

## **Public Input? It Depends.**

**In South Carolina, public bodies may operate under their own policies regarding public input.**

- A council meeting (except when it conducts a public hearing) is a business meeting of the council.
- State law gives councils the authority to set their own rules of procedure, as long as those rules don't conflict with state law.
- State law does not require there to be a public comment period at council meetings, and there is no guaranteed right for the public to address the council at the council's business meetings, unless it is a public hearing.
- A public hearing is different from a time set aside for public comment.
- In certain cases, state law or local codes may require a public hearing before formal actions may be taken.

### **What is a Public Hearing?**

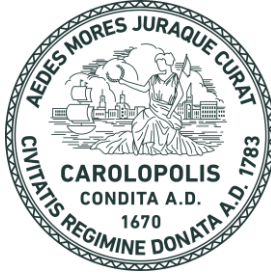
The term public hearing refers to a public forum in which members of the public must be given an opportunity to be heard on a specific matter prior to formal action being taken. Certain types of decisions require at least one public hearing.

### **Public Notice:**

All public bodies must give written public notice of their regular meetings at the beginning of each calendar year. The annual meeting notice must include the dates, times and places of all regularly scheduled meetings. Public notice is also required for upcoming public hearings. When and how the public is notified may vary depending on the type of hearing and which public body.

**In summary, in the State of South Carolina, you have a right to request information on meetings (Freedom of Information Act) and actions taken by public bodies, and you have a right to be notified of meetings (annually), but your right to provide input depends on the situation.**

*Source: Municipal Association of South Carolina*



## City of Charleston

In addition to City Council, the City of Charleston has several volunteer boards and commissions that carry a wide variety of responsibilities and authority. Although all boards and commissions are open to the public, only certain commissions and boards have the authority to take formal action on behalf of the City of Charleston.

- For more information about all City Boards and Commissions, [click here](#).
- To view agendas for upcoming meetings, [visit the Agenda Center](#).
- Subscribe for meeting notifications by signing up at [NotifyMe](#).

The following rules for public input only address Charleston City Council and those Boards and Commissions with authority to take formal action.

### **CITY COUNCIL**

#### **Authority**

The City Council has the final say on financial-related matters including the annual budget, procurement, grants, millage rates, and Tax Increment Financing (TIF) Districts; and any proposed changes to the City's Code of Ordinances and Zoning Ordinance.

#### **Meetings**

Unless otherwise advertised, Charleston City Council meets every 2<sup>nd</sup> and 4<sup>th</sup> Tuesday at 5:00 pm in Council Chambers at 50 Broad St. The meetings of Council and Sub-Committees of Council are also [live-streamed on YouTube](#).

#### **Public Hearings?**

If there are actions that require a public hearing, they are usually (but not always) scheduled for the second Council meeting of every month and are usually taken up at the beginning of the agenda, prior to the Citizens Participation Period.

**Public Notice:** Newspaper advertisement and signage (when applicable) at least 15 days prior; 30 days prior for plan amendments and development agreements.

#### **Public Comment period?**

Yes. This period is called the Citizens Participation Period. This period is for open public comment, not for public hearing items. City Council allows 30 minutes for this period and it is limited to the first 30 speakers. Speakers residing in or maintaining a business license with the City of Charleston and speaking on items on the meeting's agenda shall speak first.

### **How to sign up to speak:**

Citizens may sign-up to speak in person at the Council meeting until 5:00 p.m. at the meeting location. If participating virtually, citizens may use one of the following methods to request to speak at the meeting or provide comments for City Council. Requests to speak at the meeting and comments must be received by 12:00 p.m., the day before.

1. Request to speak (via Zoom or telephone) or leave a comment via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;
2. Request to speak (via Zoom or telephone) or leave a comment for City Council by completing the form at <http://innovate.charleston-sc.gov/comments/>.
3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

## **BOARDS & COMMISSIONS, CITY OF CHARLESTON PLANNING, PERMITTING & ENGINEERING SECTION**

### **Applies to All**

#### **Public Hearings?**

Yes. All regular meetings of the below public planning and zoning boards/commissions are public hearings.

#### **Public Comment period?**

The Chair of each board/commission will communicate whether or not public comment will be allowed for special meetings or special agenda items that do not require a public hearing.

### **How to sign up to speak:**

To speak in person, you do not have to sign up in advance. There is no Zoom option. Written comments must be submitted by 12:00 p.m. the business day before the meeting and must be submitted at <http://innovate.charleston-sc.gov/comments/>. Written comments will be provided to the board members 24 hours in advance of the meeting and will be acknowledged into the record and summarized. You are encouraged to attend the meeting in person to speak if you would prefer your comments to be fully heard. You may also mail/deliver written comments to the Planning Department, 2 George Street, Suite 3100, Charleston, SC 29401.

**All planning & zoning board/commission meetings are [live-streamed on YouTube](#).**

### **Planning Commission**

#### **Authority**

The Planning Commission reviews plans and planning-related ordinances such as: **Concept Plans, Rezoning, Street Names, Subdivision Requests and Zoning Ordinances**. The Planning Commission is only authorized to make a recommendation to City Council, with the exception of subdivision approvals, which are the sole responsibility of the Planning Commission. After Planning Commission votes on a recommendation, City Council is required to conduct a second public hearing prior to taking formal action on that item. The Planning Commission is also charged with guiding the creation of the [city's Comprehensive Plan](#), which provides recommendations for the city's development and redevelopment for the next 10 years.

**Meetings**

Unless otherwise advertised, Charleston Planning Commission meets every 3<sup>rd</sup> Wednesday at 5:00 pm in the Public Meeting Room at 2 George St.

**Public Notice**

Newspaper advertisement at least 10 days prior and signage on the property at least 6 days prior.

**Board of Zoning Appeals – Zoning****Authority**

The Board of Zoning Appeals – Zoning is a quasi-judicial body that reviews requests for variances and special exceptions. These are not the same as rezonings and are much less subjective. Variance requests must satisfy the legal test for a variance. Special Exception requests must demonstrate that they satisfy specific requirements listed in the Zoning Ordinance for the exception being requested.

**Meetings**

Unless otherwise advertised, the City of Charleston Board of Zoning Appeals-Zoning meets at 5:15 p.m. the 1st and 3rd Tuesdays of every month in the Public Meeting Room at 2 George St., except for January and July when no meeting is held on the 1st Tuesday.

**Public Notice**

Newspaper advertisement and signage at least 5 days prior.

**Board of Zoning Appeals – Site Design****Authority**

The Board of Zoning Appeals – Site Design is also a quasi-judicial body that hears zoning variance and special exception requests. They differ from Board of Zoning Appeals – Zoning in that they review requests specifically pertaining to site design regulations such as the protection of trees, landscaping requirements, parking lot design and street design standards. Here too, zoning variance requests must meet the variance test set by the State of South Carolina and to approve special exceptions, the board must determine whether a specific proposal satisfies conditions set forth in the zoning ordinance.

**Meetings**

Unless otherwise advertised, the Board of Zoning Appeals – Site Design meets every 1st Wednesday at 5:00 pm in the Public Meeting Room at 2 George St.

**Public Notice**

Newspaper advertisement and signage at least 5 days prior.

**Board of Architectural Review – Small & Large****Authority**

The Board of Architectural Review (BAR) is comprised of two different Boards: BAR-Large (BAR-L) for large projects and BAR-Small (BAR-S) for small projects. The Board of Architectural Review (BAR) was established in 1931 with the creation of the first preservation ordinance in the United States. Within the City of Charleston's historic districts, the BAR reviews all new construction,

alterations and renovations visible from the public right-of-way. The BAR reviews all demolitions of buildings 50 years of age or older on any structures south of Mount Pleasant Street, and any demolitions (regardless of age) within the Old and Historic District. In addition, the BAR has jurisdiction over all structures included on the Landmark Overlay Properties list. Most minor alterations, such as painting, sitework, signage, repairs, etc., are typically reviewed by Staff and do not require full Board review.

### **Meetings**

BAR-L agendas are capped at 8 items and BAR-S agendas are capped at 15 items. Unless otherwise advertised, BAR-L meets every 4th Wednesday, and BAR-S meets every 2nd and 4th Thursday. Both meetings begin at 4:30 p.m. and are located in the Public Meeting Room at 2 George St.

### **Public Notice**

Newspaper advertisement and signage at least 5 days prior.

### **Design Review Board**

#### **Authority**

The purpose of the Design Review Board (DRB) is "to establish a review process that will protect and improve the visual and aesthetic character and economic value" of development within the City of Charleston. The DRB reviews new construction, exterior alterations, and signage for commercial/non-residential projects and residential projects (eight or more units) where the property lies within the designated corridors ([see DRB List of Corridors \(PDF\)](#)). Projects that are less than 3,000 square feet, with certain restrictions, may be reviewed at Staff level and are not required to go before the Board.

#### **Meetings**

Unless otherwise advertised, the DRB meets every 1<sup>st</sup> and 3<sup>rd</sup> Monday, at 4:30 p.m. in the Public Meeting Room at 2 George Street.

#### **Public Notice**

Newspaper advertisement and signage at least 5 days prior.