No. _____

**AN ORDINANCE**

**TO AMEND THE GREENVILLE COUNTY PLANNING COMMISSION ESTABLISHMENT ORDINANCE (ORDINANCE NO. 3203, AS AMENDED BY ORDINANCE NO. 4086) TO DEFINE COMPOSITION AND COMMISSIONER QUALIFICATION REQUIREMENTS.**

**BE IT ORDAINED by** the County Council of Greenville County, South Carolina:

**Section 1. Findings.** On February 2, 1999, the Greenville County Council reestablished the Greenville County Planning Commission, through Ordinance No. 3203 (as amended by Ordinance No. 4086), to comply with the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code Ann. §§ 6-29-310, *et seq*. Among other things, Ordinance No. 3203 set the composition of the Planning Commission, and the regulation of the Planning Commission's composition has remained unchanged since originally set nearly two decades ago.

During the ensuing decades, the County has experienced substantial population growth and development activity, resulting in an increase in the volume and technical complexity of matters presented to the Planning Commission. As presently composed, the Planning Commission is making decisions that cause the County to dedicate an increasing amount of employee time and County funds responding to litigation prompted by those decisions.

To respond to the increased complexity of the matters coming before the Planning Commission, the Council finds the need to ensure that a portion of the Commission seats be filled by commissioners who possess direct, practical industry knowledge and professional skills essential to read and evaluate engineered plans and technical studies; to test and, when appropriate, question the assumptions underlying applicant and citizen submittals and staff analyses; and to distinguish substantiated technical concerns from those that are speculative.

To comply with state law and to strengthen the technical competence of the Planning Commission while not advancing the interests of any applicant, industry, business, or person, the Council finds that the change in Planning Commission composition provided in this Ordinance will best serve the public interest of promoting competent, informed, efficient, and lawful land use decision-making, while meeting S.C. Code Ann. § 6-29-350(C)'s requirement that the Council consider the "professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens" of the commissioners it appoints.

**Section 2. Amend Ordinance No. 3203, as amended by Ordinance No. 4086, as follows:**

"Section 2. Composition of Commission**.** The planning shall consist of nine (9) members appointed by Greenville County Council for terms of three (3) years, staggered so that one-third of the members shall have terms expiring in each year. Members shall serve until their successors are appointed and qualified. No member of the planning commission shall be the holder of an elected public office in the County of Greenville.

Fifty percent (50%) of the total authorized seats on the Planning Commission shall at all times be held by commissioners who are Industry Professionals as defined by this Ordinance. When fifty percent (50%) of the total membership is not a whole number, the required number of qualifying seats shall be the lower whole number. For example, when the Planning Commission consists of nine (9) seats, not less than four (4) seats shall be held by Industry Professionals.

Section 3. Industry Professional. For purposes of this Ordinance, Industry Professional means a person who, at the time of appointment or reappointment, satisfies the requirements of at least one of the following categories:

A. Real estate licensee. A person who holds an active broker-in-charge, real estate broker, or associate license issued under S.C. Code Ann. §§ 40-57-10, *et seq*., and who has been actively engaged in the practice of real estate brokerage for not less than five (5) years.

B. Real estate developer. A person who has, for the ten (10) years preceding appointment, been primarily responsible, as a principal, partner, member, officer, or employee of a development entity, for the financing or construction of one or more residential or mixed-use real estate development projects.

C. Real estate attorney. A person licensed to practice law in the State of South Carolina whose practice includes, or for not less than five (5) years has included, a substantial concentration in real property, land use, zoning, real estate finance, real estate transactions, or real estate title matters.

D. Civil engineer. A person actively licensed as a professional engineer under S.C. Code Ann. §§ 40-22-10, *et seq*., whose practice includes civil, site, geotechnical, structural, stormwater, water resources, environmental, or transportation engineering.

E. Traffic or transportation engineer. A person actively licensed as a professional engineer as described in paragraph (D) whose practice has included a substantial concentration in traffic or transportation engineering with experience in the preparation or review of traffic

impact analyses, access management, or roadway design for at least the five (5) years preceding appointment.

F. Architect. A person with an active license as an architect under S.C. Code Ann. §§ 40-3-10, *et seq.*, and has had at least five (5) years' experience as a practicing architect.

G. Land surveyor. A person actively licensed as a professional land surveyor or professional tier surveyor under S.C. Code Ann. §§ 40-22-10, *et seq.*, and has had at least five (5) years' experience in the profession.

H. Licensed or certified planner. A person certified by the American Institute of Certified Planners (AICP) or a person holding a professional degree in urban, regional, city, or community planning and having not less than five (5) years of professional planning experience.

I. Real property appraiser. A person with an active state license or state certification as a real estate appraiser under S.C. Code Ann. §§ 40-60-10, *et seq.*, and having not less than five (5) years of experience in the profession.

J. Mortgage broker, mortgage lender, or real estate finance professional. A person with an active license as a mortgage broker, mortgage lender, or loan originator under S.C. Code Ann. Title 40, Chapter 58, or Title 37, Chapter 22, and having not less than five (5) years of experience in commercial or residential real estate lending or underwriting.

K. Construction or project manager; licensed contractor. A person licensed as a general or mechanical contractor under S.C. Code Ann. §§ 40-11-5, *et seq.*, and having not less than five (5) years of experience in the management of the construction of buildings, subdivisions, or public or private infrastructure.

L. Landscape architect or environmental professional. A person with an active license as a landscape architect under S.C. Code Ann. §§ 40-28-5, *et seq.*, and having not less than five (5) years of professional experience in wetlands delineation, environmental permitting, or natural resource assessment relating to land development.

M. Substantially equivalent professional background. A person whose licensure, certification, education, or professional experience the County Council determines to be substantially equivalent to that described in paragraphs (A) through (L).

Section 4. Diversity of disciplines among qualifying seats. No more than two (2) members qualifying as Industry Professionals under the same category listed in Section 3 of this Ordinance may be appointed to the commission at the same time.

Section 5. Remaining seats; broad cross section. The remaining seats on the Planning Commission shall be filled such that commission membership consists of a broad cross section of the interests and concerns within the County, as directed by S.C. Code Ann. § 6-29-350(C), including the interests and concerns of neighborhood and community residents, agricultural and rural landowners, historic and environmental preservation, business and industry, and the general public.

Section 6. Certification of qualifications. Each applicant for appointment or reappointment to the Planning Commission shall state, on the application form prescribed by the Clerk to Council, whether the applicant claims to be an Industry Professional and, if so, the category or categories of Section 3 under which the applicant claims to qualify, together with the licensure, certification, education, or experience supporting the claim.

Section 7. Change in status during term. A commissioner who ceases to satisfy the definition of Industry Professional during their term shall promptly notify the Clerk to Council in writing. Such a change in status does not automatically produce a vacancy, terminate the member's term, or affect the member's authority to act; provided, however, that the Council shall take such action as is authorized by this Ordinance.

Section 8. Application; transition. No commissioner serving on the effective date of this Ordinance shall be removed and no member's term shall be shortened or otherwise affected by reason of the enactment of this Ordinance. The Council shall bring the composition of the Planning Commission into conformity with Sections 2 and 3 of this Ordinance through appointments and reappointments made as seats become vacant or as terms expire in the ordinary course, and full conformity shall be achieved not later than the date on which a number of seats equal to a majority of the total commission seats has become vacant or has expired following the effective date of this Ordinance.

Section 9. The failure of the membership of the Planning Commission to conform to Section 2 or 3 of this Ordinance shall not affect the validity of any action taken by the Planning Commission, shall not constitute grounds for the invalidation, reversal, or remand of any recommendation, approval, denial, or other determination of the Planning Commission, and shall not affect the validity of any ordinance, plan, regulation, permit, plat, or

approval. This section is adopted solely for the guidance of the County Council in the exercise of its appointment power and establishes no right, claim, cause of action, or defense in favor of any person or legal entity.

Section ~~3~~10. Compensation. Members of the planning commission shall serve without compensation. Reimbursement for actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds pursuant to reimbursement policies and procedures for employees of the County of Greenville.

Section 411. Removal of Members. Members of the Planning Commission may be removed at any time by Greenville County Council for cause. The existence of cause shall be discussed by the Council in executive session as permitted by the Freedom of Information Act, S.C. Code § 30-470(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of Council, is deemed to adversely affect the public interest, including, but not limited to, lack of attendance at meetings or a change in qualifying status as an Industry Professional, may constitute cause.

Section ~~5~~12. Organizational and Rules of Procedure. The Planning Commission shall organize, elect officers, and adopt rules of procedure as required by S. C. Code Section 6-29-360.

**Section 3. Repeal.** This Ordinance repeals any ordinance, resolution, or order with provisions that conflict with it only to the extent of the conflict.

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Ordinance or its amending ordinance (Ordinance No. 4086), which shall remain in full force and effect.

**Section 5. Effective Date.** This Ordinance shall take effect upon its adoption.

**DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2026.**

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Benton Blount, Chairman
Greenville County Council

ATTEST:

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Regina McCaskill
Clerk to Council

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Joseph M. Kernell
County Administrator