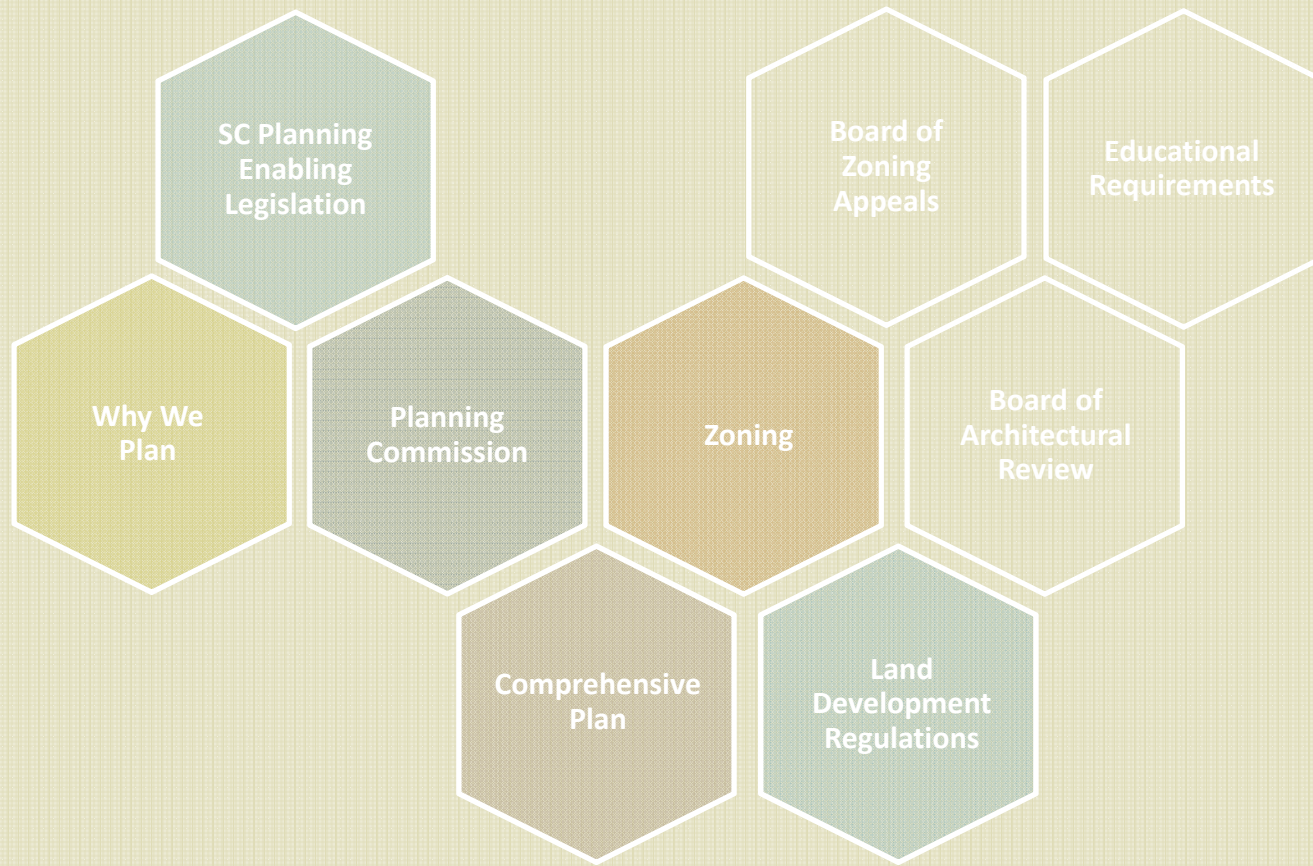
# Zoning Amendment Criteria

- When considering a proposed amendment, the Planning Commission should consider the following factors:
  - The Relationship of the request to the current Land Use Plan
  - Whether the request violates or supports the current Land Use Plan
  - Whether the uses permitted by the proposed change would be appropriate in the area concerned
  - Whether adequate schools, roads, and other public facilities exist or can be provided to serve the needs of the development likely to occur as a result of the change
  - Whether the proposed change is in accord with any existing or proposed plans for providing public water or sewer
  - The amount of vacant land currently classified for similar development in the vicinity and elsewhere, and any special circumstances which may make a substantial part of such vacant land unavailable for development

# Comp Plan versus Zoning Map

- Does the Comprehensive Plan's Future Land Use Map and the Zoning Map need to conform?
  - Yes
  - But, should become more similar over time





# 10 Minute Break



Article 5 -

# BOARD OF ZONING APPEALS

# Board of Zoning Appeals (BZA)

- Created by and members appointed by Council
- No member shall hold any other public office or position in the county
- Serves as the appeals board for the enforcement of the zoning ordinance
- Is a quasi-judicial body
  - Renders decisions based upon evidence and interpretation of the zoning ordinance
- If there is a Joint Planning Commission, a Joint Board of Zoning Appeals may be created

# Board of Zoning Appeals (BZA)

- The only body that can grant variances to the zoning ordinance
- Responsibilities:
  - Hears appeals from decisions and actions of the zoning administrator; interprets the language of the zoning ordinance; reviews allegation of error by the zoning administrator
  - Permits uses by special exception after holding a public hearing
  - Grants variances from the zoning ordinance where the strict application of the standards would cause an unnecessary hardship

# Zoning Variance Criteria

- The BZA may grant a variance for an unnecessary hardship if it makes and explains in writing these findings:
  - There are extraordinary and exceptional conditions on the property
  - These conditions do not generally apply to other property in the vicinity
  - Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the use of the property
  - The granting of a variance will not be of substantial detriment to adjacent property or to the public good, or harm the character of the district

# Zoning Variance Procedures

- Public notice provided by publication in a newspaper at least 15 days prior
- Notice to parties in interest
- Variances and special exceptions require conspicuous notice posted on or adjacent to the affected property
- May administer oaths and subpoena witnesses
- Minutes of proceedings with votes of each member



# Other Zoning Variance Issues

- The BZA may:
  - In granting a variance, the board may attach conditions to it; the conditions may address the location, character, or other features of a proposed building, structure, or use “to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.” Section 6-29-800 (B)
  - The BZA may request additional information or testimony
  - The BZA may interpret the standards of the zoning ordinance
- The BZA may not:
  - The BZA may not grant variances to particular land uses
  - The BZA may not change the zoning district boundaries or the zoning map
  - The fact that property may be used more profitably if a variance is granted is not grounds for a variance



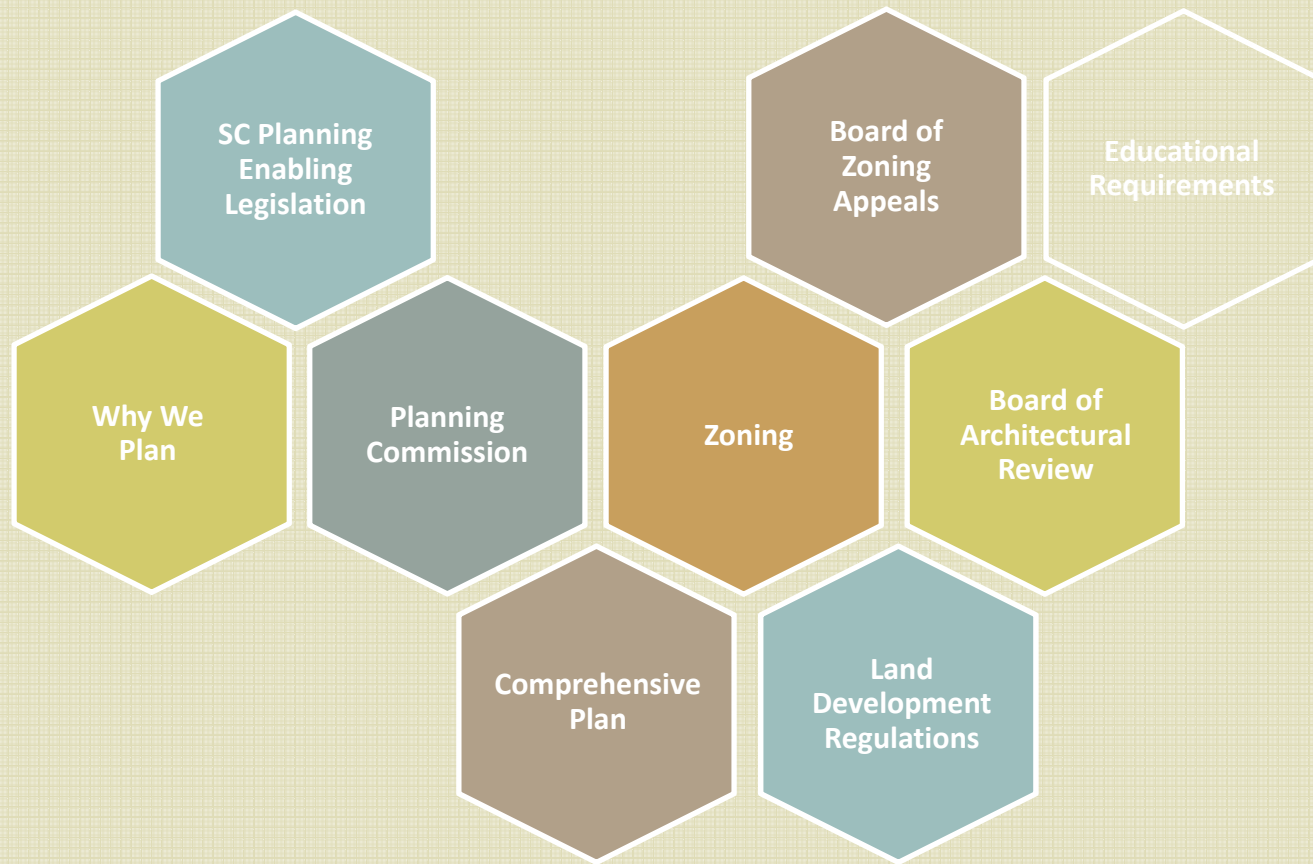
# Board Procedures

- Each side presents evidence in the case
- An agent or attorney may appear for the applicant
- Findings of Fact and Conclusions of Law prepared following decision of the Board – document and record
- There is no provision for appeal to the local governing body; County Council does not hear appeals

# Appeals to Circuit Court

- Decisions made by the BZA may be appealed to the State judicial system, beginning with the circuit court
  - appealed by aggrieved party
  - appealed by local jurisdiction
  - other
- Appeals can go as far as the Supreme Court
- Pre-litigation mediation may be requested





Article 5 -

# BOARD OF ARCHITECTURAL REVIEW

# Board of Architectural Review

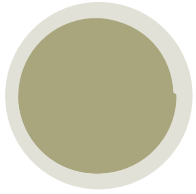
- Established by County Council; members appointed by County Council
- Addresses Changes in Appearance and Historic Properties in unique areas and historic and architecturally valuable districts
- Membership may be restricted to “those professionally qualified persons” as the local government desires
  - Architect
  - Historian
  - Contractor
  - Realtor
- No members may hold any other public office or position in the county



# Board of Architectural Review

- Operates through the Zoning Ordinance and the standards contained within
  - Overlay districts – historic and/or design review
  - Local nomination process for historic properties
  - Makes recommendations on legislation
  - Makes recommendations on districts
- Powers as defined within the zoning ordinance
  - Review of site plan proposals
  - Review of building permit applications
  - Review of demolition permit applications
- Functions like the BZA and sometimes like the Planning Commission

# Board of Architectural Review

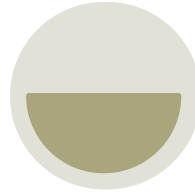


## Judicial

Hears appeals of  
decision of the zoning  
administrator



Reviews plans for  
development  
(design review)



## Legislative

Makes  
recommendations on  
changes to zoning  
ordinance and zoning  
map



Planning Commission  
review



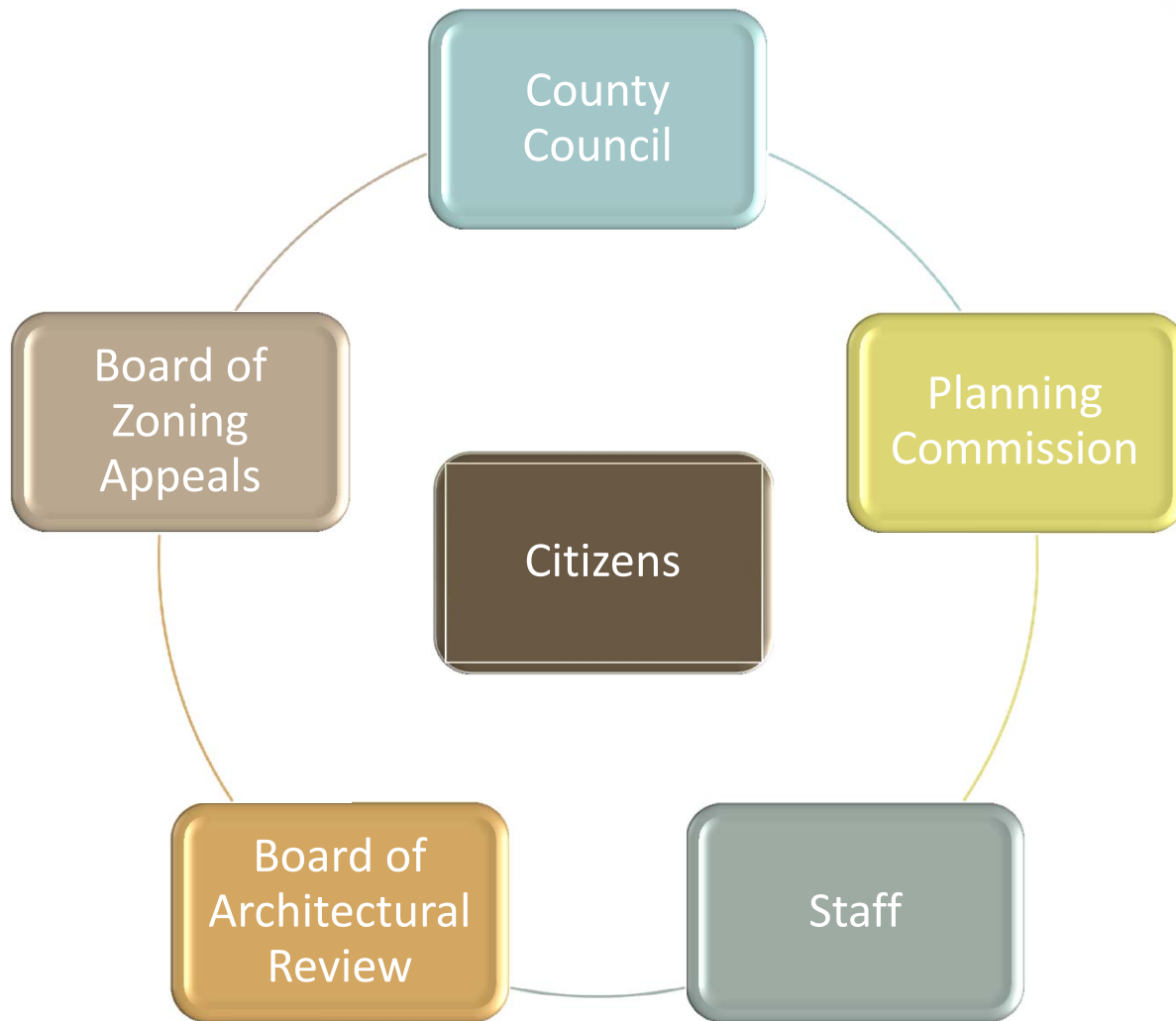
County Council review  
and approval

# Board of Architectural Review

- BAR hears administrative appeals of the decision of the zoning administrator and requests for variance of the standards reviewed by the BAR
- May administer oaths and subpoena testimony from witnesses
- Appeals of the Board's decision are made to Circuit Court; records maintained on individual voting history
- Decisions of the BAR may be appealed to Circuit Court and pre-litigation mediation is allowed







## **The Local Planning Framework**

# Role of Planning Staff

- Technical advisors to Planning Commission, Board of Zoning Appeals and Board of Architectural Review
- Employed by local government, contracted, or shared with other agencies
- Usually deal with short range planning studies, long range plans, and day-to-day land use and development regulations
- Typically the first contact the public makes in the planning process

# Role of Citizens

- Advocates for the community
- Typically the most impacted by your decision
- Their thoughts and opinions are invaluable
- Listen to the viewpoints of everyone not just the loudest or the most vocal group
- Put yourself in their shoes while looking at the big picture
- Identify ways to encourage more citizen involvement in your local planning process

# Final Thoughts

- Don't be afraid to ask questions to staff or the public
- Ask for more information if it would help you make an informed decision
- If you recognize an issue in your community, ask how your board or commission can assist in the matter
- Meet together with council, boards and commissions to have a look-in on the program
- Request training on a specific topic of interest to your community
- **Be unbiased, objective and balanced**



Article 9 -

# EDUCATIONAL REQUIREMENTS

# Education Requirements

- Educational training for Planning and Zoning Officials
  - Planning Commission
  - Board of Zoning Appeals
  - Board of Architectural Review
  - staff members
- Officials must receive six hours of approved training in the first 365 days after appointment or employment and three hours each year thereafter
- A break in service does not require an additional six-hour orientation training

# Education Requirements

- Established SC Planning Education Advisory Committee (SCPEAC)
  - South Carolina Association of Counties (SCAC)
  - Municipal Association of South Carolina (MASC)
  - South Carolina Chapter of the American Planning Association
  - Clemson University
  - University of South Carolina
- SCPEAC reviews and approved orientation and continuing education programs and determines individual exemptions based on their educational requirements



# Exemptions

- Certification by the American Institute of Certified Planners (AICP or FAICP)
- A masters or doctorate degree in planning (or planning related) from accredited university
- A license to practice law in SC
- Does not require County Council members to receive training
- Section 6-29-1350

# Conditions

- For viewing recorded education programs:
  - All training must be in a classroom setting
  - A qualified facilitator must be present
  - Qualifications to be a coordinator
  - *SCAC uses a pop up window to remind everyone of these items*
- Sample form to be completed, signed and filed with Clerk to Council by December 31 of each year and the records must be kept for up to 3 calendar years

# What if I don't get trained?

- Consequence to the appointed member
  - Removal from office
  - Suspension or dismissal from employment
- Consequence to the local government
  - One less member; one less for a quorum
- Consequence to the community
  - A contentious issue with a 6-5 vote may be in jeopardy

# SCAC website provides:

- An FAQ fact sheet
- Certification and model attendance forms
- The SC Statute
- SCAC's training programs (live streaming)
- SCPEAC link
- [www.sccounties.org](http://www.sccounties.org)

# SCPEAC

- List of all approved sponsors
- What does the SCPEAC do?
- How do I apply for training?
- [www.scstatehouse.gov/scpeac](http://www.scstatehouse.gov/scpeac)

# If you have questions...

- County employees and officials may contact

SC Association of Counties

1-800-922-6081

[sccounties.org](http://sccounties.org)

[scac@scac.sc](mailto:scac@scac.sc)



**South Carolina  
Association of Counties**

# **Additional Considerations**

**John K. DeLoache, SCAC Staff**

***“Building Stronger Counties for Tomorrow”***



# Additional Considerations

- Private Restrictive Covenants
  - SC Code § 6-29-1145: Agency must inquire about restrictive covenants on the land.
    - On application, submitted materials or third party notification
    - Agency doesn't have to investigate on their own
    - If there is a restrictive covenant, you can't issue the permit
    - Does not include building permits or restrictions on type of structures that can be built on the land

# Additional Considerations

- SC Local Government Development Agreement Act: SC Code § 6-31-10 et seq.
  - Allows Counties/Municipalities to enter into development agreements – approved by governing body
  - Becomes a contract with a contractor to guarantee approved development of land (survives subsequent changes in regulations)
  - LOC/Bond Requirements

# Additional Considerations

- SC Vested Rights Act: SC Code § 6-29-1510
  - Protects land from changes in law/regulations once the development process begins
- Federal Defense Facilities Utilization Integrity Protection Act: SC Code § 6-29-1610
  - Provides for a comprehensive process of development of land adjoining/including military facilities

# Parliamentary Procedure for Commissions: Planning, Zoning Appeals, Architectural Review



**PRESENTED BY HELEN T. MCFADDEN, J.D.  
PRP (NATIONAL ASSOCIATION OF  
PARLIAMENTARIANS)**

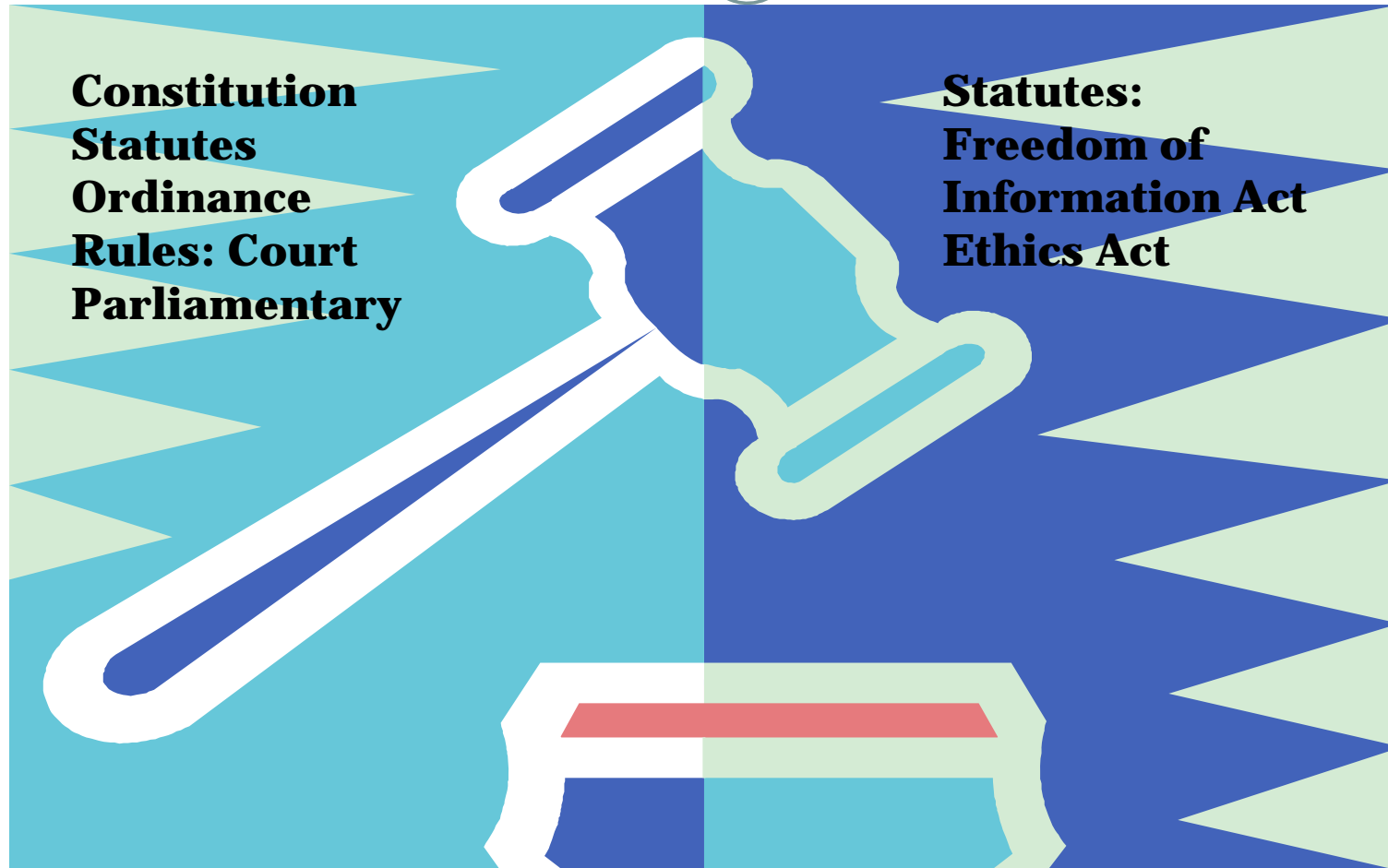
# THREE TYPES OF MEETINGS YOU MAY HAVE

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1. REGULAR MEETING FOR GENERAL BUSINESS, A SPECIAL MEETING IS A TYPE OF REGULAR MEETING
2. PUBLIC HEARING
3. CONTESTED HEARING

# Meeting Basics



**Constitution**  
**Statutes**  
**Ordinance**  
**Rules: Court**  
**Parliamentary**

**Statutes:**  
**Freedom of**  
**Information Act**  
**Ethics Act**

# REGULAR MEETING





# REGULAR MEETING



Regular meetings are those set at the beginning of each year pursuant to the Freedom of Information Act. Section 30-4-80 (a)

Special, called, and emergency meetings are other types of meetings which may be set at other times. These are expressly permitted by the Freedom of Information Act.  
Section 30-4-80 (a) (d) (e)

# BEFORE THE MEETING

- 
- Preparation
  - Question (if not quasi-judicial)
  - If quasi-judicial
  - Other members
  - Think
- Read the material
  - Staff, public, parties
  - Staff, Prior decisions
  - Not as a group

# DURING THE MEETING




## Attend to the presentations

- **RESULT**
- **One motion at the time**
  - ✦ Main motion
  - ✦ Amend
  - ✦ Substitute
  - ✦ Refer
  - ✦ Continue or Defer
  - ✦ (Postpone definitely)

## Don't watch your phone more than the speaker

- **Motions**
- **GRANT THE REQUEST**
- **DENY THE REQUEST**
- **GRANT CONDITIONALLY**



These are the meetings which accomplish your regular business in the absence of a need for a public hearing or a contesting hearing. You make decisions on any matter which has been properly placed before your Board or Commission. This requires a proper motion and the opportunity for discussion, amendment, approval and rejection.



**WORK HORSE MOTIONS: amend, refer, approve conditionally, approve, recommend approval**

## **WORK HORSE MOTIONS**

**These are the subsidiary motions, listed in order of precedence.**

- **MAIN MOTION–MAJORITY**
- **POSTPONE INDEFINITELY–MAJORITY**
- **AMEND–MAJORITY**
- **AMEND THE AMENDMENT–MAJORITY**
- **REFER–MAJORITY**
- **POSTPONE TO A CERTAIN TIME–MAJORITY OR**  
if used to make an item a special order for a specific time, 2/3
- **LIMIT OR EXTEND DEBATE–2/3**
- **CALL FOR THE PREVIOUS QUESTION**  
(CLOSE DEBATE)–2/3
- **LAY ON THE TABLE–MAJORITY**

# Other Regular Business

1. Adopt or recommend a budget for the next year
2. Personnel decisions
3. Time and place of next meeting
4. Contractual agreements
5. Adopt or amend minutes
6. Adopt or recommend changes to the codes being enforced

- **EXECUTIVE SESSIONS**

- **Section 30-4-70**

1. Receipt of legal advice
2. Receipt of information relative to an industrial prospect
3. Personnel matters

# USUAL FINAL MOTIONS



1. **Refer**—usually this will mean to refer the matter back to your staff for further work with the applicant
2. **Approve conditionally**—usually this will mean to give approval, but for the approval to be contingent on specific subsequent action—such a permit from DHEC or the submission of a permit for the chosen contractor
3. **Approve**—the project has met all conditions and is approved
4. **Denied**—the project is deficient in multiple areas and needs to be reworked extensively
5. **Recommend approval to Council**



# PUBLIC HEARING



# RECORDS OF PUBLIC HEARING



Public hearings, whether held as a result of statutory requirements or prudence, should have the following:

- 1) An agenda
- 2) A list of persons present, signed by the persons
- 3) Proof of publication in compliance with statutory requirements
- 4) Minutes and/or taped recording of the hearing
- 5) Copies of any written materials provided by the public or provided to the public
- 6) Motion for adjournment and time of adjournment

## **PUBLIC HEARING**

This is the opportunity for the public to speak directly to you about a specific proposal or issue. For many changes it is required that specific members of the public receive notice of a meeting, or hearing , and be given the opportunity to object to or to offer support to the change under consideration.



# AT THE PUBLIC HEARING: Listen, Question

- A public hearing is a special example of a meeting. It, like special or called meetings, should have an agenda, a call to order and an adjournment. Regular parliamentary practice does not have a substantial body of rules regarding public hearings because no business is transacted in a public hearing. During the public hearing the **BOARD OR COMMISSION DOES NOT TRANSACT BUSINESS**. The members can **LATER** make motions at a meeting of the Board or Commission based on the information from the public hearing **BUT** motions should not be made and carried at the public hearing.





## **NO BUSINESS IN PUBLIC HEARING**

During the public hearing you are receiving information. No action should be taken except to be attentive to the information and the public.

- **NO BUSINESS**



# BE PREPARED!



1. Is the room big enough?
2. Is the room the correct temperature for the number of people?
3. Do you have copies for all attendees?
4. Do you have an area for the press?
5. Do you have security for the unruly?
6. Are you prepared to take the heat from the public?
7. Have you considered how to permit both sides to speak, assuming that there are two or more sides to this issue?
8. Do you control the sound system?

# During the Meeting



1. Stick to your plan for the meeting
2. Use of ceremony and procedure at the beginning reminds the participants of the forum and the seriousness of the forum
3. Remind the crowd that you are present to hear from them and will deliberate later
4. Humor and misdirection are the time-honored ways to cool off a situation
5. Don't lose your cool
6. Resort to force, only if necessary



## EMPTY OR FULL?

Adequate notice  
under FOIA

Quorum

A purpose for the  
meeting

Leadership

Results from the  
meeting

## Which?



# RESULT: GRANT OF THE APPLICATION



- The preferred result, from the applicant's viewpoint, is for the permission sought to be granted as requested without amendment or conditions. The applicant gets the permission by way of an official notice, prepared by staff, signed by the appropriate appointed or elected official and delivered to the applicant in a timely fashion.

# CONTESTED HEARINGS





# CONTESTED HEARING



1. Adequate notice under FOIA and specific notice as required by the statute or ordinance
2. Quorum, parties, witnesses, evidence
3. Contested means decision required
4. Leadership—control, fairness, rulings in accord with the rules of evidence
5. Results from the meeting are an order—you must deliberate in public before reaching the conclusion
6. Your motion at the end should at a minimum state a result, you can ask staff or a participant to write the order for your review and consideration
7. To get to a sustainable order you must have conducted the meeting in a fair manner, in accord with law and procedure, and rendered a ruling which comports with the applicable law and facts



## **LEADERSHIP FAIRNESS RESULTS**

This is the most difficult task for a public body, to listen and judge by the rules. You must rely on staff and specifically attorneys to get this right. You are working under rules from court and rules from parliamentary procedures.



**Proponent is first and last.**

**Commission goes last.**

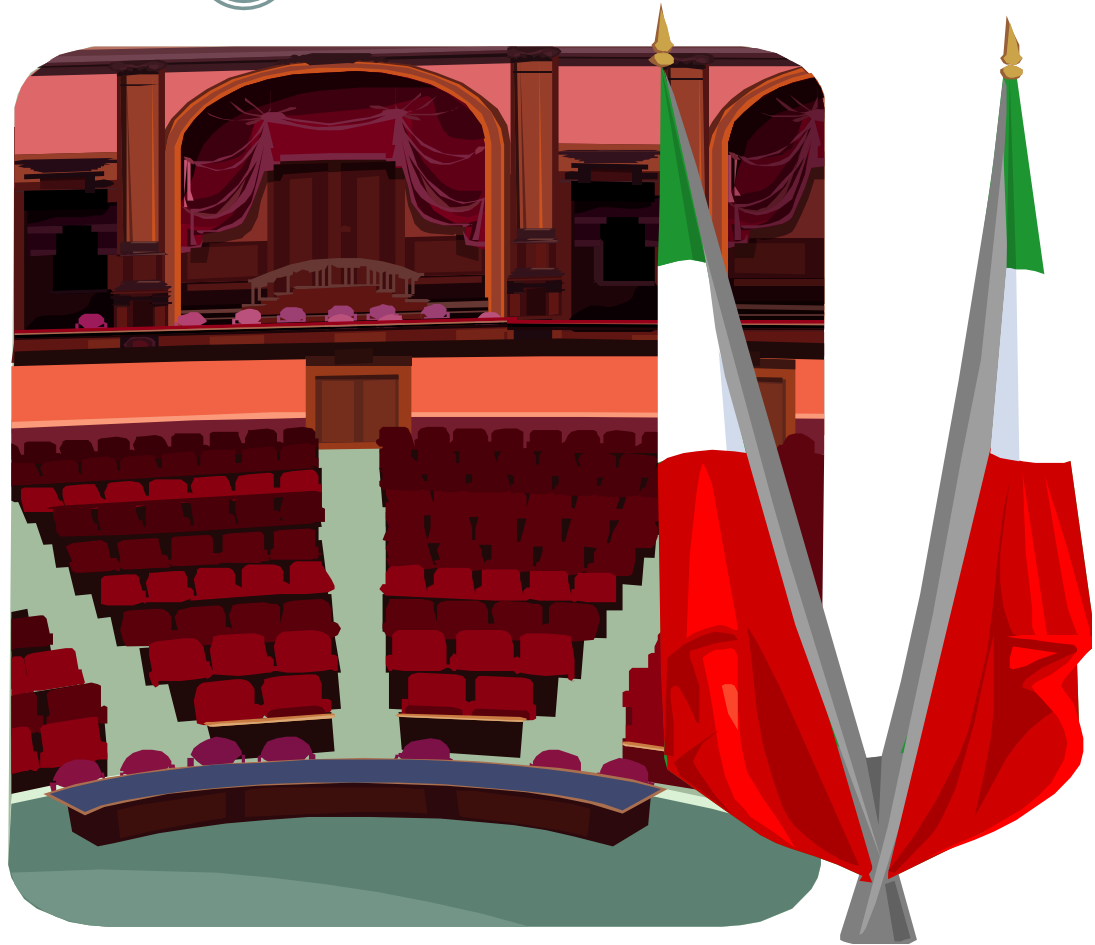
**There are no questions after Commission.  
No interruption after Commission begins to  
deliberate.**



# You are the Government



**SC Ethics Act:  
Recusal—This is  
required when you  
have an economic  
interest. It is done  
before you start the  
applicable business.  
It is done with a  
written statement  
setting forth the  
economic interest or  
other basis for conflict  
which is read into the  
minutes. Then you  
leave.**





## **ENJOY THE HONOR OF SERVICE**

**It is hard. It doesn't pay what its worth.**

**But it is our government.**

**If good people don't run it, some one else will.**



# Questions and Answers



# Questions and Answers



**It was mentioned that the comprehensive plan and the zoning map should conform. What guides the decision if there is a conflict?**

# Questions and Answers



**If you are the board member who makes a motion or the one who seconds the motion, can you change your mind during the discussion and subsequently vote “no” when the question is called?**

# Questions and Answers



**What is a consent agenda?**

# Questions and Answers



**Is there anything to prohibit an individual member to attend a public meeting by telephone or other means if the meeting itself is not electronic?**

# Questions and Answers



**What does it mean if your Board of Zoning Appeals is approving most of its requests for variance?**

# Questions and Answers



**County Council is overruling our planning committee's recommendations on almost all issues. Is this normal?**