

2. ORDINANCE NO. 25-2008/09

An Ordinance To Amend Florence County Code, Chapter 5, Ambulance Services, In Its Entirety To Establish Procedures Relating To Private Ambulance Services And Other Matters Relating Thereto.

VII. APPEARANCES:

A. **E. L. CLEMENTS, III, SOLICITOR** [11]
Solicitor Clements Requests To Appear Before Council To Discuss A County Supported Grant For The Adult Drug Court.

B. **BETH ASHLEY GREENE** [13]
Ms. Greene Requests To Appear Before Council To Propose An Ordinance Prohibiting The Discharge Of Firearms Within Densely Populated Areas And Express Concerns As A Taxpayer And A Homeowner Regarding This Issue.

VIII. COMMITTEE REPORTS:

(Items assigned to the Committees in italics. Revisions by Committee Chair requested.)

Administration & Finance

(Council members K. G. "Rusty" Smith, Jr./Chair, Russell W. Culberson, Waymon Mumford and James T. Schofield)

Public Services & County Planning

(Council members James T. Schofield/Chair, Mitchell Kirby, and Ken Ard)

January 17, 2008

February 5, 2009

April 2, 2009

Ordinance No. 18-2007/08 (amend the Zoning Ordinance)

Voter Registration/Election Office Building

Enforcement Of The Portable Sign Regulation Section 30-202 and 30-205, Including Table VII

Justice & Public Safety

(Council members Waymon Mumford/Chair, Johnnie D. Rodgers, Jr. and Al Bradley)

Education, Recreation, Health & Welfare

(Council members H. Morris Anderson/Chair, Johnnie D. Rodgers, Jr., and Al Bradley)

October 16, 2008

Air Quality

Agriculture, Forestry, Military Affairs & Intergovernmental Relations
(Council members Russell W. Culberson/Chair, Morris Anderson and Ken Ard)

Ad Hoc Water Study Committee
(Council members Ken Ard/Chair, Mitchell Kirby, Russell W. Culberson, and Johnnie D. Rodgers, Jr.)

City-County Conference Committee
(Council members Alphonso Bradley/Co-Chair, Russell W. Culberson, and Johnnie D. Rodgers, Jr.)

IX. RESOLUTIONS:

RESOLUTION NO. 15-2008/09 [16]
A Resolution Designating April 2009 As Fair Housing Month.

X. ORDINANCES IN POSITION:

A. SECOND READING

1. **ORDINANCE NO. 23-2008/09** (Public Hearing) [18]
An Ordinance To Adopt The Administrative Procedures For The Florence County Comprehensive Plan In Accordance With The 1976 South Carolina Code Of Laws, As Amended, Title 6, Chapter 29, Section 510.
(*Planning Commission approved 7 – 0.*)
2. **ORDINANCE NO. 24-2008/09** [30]
An Ordinance To Amend Section 30-113 Of The Florence County Code Of Ordinances To Provide Consistent Application Of The Requirements Regarding Tattoo Facilities.
(*Planning Commission approved 7 – 0.*)
3. **ORDINANCE NO. 25-2008/09** (Public Hearing) [34]
An Ordinance To Amend Florence County Code, Chapter 5, Ambulance Services, In Its Entirety To Establish Procedures Relating To Private Ambulance Services And Other Matters Relating Thereto.

4. **ORDINANCE NO. 26-2008/09** [48]
An Ordinance To Amend Sections: 30-30. Table III: Zoning Setbacks; 30-111. Development Standards For Unzoned Areas; 30-202. Table VIII Number, Dimension, And Location Of Permitted Signs By Zoning District; 30-246. Accessory Buildings And Uses; And Other Matters Relating Thereto.
(Planning Commission approved 9 – 0.)

B. INTRODUCTION

1. **ORDINANCE NO. 27-2008/09** [71]
An Ordinance To Amend Section 30-30, Table III, Section 30-48 and Section 30-247 Of The Florence County Code Regarding Zoning Setbacks, Changes In Approved Planned Development Plans And Access To Property.
(Planning Commission approved 9 – 0.)
2. **ORDINANCE NO. 28-2008/09** [92]
An Ordinance To Amend Section 30-246 Of The Florence County Code To Enhance The General Locational Rules Regarding Accessory Buildings and Uses.
(Planning Commission approved 10 – 0.)
3. **ORDINANCE NO. 29-2008/09** [104]
An Ordinance To Amend Section 30-29, Table II Of The Florence County Code For Revision Of The NAICS Code Reference For Personal Care Services.
(Planning Commission approved 10 – 0.)
4. **ORDINANCE NO. 30-2008/09** [110]
An Ordinance To Rezone Properties Owned By James M. And Christina N. Fender Located At 2506 Pamplico Hwy. And 2328 Dudley Drive, Florence County From B-3, General Commercial District To Unzoned Shown On Florence County Tax Map No. 00180, Block 1, Parcels 161 and 162 Consisting of 2.17 Acres.
(Planning Commission denied 10 – 0.) (Council District 5)

XI. APPOINTMENTS TO BOARDS & COMMISSIONS:

- BOARDS AND COMMISSIONS LIST** [121]
A List Of Current And Approaching Vacancies For 2009 On Boards And Commissions Was Previously Provided To Council.

XII. REPORTS TO COUNCIL:

PROCUREMENT DEPARTMENT

1. **AWARD BID #31-08/09** [122]
Award Bid #31-08/09 For One (1) Street Sweeper For Florence County Public Works Department To Carolina Industrial Equipment, Charlotte, NC, In The Amount Of \$194,795.00. *(2 Compliant Bids Received)*

2. **AWARD BID #38-08/09** [125]
Award Bid #38-08/09 For The Construction Of Restroom Facilities At Savannah Grove Park And Brooks McCall Park To Charles Blanchard Construction, North Charleston, SC In The Amount Of \$97,910; \$82,355 From Budgeted Funds And The Balance Of \$15,000 To Come In Equal Portions From Council District 3, 4, 5, And 9 Infrastructure Funding Allocations (Up To \$3,750 From Each District). *(5 Compliant Bids Received)*

3. **AWARD BID #40-08/09** [130]
Award Bid #40-08/09 For The Resurfacing Project At Pine Needles Fire Station To Newman Davis Construction Company, Sumter, SC In The Amount Of \$52,324. *(6 Compliant Bids Received)*

4. **CONTRACT EXTENSION** [134]
Approve An Extension Of The Contract For The Wilson Road Sidewalk Project For The Extension Of The Sidewalk From Oakland Avenue To Wilson High School In The Amount Of \$157,306 To RWF Construction, Effingham, SC And Approve The Associated Engineering And Survey Costs; \$150,000 To Be Funded From FY08 Bond And Balance (Estimated To Be \$30,000) From Council District 7 Infrastructure Funding Allocation.

XIII. OTHER BUSINESS:

INFRASTRUCTURE

1. **LAKE CITY AIRPORT** [136]
Approve The Expenditure Of Up To \$2,000.00 From Council District 1 Infrastructure Funding Allocation For Stormwater Piping In Connection With A Roadway At The Lake City Airport.

2. LYNCHES RIVER ATHLETIC PARK

[137]

Approve The Expenditure Of Up To \$7,000.00 From Council District 4 Infrastructure Funding Allocation To Assist The Lynches River Athletic League With The Purchase Of A Hood System For The Concession Facility At Lynches River Athletic Park.

XIV. EXECUTIVE SESSION:

Pursuant to Section 30-4-70 of the South Carolina Code of Laws 1976, as amended.

- Contractual matters concerning Sheriff's Office
- Legal Briefing From County Attorney
- Economic Development Matters

XV. INACTIVE AGENDA:

ORDINANCE NO. 19-2008/09

At its regular meeting of February 19, 2009 Council deferred second reading of Ordinance No. 19-2008/09: An Ordinance Establishing Regulations For The Securing And Disposition Of Solid Waste, Establishing Procedures For Violations, And Other Matters Relating Thereto.

XVI. ADJOURN:

FLORENCE COUNTY COUNCIL MEETING

April 16, 2009

AGENDA ITEM: Minutes

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Council is requested to approve the minutes of the April 2, 2009 regular meeting of County Council.

OPTIONS:

1. Approve minutes as presented.
2. Provide additional directive, should revisions be necessary.

ATTACHMENTS:

Copy of proposed Minutes.

**REGULAR MEETING OF THE FLORENCE COUNTY COUNCIL,
THURSDAY, APRIL 2, 2009, 9:00 A.M., COUNCIL CHAMBERS
ROOM 803, CITY-COUNTY COMPLEX, 180 N. IRBY STREET,
FLORENCE, SOUTH CAROLINA**

PRESENT:

K. G. "Rusty" Smith, Jr., Chairman
Waymon Mumford, Vice-Chairman
H. Morris Anderson, Secretary-Chaplain
Mitchell Kirby, Council Member
Russell W. Culberson, Council Member
Johnnie D. Rodgers, Jr., Council Member
J. Ken Ard, Council Member
Alphonso Bradley, Council Member
James T. Schofield, Council Member
Richard A. Starks, County Administrator
James C. Rushton, III, County Attorney
Connie Y. Haselden, Clerk to Council

ALSO PRESENT:

Kevin Yokim, Finance Director
William H. Hoge, Planning Director
Robert Franks, IT Director
Ryon Watkins, EMS Director
Ray McBride, Library Director
Sheriff Kenney Boone
Barbara Coker, Sheriff's Office
Chuck Tomlinson, Morning News Staff Writer

A notice of the regular meeting of the Florence County Council appeared in the April 1, 2009 edition of the **MORNING NEWS**. Copies of the agenda were faxed to members of the media and posted in the lobby of the City-County Complex, the Doctors Bruce and Lee Foundation Public Library and on the County's website (www.florenceco.org).

Chairman Smith called the meeting to order. Secretary-Chaplain Anderson gave the invocation and Vice Chairman Mumford led the Pledge of Allegiance to the American Flag. Chairman Smith welcomed everyone attending the meeting.

APPROVAL OF MINUTES:

Councilman Anderson made a motion Council approve the minutes of the March 5, 2009 regular meeting of County Council. Councilman Mumford seconded the motion, which was approved unanimously.

PUBLIC HEARINGS:

No Public Hearings were required or scheduled.

APPEARANCES:

RESIDENTS OF THE TOWN OF SCRANTON

Mrs. Ernestine Haselden, on behalf of a group of residents from the Town of Scranton appeared before Council to request the enactment of an ordinance banning pit bull type dogs Countywide.

SOUTHSIDE MIDDLE SCHOOL (GIFTED AND TALENTED)

Brian S. Harvey, Gifted and Talented Education, along with students Kayley Green, Emily Nance, Aliyah Roberts, Jamie Thomas, and Jeremy Romanayzyn, appeared before Council to provide a presentation on Breed Specific Legislation and state opposition to any such legislation.

LINDA D. WITOUSKI, AKC JUDGE & DELEGATE

Ms. Witouski appeared before Council to discuss Breed Specific Legislation and to state opposition to any such legislation.

COMMITTEE REPORTS:

There were no reports.

PROCLAMATIONS:

MARCH 2009 DISABILITIES AWARENESS MONTH

The Clerk published the title of the Proclamation: A Proclamation Proclaiming March 2009 Disabilities Awareness Month. Councilman Ard made a motion Council approve the Proclamation as presented. Councilman Rodgers seconded the motion, which was approved unanimously.

WEEK OF THE YOUNG CHILD

Councilman Mumford requested Council's consideration of a Proclamation Recognizing and Supporting the Efforts of North Vista Elementary School as They Celebrate the Week of April 5 – 9 as the Week of the Young Child 2009 as an addition to the Agenda. There were no objections to the item being added to the Agenda. Councilman Mumford made a motion Council approve the Proclamation. Councilman Culberson seconded the motion, which was approved unanimously.

RESOLUTIONS:

RESOLUTION NO. 14-2008/09

Chairman Smith published the title of Resolution No. 14-2008/09: A Resolution Authorizing Amendment of South Carolina Department of Commerce (DOC) Coordinating Council for Economic Development Set Aside and Governor's Closing Fund Grant Amounts Stated in the Memorandum of Understanding (MOU) Effective May 15, 2008 and Approved by Council in Resolution No. 27-2007/08 for the Heinz Project (Formerly Project Gateway). Councilman Mumford made a motion Council approve the Resolution as presented. Councilman Culberson seconded the motion, which was approved unanimously.

ORDINANCES IN POSITION:

ORDINANCE NO. 20-2008/09 – THIRD READING

The Clerk published the title of Ordinance No. 20-2008/09: An Ordinance To Adopt A New Community Facilities Element For The Florence County/Municipal Comprehensive Plan In Accordance With The 1976 South Carolina Code Of Laws, As Amended, Title 6, Chapter 29, Section 510. Councilman Schofield made a motion Council approve third reading of the Ordinance. Councilman Ard seconded the motion, which was approved unanimously.

ORDINANCE NO. 21-2008/09 – THIRD READING

The Clerk published the title of Ordinance No. 21-2008/09: An Ordinance To Zone Properties Owned By Sylvia J. Ray, Sally R. Taylor, Elvin G. And Molly C. Price Located On E. McIver Road, Florence County To RU-1, Rural Community District Shown On Florence County Tax Map No. 00175, Block 1, Parcels 26, 27, 39, And 124 Consisting Of 21.878 Acres. Councilman Mumford made a motion Council approve third reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

ORDINANCE NO. 22-2008/09 – THIRD READING

The Clerk published the title of Ordinance No. 22-2008/09: An Ordinance To Zone Properties Owned By Yvonne Jones Etal, Phillip R. Sandifer, Hilda And Latonya D. Jackson, Catherine E. Sandifer, Willow D. Sandifer Etal, Gloria Sandifer, Odell Spears, Gloria G. And June G. Sandifer, Robert Dukes, W. R. Sandifer, Sr., Phillip R. Sandifer, Sr., John W. And William H. Clarke, Jr., Sylvester L. And Lillie A. King, Kenneth W. Sallenger, Jr., Etal C/O J. W. Sallenger, Elizabeth T. Clarke, St. Jude Church Of Jesus Located On E. McIver Road And E. Old Marion Hwy, Quinby To R-1, Single-Family Residential District, RU-1, Rural Community District And B-3, General Commercial District Shown On Florence County Tax Map No. 00175, Block 1, Parcels 37, 40, 106, 107, 108 and Tax Map No. 00176, Block 1, Parcels 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 29, 32, 36, 37, 45, 46, And 52 Consisting Of 215.03 Acres. Councilman Mumford made a motion Council approve third reading of the Ordinance. Councilman Bradley seconded the motion, which was approved unanimously.

ORDINANCE NO. 23-2008/09 – INTRODUCED

The Chairman published the title of Ordinance No. 23-2008/09 and declared the Ordinance introduced: An Ordinance To Adopt The Administrative Procedures For The Florence County Comprehensive Plan In Accordance With The 1976 South Carolina Code Of Laws, As Amended, Title 6, Chapter 29, Section 510

ORDINANCE NO. 24-2008/09 – INTRODUCED

The Chairman published the title of Ordinance No. 24-2008/09 and declared the Ordinance introduced: An Ordinance To Amend Section 30-113 Of The Florence County Code Of Ordinances To Provide Consistent Application Of The Requirements Regarding Tattoo Facilities.

ORDINANCE NO. 25-2008/09 – INTRODUCED

The Chairman published the title of Ordinance No. 25-2008/09 and declared the Ordinance introduced: An Ordinance To Amend Florence County Code, Chapter 5, Ambulance Services, In Its Entirety To Establish Procedures Relating To Private Ambulance Services And Other Matters Relating Thereto.

ORDINANCE NO. 26-2008/09 – INTRODUCED

The Chairman published the title of Ordinance No. 26-2008/09 and declared the Ordinance introduced: An Ordinance To Amend Sections: 30-30. Table III: Zoning Setbacks; 30-111. Development Standards For Unzoned Areas; 30-202. Table VIII Number, Dimension, And Location Of Permitted Signs By Zoning District; 30-246. Accessory Buildings And Uses; And Other Matters Relating Thereto.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

FLORENCE COUNTY MUSEUM BOARD

Council Unanimously Approved The Following Appointments To The Florence Museum Board: Ben Zeigler, Representing Council District 5, and Dr. Fred Carter, Representing Council District 8. With Appropriate Expiration Terms.

REPORTS TO COUNCIL:

ADMINISTRATION

MONTHLY FINANCIAL REPORTS

Monthly Financial Reports Were Provided To Council For Fiscal Year 2009 Through February 28, 2009 As An Item For The Record.

LIBRARY SECURITY

Chairman Smith Deferred The Addition Of Two (2) Deputy Sheriff I – Library Resource Officer Positions (Grade 13) To The County Pay Plan At A Cost Of \$20,000 For The Remainder Of The 2008/2009 Fiscal Year, To Be Funded With Existing Budget Savings In The Library Budget, Pending Clarification On Questions By Members Of Council.

EMERGENCY MANAGEMENT

PURCHASE OF PROPERTY

Councilman Ard made a motion Council Authorize The Purchase Of Property Consisting Of 38.25 Acres, Located At 3030 Cash Road, Johnsonville And Designated As Tax Map No. 00415-02-026 For \$139,500 And Authorize The County Administrator To Proceed, Subject To Review By The County Attorney. Councilman Schofield seconded the motion, which was approved unanimously.

INFORMATION TECHNOLOGY DEPARTMENT

DECLARATION AND DONATION OF SURPLUS PROPERTY

Councilman Kirby made a motion Council Declare Computer Equipment As Surplus Property And Allow For Said Property To Be Donated To The Town Of Timmonsville For Daily Operations. Councilman Rodgers seconded the motion, which was approved unanimously.

PLANNING AND BUILDING INSPECTIONS DEPARTMENT

MORATORIUM REGARDING PORTABLE SIGNS

Councilman Kirby made a motion Council Adopt A One-Year Moratorium On The Enforcement Of The Portable Sign Regulation Section 30-202 And 30-205, Including Table VII, Of The Florence County Code Of Ordinances, Pending Consideration By County Council To Revise The Regulations, And Further Directing That These Regulations Be Referred To The Public Services And County Planning Committee To Provide Guidance On The Matter, Subsequently Referring The Regulation To The Planning Commission For Consideration Of Any Proposed Revisions Through Routine Procedures. Councilman Mumford seconded the motion, which was approved unanimously.

PROCUREMENT DEPARTMENT

AWARD BID #26-08/09

Councilman Anderson made a motion Council Award Bid #26-08/09 For The General Cage Banks (cat cages) For The New Animal Control Facility To General Cage, LLC, Elwood, IN, In The Amount Of \$24,699.81. Councilman Mumford seconded the motion, which was approved unanimously.

AWARD BID #30-08/09

Councilman Ard made a motion Council Award Bid #30-08/09 For One (1) Water Truck For Florence County Public Works Department To Carolina International Trucks, Florence, SC In The Amount Of \$106,942.41. Councilman Rodgers seconded the motion, which was approved unanimously.

AWARD BID #31-08/09

Councilman Kirby made a motion Council Award Bid #31-08/09 For One (1) Street Sweeper For Florence County Public Works Department To Carolina Industrial Equipment, Charlotte, NC, In The Amount Of \$194,795.00. Councilman Rodgers seconded the motion. There being no objection, Jody Moses with Carolina Industrial Equipment, Charlotte, NC was allowed to comment on this item. After some discussion on this matter, Councilman Kirby withdrew the motion and Councilman Rodgers withdrew the second. There being no objection, this item was deferred to the April 16, 2009 meeting and the Public Works Director was requested to be present to discuss.

AWARD BID #32-08/09

Councilman Mumford made a motion Council Award Bid #32-08/09 For The Construction And Installation Of Inmate Beds At The Florence County Detention Center To Bob Barker Co., Fuquay Varina, NC In The Amount Of \$12,409.20 To Be Funded From FY09 Detention Center Budget. Councilman Bradley seconded the motion, which was approved unanimously.

AWARD BID #34-08/09

Councilman Bradley made a motion Council Award Bid #34-08/09 For The Paving Of Briarcliff Drive And Memory Lane In The Amount Of \$36,939.54 To Palmetto Corporation Of Conway, SC. (District 3 RSMF Funds Previously Approved.) Councilman Kirby seconded the motion, which was approved unanimously.

AWARD BID #36-08/09

Councilman Ard made a motion Council Award Bid #36-08/09 For The Resurfacing Of Hurst Street In The Amount Of \$9,206.25 To Palmetto Corporation Of Conway, SC To Be Funded By CTC Funds Under CPCN #38542. Councilman Rodgers seconded the motion, which was approved unanimously.

AWARD BID #37-08/09

Councilman Rodgers made a motion Council Award Bid #37-08/09 For The Splash Pad Deck Refurbishment At Lynches River County Park To Strickland Waterproofing Company, Charlotte, NC In The Amount Of \$34,920. Councilman Mumford seconded the motion, which was approved unanimously. Councilman Ard requested Council be provided updated 2008 end-of-season information on the use of the Splash Pad.

DECLARATION OF SURPLUS PROPERTY

Councilman Kirby made a motion Council Declare Various Computer Equipment As Surplus Property And Authorize Disposal By Global Investment Recovery, Inc. In An Amount Not To Exceed \$3,500 To Be Funded From General Fund Contingency. Councilman Ard seconded the motion, which was approved unanimously.

JAIL SIREN SYSTEM

Councilman Rodgers made a motion Council Approve The Purchase Of A Jail Siren System To Provide Notification To Citizens Living Within An Approximate Five Mile Radius Of The Florence County Law Enforcement Center Of A Potential Emergency In The Amount Of \$20,560 To Be Funded From FY09 General Fund Contingency. Councilman Mumford seconded the motion, which was approved unanimously.

SHERIFF'S OFFICE

DECLARATION OF SURPLUS PROPERTY

Councilman Mumford made a motion Council Declare One (1) Glock G-26 9 mm Handgun, Serial Number MZM800, And One (1) Glock G-17, Serial Number CTC56us, As Surplus Property Of The Florence County Sheriff's Office And Award To Retiring Employees. Councilman Kirby seconded the motion, which was approved unanimously.

GRANT APPLICATION US DEPARTMENT OF JUSTICE

Councilman Rodgers made a motion Council Approve A Grant Application For Funding In The Amount Of \$199,960 Under The Fiscal Year 2010 Community Oriented Policing Services (COPS) Hiring Recovery Program Through The United States Department Of Justice To Provide For The Personnel Costs Of Five Additional Patrol Deputies For The Florence County Sheriff's Office. Councilman Anderson seconded the motion, which was approved unanimously.

GRANT APPLICATION US DEPARTMENT OF JUSTICE

Councilman Ard made a motion Council Approve A Grant Application To The United States Department Of Justice Edward Byrne Memorial JAG Local Solicitation Recovery Program In The Amount Of \$272,523 To Provide Start-Up/Capital For Two (2) Library Deputies And Five (5) Additional Patrol Deputies For The Florence County Sheriff's Office. Councilman Schofield seconded the motion, which was approved unanimously.

OTHER BUSINESS:

INFRASTRUCTURE FUND

ANIMAL CONTROL FACILITY

Councilman Anderson made a motion Council Approve The Expenditure Of Up To \$4,000.00 From Council District 9 Infrastructure Funding Allocations For MBC Stone, Grass Sod And Grass Seed For The New Animal Control Facility In Effingham, SC. Councilman Rodgers seconded the motion, which was approved unanimously.

ROAD SYSTEM MAINTENANCE FEE (RSMF) FUND

IVY LANE, QUINBY, SC

Councilman Bradley made a motion Council Approve The Expenditure Of Up To \$28,000.00 From Council District 3 RSMF Funding Allocation To Re-Surface Ivy Lane In Quinby, SC. Ivy Lane Is In The Florence County Road System. Councilman Anderson seconded the motion, which was approved unanimously.

MAGNOLIA STREET, QUINBY, SC

Councilman Bradley made a motion Council Approve The Expenditure Of Up To \$20,000.00 From Council District 3 RSMF Funding Allocation To Re-Surface Magnolia Street In Quinby, SC. Magnolia Street Is In The SCDOT Road System. Councilman Rodgers seconded the motion, which was approved unanimously.

The following item was approved as an addition to the agenda:

UTILITY FUND:

SAM HARRELL ROAD DRAINAGE PROJECT

Councilman Mumford made a motion Council Approve The Expenditure Of Funds From Council District 7 Utility Funding Allocation In An Amount Up To \$4,536.33 For Palmer Work Release Center Costs And Required Tools, Etc. For Workers To Complete The Sam Harrell Road Drainage Project. Councilman Kirby seconded the motion, which was approved unanimously.

COUNCILMAN KIRBY

Councilman Kirby asked that a letter be drafted to the Senators regarding Council's position on the Local Government Fund. Chairman Smith asked the County Administrator to follow-up on the matter.

There being no further business to come before Council, Councilman Anderson made a motion to adjourn. Councilman Rodgers seconded the motion, which was approved unanimously.

COUNCIL MEETING ADJOURNED AT 10:34 A.M.

**H. MORRIS ANDERSON
SECRETARY-CHAPLAIN**

**CONNIE Y. HASELDEN
CLERK TO COUNTY COUNCIL**

FLORENCE COUNTY COUNCIL MEETING

April 16, 2009

AGENDA ITEM: Public Hearings

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Council will hold public hearing to receive public comment with regard to the following:

ORDINANCE NO. 23-2008/09

An Ordinance To Adopt The Administrative Procedures For The Florence County Comprehensive Plan In Accordance With The 1976 South Carolina Code Of Laws, As Amended, Title 6, Chapter 29, Section 510.

ORDINANCE NO. 25-2008/09

An Ordinance To Amend Florence County Code Chapter 5, Ambulance Services, In Its Entirety To Establish Procedures Relating To Private Ambulance Services And Other Matters Relating Thereto.

FLORENCE COUNTY COUNCIL MEETING

April 16, 2009

AGENDA ITEM: Appearances Before Council
 E. L. Clements, III, Solicitor

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Solicitor Clements Requests To Appear Before Council To Discuss A County Supported Grant For The Adult Drug Court.

ATTACHMENT:

Copy of the Request to Appear

Connie Haselden

From: Jan Hursey
Sent: Friday, April 03, 2009 1:09 PM
To: Connie Haselden
Subject: County Council Meeting Agenda

Please put E.L. Clements, III, Solicitor, on the 9:00 AM meeting agenda for April 16, 2009.

He would like to discuss a County supported grant for the Adult Drug Court.

Thank You.

FLORENCE COUNTY COUNCIL MEETING

April 16, 2009

AGENDA ITEM: Appearances Before Council
Beth Ashley Greene

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Ms. Greene Requests To Appear Before Council To Propose An Ordinance Prohibiting The Discharge Of Firearms Within Densely Populated Areas And Express Concerns As A Taxpayer And A Homeowner Regarding This Issue.

ATTACHMENT:

Copy of the Request (and attachment) to Appear

March 19, 2009

Connie Y. Haselden, Clerk to County Council
180 N. Irby St., MSC-G
Florence, SC 29501

Dear Ms. Haselden:

I request to be added to the upcoming agenda of the Florence County Council meeting to be held on Thursday, April 16, 2009 at 9:00 AM. My request is to propose an ordinance, similar to the Florence City ordinance, prohibiting the discharge of firearms within densely populated areas and express my concerns, as a taxpayer and a homeowner, regarding this issue.

With the overwhelming growth and population density of our area, we as taxpayers, have needed and are paying for, this multi-million dollar expansion of the Pineneedles, Ebenezer, and Southborough roads, yet because we lie "just" outside of the Florence City limits, we have no ordinance or legal means to prevent adults and teens from firing weapons within close proximity of our homes. Our children, our neighbors, and passing motorists on I-95 are at a very high risk of injury. Please don't allow a fatal accident to happen before examining or updating this antiquated mind set.

Please accept my request to be heard, (also attached is my proposal) and to discuss my concerns with the County Council on April 16th. Please notify me via email: poco1153@bellsouth.net or you may call (843) 679-3781. Thank you for your consideration of this matter.

Sincerely,

Beth Ashley Greene
Homeowner, Taxpayer, and
President, Hampton Pointe Owners Association, Inc.
362 S. Barrington Dr.
Florence, SC, 29501

Copy: Governor Mark Sanford, Luke Boling
Senator Hugh K. Leatherman, Robbie Dawkins, SFI@SCSenate.org,
RED@SCSenate.org.

Henry McMaster, SC State Attorney General
Reginald Lloyd, Director, SCLED
Congressman Jim DeMint
Congressman James Clyburn
Sheriff Kenny Boone
Paul League, Attorney, US DNR

Within the Florence City Ordinances there is an ordinance, Section 14-19, whereby it states "It shall be unlawful for any person to use, shoot or discharge any gun, pistol, rifle or other firearm or any slingshot, bow and arrow, air gun or any device for throwing missiles (Code 1973 # 18-32)

However, there is NO ordinance or law within the County of Florence, prohibiting the discharge of any weapon within a PUD/subdivision, which may lie just outside of the City Limits. A shooter can walk into any of these areas and the Sheriff's department has NO legal means to stop him from discharging that firearm. There is NO penalty for this potentially fatal act. Even though these neighborhoods are classified as county, they should no longer be considered as RURAL and this antiquated mindset is an absolutely reprehensible oversight. We are County, State, and Federal taxpayers, buying into these middle and upper class neighborhoods such as the Country Club of SC, West Brook, Whitehall, Hampton Pointe, Cypress Glen, etc., etc.; we pay our taxes, yet we have no protection from this type of act. This affects potentially 1000s of taxpayers within the County of Florence and as I was completely naive of this NON-law, I am sure other homeowners are as unaware of their same situation.

I have been informed by officials from various agencies such as SCLED, the County Sheriff's Office, US Department of Natural Resources, that all 216 homeowners within the Hampton Pointe Subdivision can stand in their backyard and shoot guns and there is NO law prohibiting this action. I ask that you, our elected County Officials, please rectify this situation and vote into law an ordinance similar to the above City ordinance or in particular the following Lexington County Ordinance:

Lexington County, SC, Statutes at Large, General and Permanent Laws, 1969, No. 67

An Act to Prohibit the Firing or Discharging of Certain Firearms and Devices In Restricted Subdivisions of Lexington County and to Provide Penalties.

Be it enacted by the General Assembly of the State of South Carolina:

Section 1. Lexington County – certain firearms unlawful - In any restricted subdivision in Lexington County it shall be unlawful for a person to fire or discharge, other than lawfully in defense of his life and possessions, any firearm, including but not restricted to a rifle, shotgun or pistol, or an air rifle, BB gun, pellet gun or other similar device.

Section 2. Penalty, - Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed one hundred dollars or imprisoned for a period not to exceed thirty days.

Section 3. Time Effective. – This act shall take effect upon approval by the Governor.

Approved the 28th day of February, 1969

FLORENCE COUNTY COUNCIL MEETING

April 16, 2009

AGENDA ITEM: Resolution No. 15-2008/09

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

A Resolution Designating April 2009 As Fair Housing Month.

OPTIONS:

1. *(Recommended)* Approve Resolution No. 15-2008/09.
2. Provide an Alternate Directive.

ATTACHMENT:

Resolution No. 15-2008/09.

Sponsor(s) : County Council
Adopted: : April 16, 2009
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

RESOLUTION NO. 15-2008/09

(Designating April 2009 As Fair Housing Month.)

WHEREAS:

1. Florence County desires that all its citizens be afforded the opportunity to attain a decent, safe, and sound living environment; and
2. Florence County rejects discrimination on the basis of race, religion, color, sex, national origin, disability, and/or familial status in the sale, rental, or provision of other housing services; and
3. The State of South Carolina enacted the South Carolina Fair Housing Law in 1989; and
4. April is recognized nationally as Fair Housing Month.

NOW THEREFORE BE IT RESOLVED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THIS 16th DAY OF APRIL, 2009 THAT:

April 2009 is hereby designated as Fair Housing Month in Florence County.
Notification of the Resolution adoption to be published in the Morning News April 17, 2009.

ATTEST:

SIGNED:

Connie Y. Haselden, Council Clerk

K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:
OPPOSED:
ABSENT:

FLORENCE COUNTY COUNCIL MEETING

April 16, 2009

AGENDA ITEM: Ordinance No. 23-2008/09
Second Reading/Public Hearing

DEPARTMENT: Planning and Building Inspections

ISSUE UNDER CONSIDERATION:

[An Ordinance To Adopt The Administrative Procedures For The Florence County Comprehensive Plan In Accordance With The 1976 South Carolina Code Of Laws, As Amended, Title 6, Chapter 29, Section 510.]

POINTS TO CONSIDER:

1. Council District(s): All Florence County Council Districts
2. According to state law, a new Florence County Comprehensive Plan must be developed every ten years.
3. Passage of this document will fulfill state law requirements, and provide steps required in the process of adoption for the Comprehensive Plan, each element and/or amendments thereof.

OPTIONS:

1. *(Recommended)* Approve Ordinance No. 23-2008/09 as unanimously recommended by the seven Planning Commissioners present at the February 24, 2009 meeting.
2. Provide an Alternative Directive

ATTACHMENTS:

Copies of the following are attached:

1. Ordinance No. 23-2008/09
2. Resolution for PC#2009-07
3. Staff Report for PC#2009-07
4. Proposed Administrative Procedures

Sponsor(s)	: Planning Commission	I, _____,
Planning Commission Consideration	: February 24, 2009 Approved [7-0]	Council Clerk, certify that this
Planning Commission Public Hearing	: February 24, 2009	Ordinance was advertised for
Planning Commission Recommendation	: February 24, 2009	Public Hearing on _____.
First Reading/Introduction	: April 2, 2009	
Committee Referral	:	
Second Reading	: April 16, 2009	
County Council Public Hearing	: April 16, 2009	
Third Reading	: May 7, 2009	
Effective Date	: Immediately	

ORDINANCE NO. 23-2008/09

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Adopt The Administrative Procedures For The Florence County Comprehensive Plan In Accordance With The 1976 South Carolina Code Of Laws, As Amended, Title 6, Chapter 29, Section 510.]

WHEREAS:

1. SC 6-29-510 requires a new Florence County Comprehensive Plan be developed every ten years; and
2. Passage of this document will fulfill state law requirements, and provide steps required in the process of adoption for the Comprehensive Plan, each element and/or amendments thereof; and
3. In reference to Item 1. and in continuation of a consolidated planning effort, all previously adopted elements of the Comprehensive Plan will have "County/Municipal" deleted.

NOW THEREFORE BE IT ORDAINED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THAT:

1. The Florence County Comprehensive Plan Administrative Procedures attached hereto, is hereby adopted and implemented, and supersedes all other versions.
2. In all previously adopted Comprehensive Plan Elements (Population Ordinance No. 32-2006/07; Cultural Resources Ordinance No. 06-2007/08; Natural Resources Ordinance No. 23-2007/08; Housing Ordinance No. 35-2007/08; Economic Ordinance No. 06-2007/08 and Community Facilities Ordinance No. 20-2008/09), delete "County/Municipal" and refer to the elements/document as the Florence County Comprehensive Plan.
3. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

SIGNED:

Connie Y. Haselden, Council Clerk

K. G. Rusty Smith, Jr., Chairman

Approved as to Form and Content
James C. Rushton, III, County Attorney

COUNCIL VOTE:
OPPOSED:
ABSENT:

RESOLUTION FOR PC#2009-07
FLORENCE COUNTY PLANNING COMMISSION

(A Resolution Recommending The Administrative Procedures For The Comprehensive Plan)

WHEREAS:

1. According to state law, a new Florence County Comprehensive Plan must be developed every ten years; and
2. The Planning Commission advertised for and held a workshop on November 13, 2008; and
3. Following the passage of this resolution by the majority of the entire membership of the Planning Commission, the Administrative Procedures must be adopted by ordinance after a public hearing by Florence County.

NOW THEREFORE BE IT RESOLVED BY THE FLORENCE COUNTY PLANNING COMMISSION DULY ASSEMBLED THAT:

1. A Resolution is hereby adopted to recommend that Florence County adopt by ordinance the Administrative Procedures for the Florence County Comprehensive Plan as presented by the Planning Commission.

ATTEST:

Angela Thomas
Angela Thomas, Secretary

SIGNED:

David D. [Signature]
Chairman

COMMISSION VOTE: 7-0

OPPOSED: None

ABSENT: C. Cunha
R. Kirby
P. Kneller
B. Lockhart

**STAFF REPORT
TO THE
FLORENCE COUNTY PLANNING COMMISSION
February 24, 2009
PC#2009-07**

Subject: Adoption of a Resolution recommending the **Administrative Procedures** for the Comprehensive Plan

Staff Analysis:

According to state law, a new comprehensive plan must be developed every ten years. The seven elements of the current plan were passed by all participating jurisdictions on various dates between December 1997 and April of 1999.

The Administrative Procedures for the Comprehensive Plan must be adopted in accordance to state law. The Planning Commission advertised for and held a workshop on November 13, 2008 to discuss this document.

Element Information:

The Administrative Procedures outlines the steps required prior to the adoption of the Comprehensive Plan, any elements, and/or amendments thereof.

Planning Commission Recommendation for January 27, 2009:

The eight members present at the January 27, 2009 meeting, voted unanimously to defer the request until the February 24, 2009 meeting so that staff may make a recommended change to a portion of the section titled Zoning or Rezoning Request Not Compliant To Comprehensive Plan.

The Planning Commission requested that the section be amended to read as follows: "If a zoning or rezoning action does not comply with the approved Comprehensive Plan, staff *must* recommend denial to the Planning Commission whom *should* recommend denial to the Florence County Council."

Planning Commission Recommendation for February 24, 2009:

The seven Planning Commission members present at their February 24, 2009 meeting, voted unanimously to adopt a resolution recommending that all participating jurisdictions adopt the Administrative Procedures for the Comprehensive Plan.

Copies of the following are attached:

1. Proposed Administrative Procedures
2. Resolution of Recommendation

**STAFF REPORT
TO THE
FLORENCE COUNTY PLANNING COMMISSION
January 27, 2009
PC#2009-07**

Subject: Adoption of a Resolution recommending the **Administrative Procedures** for the Comprehensive Plan

Staff Analysis:

According to state law, a new comprehensive plan must be developed every ten years. The seven elements of the current plan were passed by all participating jurisdictions on various dates between December 1997 and April of 1999.

The Administrative Procedures for the Comprehensive Plan must be adopted in accordance to state law. The Planning Commission advertised for and held a workshop on November 13, 2008 to discuss this document.

Element Information:

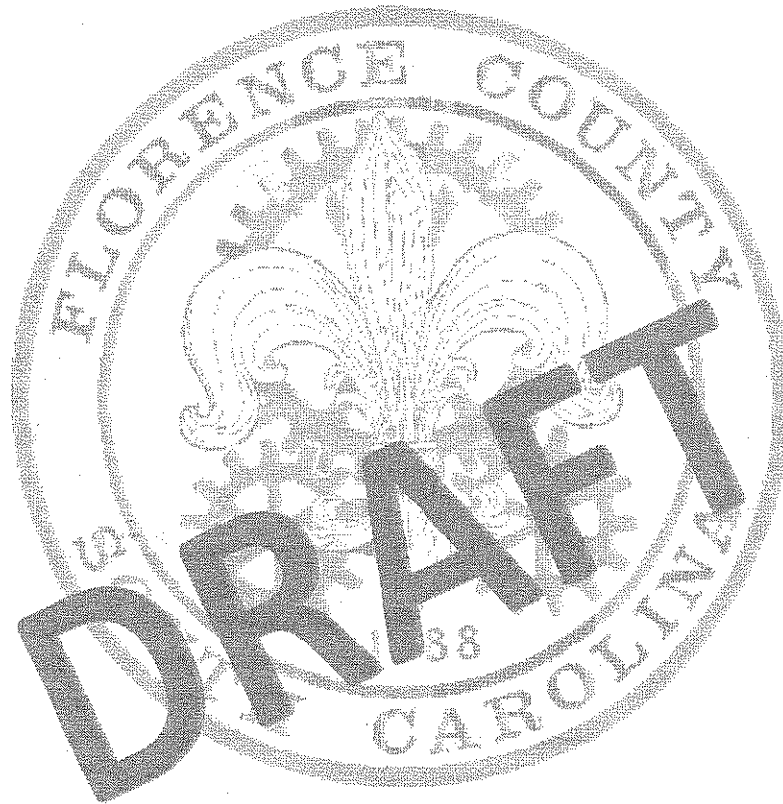
The Administrative Procedures outlines the steps required prior to the adoption of the Comprehensive Plan, any elements, and/or amendments thereof.

Attachments:

Copies of the following are attached:

1. Proposed Administrative Procedures
2. Resolution of Recommendation

ADMINISTRATIVE
PROCEDURES



FLORENCE COUNTY
COMPREHENSIVE PLAN

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DRAFT

FOREWORD

In accordance with the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (Chapter 29 of Title 6 of the South Carolina Code), the Florence County Comprehensive Plan seeks to address elements within the community that are considered to be critical and necessary in guiding the development and redevelopment of the County.

This update represents the first revision of the Comprehensive Plan since the original composed in 1997. Like its predecessor, this plan focuses on the nine (9) planning elements defined and required by the South Carolina Local Government Comprehensive Planning Act of 1994.

- The **Population Element** focuses on historic trends and projections of the population, household numbers and sizes, education levels of residents, and income characteristics.
- The **Cultural Resources Element** identifies historic buildings and structures, commercial districts, residential districts, unique scenic and natural resources, archaeological areas, and other cultural resources in Florence County.
- The **Natural Resources Element** identifies natural resources, slope characteristics, prime agricultural and forest land, plant and animal habitats, parks and recreation areas, scenic views and sites, wetlands, and soil types.
- The **Housing Element** identifies the location, type, age and condition, owner and rental occupancy status, and affordability of housing in Florence County.
- The **Economic Element** addresses the labor force and its characteristics, employment based on places of work and residence and includes an analysis of the economic base.
- The **Community Facilities Element** focuses on the supply, treatment, and distribution of water, sewage systems and wastewater treatment, solid waste collection and disposal, fire protection, emergency medical services, general government facilities, education facilities, libraries, and other cultural facilities. Originally, this element focused on transportation; however, this topic is contained within a separate element.
- The **Land Use Element** addresses existing and future land use through a variety of categories, including: residential, commercial, industrial, agricultural, forestry, mining, public, quasi-public, recreation, parks, open space, and vacant or undeveloped.
- The **Transportation Element** considers transportation facilities, including major road improvements, new road construction, transit projects, pedestrian and bicycle projects, and other elements of a transportation network. This element must be developed in coordination with the land use element, to ensure transportation efficiency for existing and planned development.
- The **Priority Investment Element** analyzes the likely federal, state, and local funds available for public infrastructure and facilities during the next ten years, and recommends the projects for expenditure of those funds during the next ten years for needed public infrastructure and facilities such as water, sewer, roads, and schools. The recommendation of those projects for public expenditure must be done through coordination with adjacent and relevant jurisdictions and agencies. For the purposes of this item, "adjacent and relevant jurisdictions and agencies" means those counties, municipalities, public service districts, school districts, public and private utilities, transportation agencies, and other public entities that are affected by or have planning authority over the public project. For the purposes of this item, "coordination" means written notification by the local planning commission or its staff to adjacent and relevant jurisdictions and agencies of the proposed projects and the opportunity for adjacent and relevant jurisdictions and agencies to provide comment to the planning commission or its staff concerning the proposed projects. Failure of the planning commission or its staff to identify or notify an adjacent or relevant jurisdiction or agency does not invalidate the local comprehensive plan and does not give rise to a civil cause of action.

All of the above elements are designed to be conducive for wise and efficient use of public funds. They are also written with the intent to foster future growth, development, and redevelopment in Florence County, always considering the fiscal impact on property owners within the County.

The Florence County Comprehensive Plan seeks to outline a plan for adjusting to the physical, social, and economic growth of Florence County. This includes changes in the population, the economic development of the County, the presence of natural and cultural resources, the availability and usability of community facilities, housing trends, and land use in the County. It is important to maintain up to date information for all of these areas in order to ensure that the varying degrees of County growth is addressed appropriately. For example, if the population is projected to increase by 5% in the next 5 years, then we must be prepared to provide the growing population with necessary infrastructure, public services, community facilities, and housing. In addition, we must ensure that the growth does not occur in areas that are designated for preservation and conservation.

The Florence County Comprehensive Plan will serve as a guide for where we are as a community and where we want to go. It will serve as a vehicle to meet the existing and anticipated needs of the citizens of Florence County and balance growth with stability. Armed with this pertinent information, we can ensure intelligent decision making regarding the development and redevelopment of future physical, social, and economic growth of the Florence area.

PERIODIC REVISION SCHEDULE

The Florence County Planning Commission must review the Comprehensive Plan or particular elements of the plan as necessary. Changes in the growth or direction of development taking place in the community dictate when a review is necessary. Economic setbacks resulting in the unanticipated loss of jobs could also trigger a need to reevaluate the Comprehensive Plan. The Planning Commission's decisions must conform to the most current comprehensive plan.

1. The Planning Commission must reevaluate the Comprehensive Plan elements at least every **five years**. There is no requirement to rezone the entire city or county at once; therefore, the land use element may be reviewed and updated in stages or by neighborhoods.
2. The Comprehensive Plan, including all elements, must be updated at least every **ten years**. Every ten years, the Planning Commission must prepare and recommend a new plan, and the County Council must adopt a new Comprehensive Plan.

PROCEDURE FOR ADOPTING PLAN OR AMENDMENTS

Initiation of Amendment: Proposed changes or amendments to the Florence County Comprehensive Plan may be initiated by the Florence County Council, the Florence County Planning Commission, the Florence County Board of Zoning Appeals and individual property owners.

Application Fee: Before any action shall be taken on an amendment request, the party or parties proposing or recommending said amendment shall deposit the required fee with the Zoning Administrator. The application fee shall not be refunded for failure of said amendment to be adopted. The fee is not required where a public body listed above initiates the amendment.

Declaration of Policy: As a matter of policy, no request to change the text of the Comprehensive Plan shall be acted upon favorably except:

- A. Where necessary to implement the community vision; or,
- B. To correct an original mistake or manifest error in the regulations or map; or,
- C. To recognize substantial change or changing conditions or circumstances in a particular locality; or,
- D. To recognize change in technology, the style of living, or manner of doing business.

When the plan, any element, amendment, extension, or addition is completed and ready for adoption, the following steps must be taken:

1. **Resolution.** By majority vote of the entire membership, the Planning Commission must adopt a resolution recommending the plan or element to the County Council for adoption. The resolution must refer explicitly to maps and other descriptive material intended by the Commission to form the recommended plan.
2. **Minutes.** The resolution must be recorded in the official minutes of the Planning Commission.
3. **Recommendation.** The Commission must send a copy of the recommended Comprehensive Plan or element to County Council to adopt the plan. The Commission must also send a copy to all other legislative or administrative agencies affected by the plan.
4. **Hearing.** Before adopting the recommended plan, County Council must hold a public hearing. It must give at least 30 days notice of the hearing time and place.
5. **Ordinance.** The Council must adopt the Comprehensive Plan or any element by ordinance.

PUBLIC HEARING AND NOTICE

Before enacting an amendment to this Ordinance, the County Council shall hold a public hearing thereon. At least 30 days notice of the time and place of the hearing shall be published in a newspaper of general circulation in Florence County. When a proposed amendment affects the classification of property, notice shall be made by posting the subject property, with at least one notice being visible from each road that abuts the property. Posting of said property shall occur at such time as the notice is given, and shall be at least 30 days prior to the hearing. All adjoining property owners directly abutting a parcel scheduled for change and those property owners within a circumference of 500 feet shall be contacted in writing at least 30 days prior to the public hearing.

- A. When it is deemed beneficial by the Planning Commission to hold a public hearing, no public hearing by the County Council is required before amending the Comprehensive Plan text or maps. However, the County Council may hold a public hearing to obtain additional input on its own initiative;
- B. No challenge to the adequacy of notice or challenge to the validity of a regulation or map, or amendment to it, whether enacted before or after the effective date of this section, may be made 60 days after the decision of the County Council, if there has been substantial compliance with the Florence County Council and the Florence County Planning Commission.

ZONING OR REZONING REQUEST NOT COMPLIANT TO COMPREHENSIVE PLAN

If a zoning or rezoning action does not comply with the approved Comprehensive Plan, staff must recommend denial to the Planning Commission whom should recommend denial to the Florence County Council. Subsequently, the Florence County Council shall consider the recommendations and make the decision to deny the request or approve the request by first changing the Comprehensive Plan designation according to the "Procedure for Adopting Plan or Amendments" described above.

CHANGE TO COMPREHENSIVE PLAN

The Florence County Council shall consider the recommendations of the County Planning Commission on each proposed Comprehensive Plan amendment. However, the Florence County Council is not bound by the recommendation in making a final decision, and may call for additional information.

RESUBMISSION OF DENIED APPLICATION

In no instance shall a property owner(s) initiate action for a Comprehensive Plan amendment affecting the same parcel or lot, or any part thereof, for a period of 12 months following denial of such request by the Florence County Council. The Florence County Planning Commission, the Florence County Board of Zoning Appeals, or the Florence County Council may initiate a change in the Ordinance any time without regard to the 12 months limitation.

REVIEW OF PUBLIC PROJECT

After the Comprehensive Plan or an element relating to proposed development is adopted, a public agency or entity proposing a public project must submit its development plans to the planning agency. After review, the Planning Commission decides whether the proposal is compatible with the Comprehensive Plan. The information submitted must contain the location, character, and extent of the development.

If the Planning Commission finds the proposal conflicts with the Comprehensive Plan, it sends its findings and an explanation of its reasoning to the public entity proposing the facility. Then, the governing or policy making body of the entity can decide whether to bring the project into conformity or to proceed with the development in conflict of the plan. If it decides to proceed with a conflicting plan, the entity must publicly state its intention to proceed and its reasons. The entity must send the statement to the County Council and the Planning Commission. It must also publish the statement and reasons as a public notice in a general circulation newspaper in the community. The notice must appear at least 30 days before awarding a contract or beginning construction.

Note: Telephone, sewer and gas utilities, or electric suppliers, utilities and providers, whether publicly or privately owned are exempt from this provision if the local governing body, state regulatory agency or federal regulatory agency approve their plans. Electric suppliers, utilities and providers operating according to Chapter 27 and Chapter 31 of Title 58 of Chapter 49 of Title 33 are also exempt from this provision. These utilities must submit construction information to the appropriate local Planning Commission.

State Law requires everyone involved in creating the built environment to consider the community's adopted Comprehensive Planning elements. The process for Planning Commission review is a major tool to help ensure the public investments move the community toward carrying out the Comprehensive Plan.

APPENDIX

PROCEDURES ADOPTION DATE

Florence County.....

DRAFT

FLORENCE COUNTY COUNCIL MEETING

April 16, 2009

AGENDA ITEM: Ordinance No.24-2008/09
Second Reading

DEPARTMENT: Planning and Building Inspections

ISSUE UNDER CONSIDERATION:

[An Ordinance To Amend Section 30-113, Tattoo Facilities Of The Florence County Code To Provide Consistent Application Of The Requirements Regarding Tattoo Facilities.]

POINTS TO CONSIDER:

1. Council District(s): All Florence County Council Districts
2. Florence County seeks to provide the most accurate and customer-service friendly planning functions in their area of jurisdiction.
3. Staff has submitted a request for an amendment to the text of Section 30-113, Tattoo Facilities to provide for the most efficient and customer-friendly service to the public for regulations administered through the Ordinance.
4. The amendment to this section shall become effective immediately upon adoption.

OPTIONS:

1. *(Recommended)* Approve Second Reading of Ordinance No. 24-2008/09 As Presented. *(Planning Commission approved 7-0)(All Council Districts).*
2. Provide An Alternative Directive.

ATTACHMENTS:

Copies of the following are attached:

1. Ordinance No.24-2008/09
2. Staff report PC#2009-09

Sponsor(s) : Planning Commission
 Planning Commission Consideration : February 24, 2009
 Planning Commission Public Hearing : February 24, 2009
 Planning Commission Recommendation : February 24, 2009[7-0]
 First Reading/Introduction : April 2, 2009
 Committee Referral : N/A
 Second Reading : April 16, 2009
 Third Reading : May 7, 2009
 Effective Date : Immediately

I, _____,
 Council Clerk, certify that this
 Ordinance was advertised for
 Hearing on _____.

ORDINANCE NO. 24-2008/09

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Amend Section 30-113 Of The Florence County Code Of Ordinances To Provide Consistent Application Of The Requirements Regarding Tattoo Facilities.]

WHEREAS:

1. Efficient administration of the County Code Zoning Sections requires periodic amendments to provide consistent customer service; and
2. Sections of 30-113. Tattoo Facilities, unzoned area requirements for Tattoo Facilities need further clarification to ensure consistency of interpretation.

NOW THEREFORE BE IT ORDAINED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THAT

1. The Florence County Code of Ordinances, Section 30-113. Tattoo Facilities, first paragraph, is hereby amended in its entirety to read as follows:

Tattoo facilities, where conditionally permitted by Table II, must comply with South Carolina Code of Laws 1976, as amended, and shall be tempered by the supplemental siting criteria of this section.
2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

SIGNED:

 Connie Y. Haselden, Council Clerk

 K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

 Approved as to Form and Content
 James C. Rushton, III, County Attorney

**STAFF REPORT
TO THE
FLORENCE COUNTY PLANNING COMMISSION
February 24, 2009
PC#2009-09
ORDINANCE NO. 24-2008/09**

SUBJECT: Request for amendment to Section 30-113 Tattoo Facilities of the Code of Ordinances of Florence County.

APPLICANT: Florence County Planning Department Staff

STAFF ANALYSIS:

As staff administers the regulations of the Zoning Ordinances for Florence County and the participating jurisdictions, periodically general text amendments and amendments specifically guided by State Law need to be made in order to continue to provide the most efficient and accurate customer service as possible.

At this time, staff finds it necessary to amend the opening statement of Section 30-113 Tattoo Facilities of the Zoning Ordinance for clarity in administering the criteria established for the location and development of tattoo facilities.

I. The current text of the opening statement for Section 30-113 reads as follows:

Sec. 30-113. Tattoo facilities.

Tattoo facilities, where conditionally permitted by Table II or where proposed for an unzoned area of Florence County, shall be tempered by the supplemental siting criteria of this section.

(a) *Definitions.* All tattoo facilities under the jurisdiction of this ordinance shall be defined according to the South Carolina Code of Laws.

(b) *Location/site requirements.* The location of a tattoo facility must comply with Table II of this chapter and S.C. Code 1976, § 44-34-110.

(c) *Zoning compliance/additional requirements.* Zoning compliance for tattoo facilities shall be governed by section 30-267 of this chapter. In addition, all tattoo facilities must have a South Carolina Department of Health and Environmental Control (SCDHEC) permit prior to opening.

II. The amendment to the text of the opening statement for Section 30-113 shall read as follows:

Tattoo facilities, where conditionally permitted by Table II ~~or where proposed for an unzoned area of Florence County must comply with S.C. Code 1976, § 44-34-110 and~~ shall be tempered by the supplemental siting criteria of this section.

(a) *Definitions.* All tattoo facilities under the jurisdiction of this ordinance shall be defined according to the South Carolina Code of Laws.

(b) *Location/site requirements.* The location of a tattoo facility must comply with Table II of this chapter and S.C. Code 1976, § 44-34-110.

(c) *Zoning compliance/additional requirements.* Zoning compliance for tattoo facilities shall be governed by section 30-267 of this chapter. In addition, all tattoo facilities must have a South Carolina Department of Health and Environmental Control (SCDHEC) permit prior to opening.

Florence County Planning Commission Action: February 24, 2009

The seven Planning Commission members approved the text amendment request unanimously at the meeting held on February 24, 2009.

Florence County Planning Commission Recommendation:

The Planning Commission recommends approval of the text amendment request by Florence County Council as presented.

FLORENCE COUNTY COUNCIL MEETING

April 16, 2009

AGENDA ITEM: Second Reading - Ordinance No. 25-2008/09

DEPARTMENT: EMS

ISSUE UNDER CONSIDERATION:

(To Amend Florence County Code, Chapter 5, Ambulance Services, In Its Entirety To Establish Procedures Relating to Private Ambulance Services And Other Matters Relating Thereto.)

POINTS TO CONSIDER:

1. Proposed revisions to the county code will significantly impact the private ambulance companies (franchisees) in the county that routinely respond to emergent calls for assistance.
2. Proposed revisions will not greatly impact franchisees that routinely handle non-emergent ambulance transports and / or emergent ambulance transports between hospitals.
3. The ordinance will not affect the operations of the EMS Department or the volunteer rescue squads currently operating in the county.
4. The ordinance addresses some issues not currently included in the Code.
5. Private ambulance companies have been given opportunities to provide input to the EMS Director regarding the matter.
6. Private ambulance companies have been notified of the ordinance.

OPTIONS:

1. *(Recommended)* Approve Item As Stated.
2. Provide Alternate Directive.

ATTACHMENTS:

1. Ordinance No. 25-2008/09.
2. Summary of proposed changes and additions to the existing code from the EMS Director.
3. Copy of the memorandum to private ambulance companies from the Interim EMS Director notifying them of a meeting regarding the matter that was held on September 26, 2008.
4. Copy of the memorandum to private ambulance companies from the Interim EMS Director notifying them of a meeting regarding the matter that was held on October 13, 2008.
5. Copy of the memorandum from EMS Director to private ambulance companies dated March 3, 2009 notifying them that the matter will be considered by County Council on April 2, 2009.

Sponsor(s) : EMS
 First Reading/Introduction : April 2, 2009
 Committee Referral : N/A
 Committee Consideration Date : N/A
 Committee Recommendation : N/A
 Public Hearing : April 16, 2009
 Second Reading : April 16, 2009
 Third Reading :
 Effective Date : Immediately

I, _____,
 Council Clerk, certify that this
 Ordinance was advertised for
 Public Hearing on _____.

ORDINANCE NO. 25-2008/09

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(To Amend Florence County Code, Chapter 5, Ambulance Services, In Its Entirety To Establish Procedures Relating to Private Ambulance Services And Other Matters Relating Thereto.)

WHEREAS:

Several revisions to the Florence County Code are proposed to facilitate efficient and effective monitoring of the activities of the private ambulance companies operating in the county.

NOW THEREFORE BE IT RESOLVED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THAT:

1. The Florence County Code, Chapter 5, Ambulance Services, is hereby amended and replaced in its entirety, to establish procedures relating to private ambulance services and said amendments are attached hereto and incorporated by reference.
2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect with the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

SIGNED:

 Connie Y. Haselden, Council Clerk

 K. G. Rusty Smith, Jr., Chairman

 Approved as to Form and Content
 James C. Rushton, III, County Attorney

COUNCIL VOTE:
 OPPOSED:
 ABSENT:

Chapter 5

AMBULANCE SERVICES

- Art. I. In General, §§ 5-1—5-6
Art. II. Florence County Medical Services Department, §§ 5-7--5-16
Art. III. Emergency Preparedness Planning Commission, §§ 5-17—5-20

ARTICLE I. IN GENERAL

Sec. 5.1. Purpose.

The purpose of this section is to set standards, regulations and procedures for the administration of ambulance services provided within the county.

Sec. 5-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following definitions:

Ambulance: Any motor vehicle used, designed, redesigned, or constructed, and equipped for the transportation of sick or injured persons.

Ambulance service: A company or organization that is properly licensed by SC DHEC-EMS to operate ambulances in South Carolina for the treatment and transportation of sick and injured persons.

Disaster assistance agreement: A written agreement between Florence County Emergency Medical Services and a franchisee. The franchisee agrees to provide reasonable assistance in the form of ambulances and personnel in the event of a catastrophic event that overwhelms the resources of Florence County Emergency Medical Services.

Emergency call: Any request for an ambulance that is made by telephone or other means of communication in circumstances which is or has been represented to be an emergency requiring emergency pre-hospital care or transport to a medical facility. This type of call has been determined emergent and the ambulance service begins as quickly as possible to take steps necessary to respond to the call.

Emergency Pre-hospital care: Care provided to the sick or injured either on the scene or during emergency transport to a medical facility, or both.

Emergency Response: ambulance response with, or without, the use of red lights and siren to a request for service for the sudden onset of a medical condition manifested by symptoms of such sufficient severity, including severe pain, that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect without medical attention, to result in:

- (1) Serious illness or disability;
- (2) Impairment of a bodily function;
- (3) Dysfunction of the body; or
- (4) Prolonged pain, psychiatric disturbance, or symptoms of withdrawal.

Emergency Transport: Services and transportation provided after the sudden onset of a medical condition manifesting itself by acute symptoms of such severity, including severe pain, that the absence of medical attention could reasonably be expected to result in the following:

- (1) Placing the patient's health in serious jeopardy;
- (2) Causing serious impairment to bodily functions;
- (3) Causing serious dysfunction of bodily organ or part; or
- (4) A situation that resulted from an accident, injury, acute illness, unconsciousness, or shock, for example, required oxygen or other emergency treatment, required the patient to remain immobilized because of a fracture, stroke, heart attack, or severe hemorrhage.

Inter-hospital Transport: The transporting of an individual from one hospital to another hospital.

Non-emergent response: An ambulance response without the use of emergency red lights and siren to a request for service such as scheduled visits to a physician's office or hospital for treatment, routine physical examinations, x-rays or laboratory tests, or is used for transporting patients upon discharge from a hospital or nursing home to a hospital or nursing home or residence, or other non-emergency call.

Non-exclusive: The franchisee may operate and respond to calls to any location within Florence County. No designated or restricted areas will be granted to any franchisee.

Point of Origin: The address of the place of business as provided on the DHEC application, any building or structure where an ambulance is stored or parks while not on a call, public or private parking lot, road, street or any location where an ambulance can park or stop within Florence County. Furthermore, point of origin is the location of the call for service within Florence County when an ambulance service's business location is outside Florence County.

Special Event Coverage: Providing ambulances and personnel to stand-by at sporting events, festivals, and other similar events where large numbers of participants or spectators are present.

Sec. 5-3. Unconscious persons.

For the purposes of this chapter, any person who is unconscious and in apparent need of ambulance service shall be presumed to have granted permission to anyone to request such service. In the case of a minor, the parent or guardian shall be presumed to have granted such permission. (Ord. of 8-3-76, § 5)

Sec. 5-4. Unlawful to operate without a franchise; exceptions.

- (a) A private ambulance service operating from any point of origin in Florence County must be granted, by County Council, a non-exclusive franchise for the purpose of providing non-emergency or emergency inter-hospital ambulance service to the citizens of Florence County and/or special event coverage; provided, however, that this provision shall not apply to the Johnsonville Rescue Squad, Pamplico Rescue Squad, and Timmonsville Rescue Squad; and provided further, that this provision shall not apply to licensed emergency medical services ambulances during a period of disaster when such units are operating under control of the county emergency operations center.
- (b) Any private ambulance service responding to calls without a franchise granted by Florence County Council shall be fined \$1,000.00 per calendar day for each day that the ambulance service is determined to have operated without an applicable franchise.
- (c) Ambulance services provided and operated by a hospital within Florence County conducting only inter-facility transports, are exempt from this ordinance.
- (d) The Florence County Council may, as it determines to be appropriate, adjust or establish any standardized franchise, service, or other fees established or referenced herein by resolution at any time after the effective date of this ordinance or within any subsequent budget ordinance.

Sec. 5-5. Reserved.

Sec. 5-6 Non-exclusive franchise.

(a) Application

A letter of intent to provide non-emergent and/or emergent inter-hospital ambulance service in Florence County shall be filed with the Director of the Florence County Emergency Medical Services Department. The applicant shall submit the following information:

- (1) The name and address of the owner(s) of the licensed ambulance provider.
- (2) The name under which the applicant is doing business.
- (3) A description of each ambulance, including the make, model, year of manufacture and other distinguishing characteristics to be used to designate the applicant's vehicle(s).
- (4) The location which the licensed provider is intended to operate. The Florence County EMS Director shall be notified within five (5) working days of any expansion of services or if the headquarters, director, or any substation locations are changed.

- (5) A copy of a valid SC DHEC-EMS ambulance service license issued to the applicant.
- (6) A letter, signed by all owners of the ambulance service authorizing the Florence County EMS director and / or his designee, to access the company's records in the South Carolina EMS Data System. This includes, but is not limited to: personnel information, vehicle information, call volume, response times, call statistics, complaints, etc. Patient specific information protected by the federal Health Information Privacy and Accountability Act (HIPAA) shall not be accessible by the Florence County EMS director or designee.
- (7) A signed disaster assistance agreement between the applicant (private ambulance service) and Florence County EMS.

(b) Length of Franchise and Franchise Renewal.

- (1) A franchise shall commence at 12:01 a.m. ~~seven~~ (7) calendar days after the franchise agreement is approved by county council. The franchisee must apply for a franchise renewal a minimum of thirty (30) days and a maximum of sixty (60) days prior to the expiration date of the then current non-exclusive franchise. The renewal application must contain all information required as part of the initial franchise application. The first non-exclusive franchise will expire on the last day of the month after the South Carolina Department of Health and Environmental Control license expires. All subsequent non-exclusive franchises will be valid for a period of two (2) years and expire on the last day of the month after the South Carolina Department of Health and Environmental Control license expires.
- (2) The Florence County EMS Director may approve any franchise renewal if all requirements of this ordinance are achieved.
- (3) Upon expiration of a non-exclusive franchise, the private ambulance service must cease and desist all operations from any point of origin in Florence County. If the private ambulance service desires to resume operations, the private ambulance service must submit all information as required by section 5-6.1. If the request is received within thirty (30) calendar days from the expiration of the valid franchise, the Florence County EMS Director may renew the franchise or consider the request as a new request and submit such request for County Council review. If the request is received after thirty (30) calendar days from the expiration of the valid franchise, the Florence County EMS Director must consider franchise request as a new request and submit such request for County Council review.

(c) Franchise Issuance Prerequisite

An ambulance franchise will be granted only after:

- (1) County Council determines that the application as required by section 5-6.1 (a) is true and correct; and

- (2) County Council determines that the proposed operation of the ambulance service will be in compliance with all provisions of this chapter, and all applicable state and federal statutes and regulations.

(d) Fees

There shall be a fee based on the number of ambulances permitted by DHEC-EMS to the license holder at the time of the franchise application. The fee shall be \$100 for each permitted ambulance. The franchise fee must accompany the franchise application and will be refunded within thirty (30) calendar days if a franchise is not awarded. Such fee is paid for the initial application and each annual renewal.

(e) Transfer of franchise.

No assignment, sale or subletting of any part of a franchise shall ever be made by the grantee.

(f) Change of Control of Franchise

Prior approval of County Council shall be required where ownership or control of more than thirty (30) percent of the right of control of this franchise is acquired by a person or group of persons acting in concert, none of whom already own or control thirty (30) percent or more of such right of control, singularly or collectively. By the acceptance of this franchise, the franchisee shall specifically grant and agree that any such acquisition occurring without prior approval of the Florence County Council shall constitute a violation of the franchise by the franchisee.

(g) Emergency Response

The franchisee shall be permitted to respond in an emergency mode only under the following circumstances:

- (1) The franchisee is transporting a patient or patients from a hospital to another hospital.
- (2) The franchisee is involved with a non-emergency transport and the condition of the patient deteriorates while on scene or onboard the ambulance.
- (3) The franchisee has performed as a "Good Samaritan" and the patient's condition warrants an emergency response to definitive care.
- (4) The franchisee has been requested by the Florence County E 9-1-1 dispatch center or emergency operations center, when in operation, to respond to a call for service.

(h) Procedures for a Termination of a non-exclusive franchise

- (1) A franchise may only be terminated by County Council. In all other instances, the franchisee shall have the following rights:
 - (i) Right to examine and make copies, at the franchisee's expense, all evidence that the County has except in the case of automatic termination due to lapse of insurance coverage.
 - (ii) Right to be represented by legal counsel.
 - (iii) Right to present evidence in its own behalf
 - (iv) Right to a written decision setting forth the action of County Council.

- (2) County Council may, if it finds by a preponderance of the evidence that any of the provisions of this ordinance or state or federal law have been violated, or that the franchisee has failed to provide adequate non-emergency or emergency medical treatment and/or transportation to the public, place the franchisee on probation for up to three (3) years, issue a warning, or revoke the franchise. Any combination of these sanctions may be imposed by County Council. If the franchise is revoked by the County Council, the private ambulance service, its subsidiaries, agents or assigns may not request a new franchise for a period of five (5) years.

(l) Inspections

The Florence County EMS Director or designee shall have the right to inspect the franchisee's vehicles, equipment, and personnel at any time without prior notice as long as such inspection will not cause an unnecessary delay of a response or request for service.

**ARTICLE II. FLORENCE COUNTY EMERGENCY MEDICAL SERVICES
DEPARTMENT***

Sec. 5-7. Created.

There is hereby created a Florence County Emergency Medical Services Department as authorized under subsection 5-21 of the Florence County Code and as recommended by the Ambulance Service Commission by resolution on September 14, 1976. This department shall be headed by a director, who shall be a department head under the county administrator.

Sec. 5-8. Reserved.

Sec. 5-9. Billing and collections for services provided by the Florence County Emergency Medical Services Department.

(a) Billing and collections responsibility for services provided by the Florence County EMS Department shall be the duty of the Florence County Finance Department.

(b) The Florence County EMS Department shall retain responsibility for obtaining, compiling and forwarding to the finance department accurate records of all service and client information needed for billing purposes as determined by the finance director. The EMS director and employees shall assist in any manner possible, as required by the county administrator, which shall be a requirement of their job descriptions, to ensure the highest possible rate of fee collection for services rendered.

Sec. 5-10. Establishment of lawful charges and fees for ambulance services, approval of fees now being charged, and exclusion.

(a) Any fee for ambulance services, to be charged hereafter by the Florence County EMS Department for the rendering of such service, shall first be established and approved by resolution of the Florence County Council. The Finance Director shall recommend to county council such adjustments in rates which he deems advisable for the operation of the fee supported service. The fees for service by Florence County EMS shall include, but not limited to, emergency pre-hospital services, standby time, oxygen, medication, and other related expenses incurred by Florence County and responses to special situations such as Hazardous Material Incidents.

(b) New or amended fees for ambulance services charged by the EMS department and not specifically enumerated elsewhere under this ordinance or an annual budget ordinance, or pre-dating this ordinance shall be adopted by resolution of council.

(c) All requests for special event standby emergency medical services shall be made to the Director of Florence County Emergency Medical Services at least four (4) weeks in advance of the time such services will be necessary. Florence County EMS shall not be required to provide standby service, but may provide such services where feasible and in the best interest of Florence County, however, a charge for such standby service will be applied. In the event the standby

vehicle and staff is used to provide treatment and/or transport a person to a hospital or other medical facility from the standby site, each person treated and/or transported shall be charged for an emergency call and any additional services rendered.

(d) This section shall apply to ambulance service providers under contract with or under franchise of Florence County. Such fees and charges shall be subject to approval by county council by approval of the contract or franchise agreement, which shall include a schedule of fees and charges, which schedule must be approved by separate action of council before implementation.

Sec. 5-11. Legal assistance to collect charges.

If it shall be necessary for a person furnishing ambulance service to require legal assistance to collect such service charge, then the person receiving the service shall be required to pay court costs in addition to reasonable attorney fees, which shall not be less than fifty dollars (\$50.00).

Sec. 5-12. Payment for ambulance services.

- (a) Whoever fraudulently evades or attempts to evade the payment of any lawfully established charge or fee for the transporting of persons by ambulance, or whoever receives transportation by ambulance by giving a false answer to the attendant thereof, or whoever by any other fraudulent act or design attempts to evade the payment of any such lawfully authorized charge or fee shall be deemed guilty of a misdemeanor.
- (b) Failure to pay for services rendered within sixty (60) days after a statement of costs for such services has been mailed to the address of the user or parent/guardian, in the event a minor is the user, in accordance with the address which is provided to the EMT attendant on the ambulance or which is obtained from the hospital where such person is transported, without a reasonable and acceptable written explanation of such failure, shall be prima facie evidence of fraudulent evasion, shall be deemed guilty of a misdemeanor.

Secs. 5-13 – 5-16. Reserved.

Summary of Proposed Changes and Additions to Florence County Code (Ambulance Service)

Ordinance # 25-2008/09

March 19, 2009

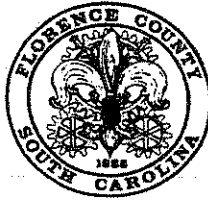
Several changes to Chapter 5 of the Florence County Code are proposed by the EMS Department in order to facilitate efficient and effective monitoring of the activities of the private ambulance companies operating in the County (franchisees). Additionally, new provisions are needed to address issues not currently included in the code.

Proposed Revisions to Existing Code

1. Have a one type of non-exclusive ambulance franchise. Do away with the existing "non-emergency" and "emergency" franchises.
2. Authorize private ambulance services (franchisees) to run non-emergent calls and emergency transports between hospitals. Private ambulance services would not be authorized to routinely respond to emergent calls for assistance at private residences, nursing homes, etc.
3. Delete verbiage regarding vehicle requirements pertaining to convalescent transport vehicles. This is a duplication of information currently addressed in DHEC regulations pertaining to ambulance services.
4. Eliminate requirements for franchisees to provide monthly reports, insurance verification, etc. to the Florence County EMS Director. These are regulatory issues currently required by DHEC's Division of EMS & Trauma. Franchisees are already required to submit this information to DHEC.
5. Require private ambulance services to allow the Florence County EMS Director, or his designee, to access records in SC EMS Data System (number of calls, response times, personnel rosters, etc.) via secure internet sites as opposed to lengthy typed or hand written reports.
6. Establish a single, standard fee for franchisees (\$100.00 per permitted ambulance per 2 year franchise period). Currently there are two different fees.

New Provisions to be Included in Code

1. Require franchisees to sign a disaster assistance agreement that obligates them to assist Florence County EMS by providing ambulances and personnel in the event of a catastrophe. Currently, there are no written agreements in place.
2. Add a provision that allows franchisees to stand-by at special events (i.e. sporting events, festivals, conventions, and other events where the organizers request an ambulance to be on site). EMS does not usually have the personnel and ambulances to cover such events.



FLORENCE COUNTY
Emergency Medical Services


COPY

Ryon A. Watkins
Interim Director

R. David Exum
Operations & Training

MEMORANDUM

To: Private Ambulance Companies Operating In Florence County

From: Ryon A. Watkins 
Interim EMS Director

Date: September 17, 2008

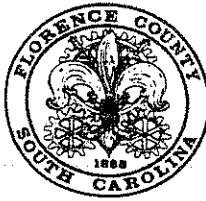
Subject: Meeting to Discuss Revisions to County Ordinance Pertaining to Ambulance Services

The purpose of this memo is to invite you to attend a meeting regarding possible revisions to Chapter 5 of the Florence County Code pertaining to ambulance service.

The meeting will be held at Florence County EMS Headquarters located at 527 S. Church Street in Florence on Friday September 26, 2008 from 2:00 – 3:00 p.m.

This is an opportunity for you to participate in a discussion pertaining to the ambulance franchise ordinance and to provide input related to possible ordinance revisions.

Please contact me if you have questions regarding this matter. I hope to see you on September 26.



FLORENCE COUNTY
Emergency Medical Services


COPY

Ryon A. Watkins
Interim Director

R. David Exum
Operations & Training

MEMORANDUM

To: Private Ambulance Companies Operating In Florence County

From: Ryon A. Watkins 
Interim EMS Director

Date: September 29, 2008

Subject: Meeting to Discuss Revisions to County Ordinance Pertaining to Ambulance Services

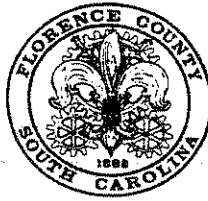
The purpose of this memo is to invite you to attend a follow-up meeting regarding possible revisions to Chapter 5 of the Florence County Code pertaining to ambulance service.

The meeting will be held at Florence County EMS Headquarters located at 527 S. Church Street in Florence on Monday October 13, 2008 from 3:00 – 4:00 p.m.

Discussion will be centered around the documents that were distributed at the meeting on Friday September 26.

If you were unable to attend the meeting on September 26 and you would like to participate in the meeting on October 13, contact me (rwatkins@florenceco.org) and I will fax or e-mail the necessary documents to you.

Please contact me if you have questions regarding this matter. I hope to see you on October 13.



COPY


FLORENCE COUNTY
Emergency Medical Services

Ryon A. Watkins
Director

R. David Exum
Operations Manager

MEMORANDUM

To: Private Ambulance Companies Operating In Florence County

From: Ryon A. Watkins 
Florence County EMS Director

Date: March 3, 2009

Subject: Potential County Code Revisions Pertaining to Ambulance Service

At its regularly scheduled meeting on April 2, 2009, the Florence County Council will consider an ordinance to revise Chapter 5 of the Florence County Code that pertains to ambulance service.

Before the changes are enacted, the ordinance must pass three readings by Council.

Enclosed for your information are:

- A draft copy of the proposed code.
- A summary of proposed changes to the existing code.

A copy of the council meeting agenda will be available at www.florenceco.org a few days prior to the meeting date.

Please contact me (rwatkins@florenceco.org) if you have questions regarding this matter.

FLORENCE COUNTY COUNCIL MEETING

Thursday, April 16, 2009

AGENDA ITEM: Ordinance No. 26-2008/09
Second Reading

DEPARTMENT: Planning and Building Inspections

ISSUE UNDER CONSIDERATION:

[An Ordinance To Amend Sections: 30-30. Table III: Zoning Setbacks; 30-111. Development Standards For Unzoned Areas; 30-202. Table VIII Number, Dimension, And Location Of Permitted Signs By Zoning District; 30-246. Accessory Buildings And Uses; And Other Matters Relating Thereto.]

POINTS TO CONSIDER:

1. Council Districts (s): All Florence County Council Districts.
2. As staff administers the regulations of the Zoning Ordinance for the participating jurisdictions, periodically amendments need to be made in order to continue to provide the most efficient and accurate customer service possible.
3. In addition, periodically text errors are found that require amending of the particular area of the Zoning Ordinance.
4. Approval of the text amendment request shall correct typographical errors to the lot width requirements, refine minimum required setbacks for all other uses other than commercial and industrial uses in unzoned areas, delete reference to information that has been removed from the Ordinance as a part of the amendment process and establish a maximum square footage of accessory structures in residential districts.
5. The Florence County Planning Commission held two Public Hearings on separate text amendment requests. These Public hearings were held on November 27, 2007 and January 22, 2008.

OPTIONS:

1. *(Recommended)* Approved Ordinance No. 26-2008/09 As Presented.
(Planning Commission approved 9-0, both meetings)(All Council Districts)
2. Provide An Alternative Directive

ATTACHMENTS:

Copies of the following are attached:

1. Ordinance No.26-2008/09
2. Staff report for PC#2007-63
3. Staff report for PC#2008-09
4. Final markup of Sections 30-30, 30-111, 30-202,Table VIII and 30-246 of the Florence County Code

Sponsor(s)	: Planning Commission	I, _____,
Planning Commission Consideration	: November 27, 2007, January 22, 2008	Council Clerk certify that this
Planning Commission Public Hearings	: November 27, 2007, January 22, 2008	Ordinance was advertised for
Planning Commission Recommendation	: November 27, 2007(Approved 9-0)	Public Hearing on _____.
Planning Commission Recommendation	: January 22, 2008 (Approved 9-0)	
First Reading/Introduction	: April 2, 2009	
Committee Referral	: N/A	
Second Reading	: April 16, 2009	
Third Reading	: May 7, 2009	
Effective Date	: Immediately	

ORDINANCE NO. 26-2008/09

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Amend Sections: 30-30. Table III: Zoning Setbacks; 30-111. Development Standards For Unzoned Areas; 30-202. Table VIII Number, Dimension, And Location Of Permitted Signs By Zoning District; 30-246. Accessory Buildings And Uses; And Other Matters Relating Thereto.]

WHEREAS:

1. The amendment to Section 30-30. Table III is needed to correct typographical errors to the lot width requirements for the B-5, B-6, RU-1 and RU-2 Zoning Districts; and
2. The amendment to Section 30-111 is needed to refine minimum required setbacks for all other uses other than commercial and industrial uses in unzoned areas; and
3. The amendment to Section 30-202 .Table VIII is needed to delete reference to information that has been removed from the Ordinance as a part of the amendment process and amend text errors in the narrative below the table; and
4. The amendment to Section 30-246 is needed to specifically establish a maximum square footage of accessory structures in residential districts.

NOW THEREFORE BE IT ORDAINED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THAT:

1. The Florence County Code of Ordinances, Sections: 30-30. Table III: Zoning Setbacks; 30-111. Development Standards For Unzoned Areas; 30-202. Table VIII Number, Dimension, And Location Of Permitted Signs By Zoning District; and 30-246. Accessory Buildings And Uses, are hereby amended to read as detailed hereinafter:

Sec. 30-30. Table III: Zoning Setbacks is hereby amended to read as follows:

District	Minimum Lot Area (a)		Lot Width (ft)	Front Yard Setback (b)	Side Yard Setback		Rear Yard Setback		Max Hgt. (ft) (c)	Max Impervious Surface Ratio (%)	Max. Floor Area Ratio: Non-Res. Uses (d)
	Residential	Non-Residential			Res	Non Res	Res	Non Res			
R-1	15,000	30,000	100	25	10	50	30	60	38	40	0.25
R-2	10,000	20,000	80	25	8	25	25	50	38	45	0.30
R-3	6,000	12,000	50	25	5	25	25	50	38	45	0.30
R-4	6,000	12,000	50	25	5	25	20	40	38	45	0.30
R-5	6,000	12,000	50	25	5	25	20	40	4 stories	70	0.30
B-1	5,000	5,000	50	35	5	5	20	20	38	70	0.30
B-2	5,000	5,000	50	35	5	5	20	20	38	80	0.50
B-3	5,000	5,000	50	35	5	5	20	20	(e)	90	None
B-4	NA	None	None	None	NA	None	NA	None	(e)	100	None
B-5	NA	10,000	100	35	NA	10	NA	25	(e)	90	None
B-6	NA	10,000	100	35	NA	10	NA	25	(e)	90	None
RU-1	15,000	15,000	100	35	10	10	30	30	38	40	0.25
RU-2	87,120	43,560	200	35	15	50	30	60	38	20	0.15

Sec. 30-111. Development Standards for Unzoned Areas is hereby amended to read as follows:

7) Setbacks.

Proposed Use	Front	Rear	Side
Commercial	25'	20'	10'
Industrial/warehousing/storage	25'	50'	50'
Office/institutional	25'	20'	20'
All other uses	25'	5'	5'

Sec. 30-202. Table VIII Number, Dimension, and Location of Permitted Signs, By Zoning District is hereby amended to read as follows:

	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS(B)	UZ (I)
Freestanding										
Number permitted(E)										
Per lot										
Billboards	N	N	N	NA	N	NA	NA	N	N	NA
Other	1(A)	1	1	1	1	1	1	1(A)	1	NA
Per feet of st. frontage										
Billboards(C)	N	N	N	1:1,200	N	1:1,200	1:1,200	N	N	1:1,200
Other	NA	NA	NA	(D)	NA	(D)	(D)	NA	NA	NA
Maximum sign area (s.f.)										
Billboards	NA	NA	NA	(F)	NA	(F)	(F)	NA	NA	NA
Other	20	20	32	3 s.f. for each ft. st. frontage(G)	80	80	32	20	20	NA
Minimum setback from property line										
Billboards	NA	NA	NA	10'	NA	10'	10'	NA	NA	10'
Other	5'	5'	5'	5'	0'	5'	5'	5'	5'	NA
Maximum height	12'	12'	24'	(H)	24'	(H)	(H)	12'	12'	(H)
Building signs										
Number permitted	1	1	2	2	2	2	2	1	1	NA
Maximum sign area (s.f.)	4	12	NA	NA	NA	NA	NA	12	12	NA
Maximum wall area (%)	NA	NA	25%	25%	25%	15%	25%	NA	NA	NA
Temporary signs(2)	See section 30-205									

Table Notes:

NA = Not applicable

N= Not allowed

s.f. = Square feet

A - One-use identification signs, not exceeding 20 s.f. each, are permitted for each entrance of a subdivision, residential project, or agricultural operation.

B - This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the Zoning Ordinance in residential zoning district, i.e. churches, schools, parks, etc.

C - Minimum distances required by this section shall be measured between billboards located on either side of the street along the centerline of the street from which the billboard is viewed.

D - One per lot or one for each 300 linear feet of street frontage, whichever is less.

E - Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

F - 378 s.f., except where located within 600 feet of an Interstate Highway ROW, where maximum shall be 672 square feet. Interstate highway ROW does not include I-20 Spur or McLeod Blvd. From W. Evans to I-95.

G - Not to exceed 160 square feet.

H - Maximum height of billboards shall not exceed 100 feet where located within 600 feet of Interstate Highway as defined above (measured from the average roadway grade level; maximum height of other signs and billboards not on Interstate ROW shall not exceed 40 feet).

Sec. 30-246. Accessory Buildings and Uses is hereby amended to read as follows:

- (a) Accessory uses to observe required setbacks. Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.
- (b) General requirements.

Residential districts:

- (1) The number of accessory uses shall not exceed two on any lot or parcel.
- (2) The combined gross floor area (GFA) of all accessory uses shall not exceed 1000 square feet.
- (3) The height of accessory buildings shall not exceed 20 feet.
- (4) No mobile home or standard design manufactured home shall be used as an accessory building.
- (5) Setbacks of three feet from side and rear property lines shall be observed.

All other districts:

- (1) There is no limit to the number of accessory buildings however such buildings shall occupy no more than 30 percent of the total lot area.
- (2) If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 20 feet in height.
- (3) Accessory uses may be allowed within three feet of a side or rear property line, except where contiguous to a residential zone, in which case the accessory use shall observe the setback requirement of the principal use.

[END OF THE AMENDMENTS TO TEXTS/TABLES]

2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

SIGNED:

Connie Y. Haselden, Council Clerk

K. G. Rusty Smith, Jr., Chairman

Approved as to Form and Content
James C. Rushton, III, County Attorney

COUNCIL VOTE:
OPPOSED:
ABSENT:

**STAFF REPORT
TO THE
FLORENCE COUNTY/MUNICIPAL PLANNING COMMISSION
August 28, 2007
PC#2007-63
ORDINANCE 26-2008/09**

SUBJECT: Request for amendments to Section 2.5 Table III, Section 3.21, Section 5.2-Table VIII, Section 7.6, and Section 7.7 of the Consolidated Zoning Ordinance for setbacks, text errors, accessory structure rules and commercial and industrial property access.

APPLICANT: Florence County/Municipal Planning Department Staff

STAFF ANALYSIS:

During recent reviews of continuing issues in the community for setbacks and buffers between conflicting land uses, the Planning Commission and staff have determined that several changes should be made.

1. The amendments to Section 2.5 Table III (a) shall establish the minimum rear and side yard setback requirements between development of non-residential uses in the commercial zoning districts and adjacent residential zoning districts to lessen the potential negative impact between these uses. Non-residential use development adjacent to like uses shall observe the current setbacks and (b) shall correct typographical errors to the lot width requirements for the B-5, B-6, RU-1 and RU-2 Zoning Districts.
2. The amendment to Section 5.2-Table VIII shall delete reference to information that has been removed from the Ordinance as a part of the amendment process.
3. The amendment to Section 3.21 shall establish minimum required setbacks for all other uses other than commercial and industrial uses in unzoned areas.
4. The amendment to Section 7.6 shall specifically establish a maximum square footage of accessory structures in residential districts.
5. The amendment to Section 7.7 shall establish criteria for prohibiting access to commercial and industrial properties by way of residential zones.

NOTE:

Text amendments to the Sections for revisions to current text shall be designated by strikethrough and with amended text in bold. Amendment to the text of the Sections for additions shall be designated by bold lettering only.

AMENDMENT REQUEST (1):

A. The current text of Section 2.5 Table III: Schedule of Lot Area, Yard, Setback, Height, Density, Floor area, and Impervious Surface Requirements for Residential, Business and Rural Districts reads as follows:

District	Minimum Lot Area (a)		Lot Width (ft)	Front Yard Setback (b)	Side Yard Setback		Rear Yard Setback		Max Hgt. (ft) (c)	Max Impervious Surface Ratio (%)	Max. Floor Area Ratio: Non-Res. Uses (d)
	Residential	Non-Residential			Res	Non Res	Res	Non Res			
R-1	15,000	30,000	100	25	10	50	30	60	38	40	0.25
R-2	10,000	20,000	80	25	8	25	25	50	38	45	0.30
R-3	6,000	12,000	50	25	5	25	25	50	38	45	0.30
R-4	6,000	12,000	50	25	5	25	20	40	38	45	0.30
R-5	6,000	12,000	50	25	5	25	20	40	4 stories	70	0.30
B-1	5,000	5,000	50	35	5	5	20	20	38	70	0.30
B-2	5,000	5,000	50	35	5	5	20	20	38	80	0.50
B-3	5,000	5,000	50	35	5	5	20	20	(e)	90	None
B-4	NA	None	None	None	NA	None	NA	None	(e)	100	None
B-5	NA	10,000	10,000	35	NA	10	NA	25	(e)	90	None
B-6	NA	10,000	10,000	35	NA	10	NA	25	(e)	90	None
RU-1	15,000	15,000	15,000	35	10	10	30	30	38	40	0.25
RU-2	87,120	43,560	43,560	35	15	50	30	60	38	20	0.15

Notes to Table III

a – Lot area is expressed in square feet.

b – Measurement from front property line.

c – Measurement from average elevation of finished grade of the front of the structure.

d – Total floor measured as a percent of total lot area

e – There is no maximum; provided side and rear setbacks shall increase by one (1) foot for each two (2) feet in height over thirty-five (35) feet for buildings outside of the B-4 District; further provided that approval of buildings over thirty-five (35) feet shall be based on fire ladder capabilities as determined by the Fire Department with jurisdiction.

N/A = Not Applicable

B. The amended text to Section 2.5 Table III: Schedule of Lot Area, Yard, Setback, Height, Density, Floor area, and Impervious Surface Requirements for Residential, Business and Rural Districts for setbacks requirements and corrections for typographical errors shall read as

District	Minimum Lot Area (a)		Lot Width (ft)	Front Yard Setback (b)	Side Yard Setback		Rear Yard Setback		Max Hgt. (ft) (c)	Max Impervious Surface Ratio (%)	Max. Floor Area Ratio: Non-Res. Uses (d)
	Residential	Non Residential			Res	Non Res	Res	Non Res			
R-1	15,000	30,000	100	25	10	50	30	60	38	40	0.25
R-2	10,000	20,000	80	25	8	25	25	50	38	45	0.30
R-3	6,000	12,000	50	25	5	25	25	50	38	45	0.30
R-4	6,000	12,000	50	25	5	25	20	40	38	45	0.30
R-5	6,000	12,000	50	25	5	25	20	40	4 stories	70	0.30
B-1	5,000	5,000	50	35	5	5(f)	20	20(f)	38	70	0.30
B-2	5,000	5,000	50	35	5	5(g)	20	20(g)	38	80	0.50
B-3	5,000	5,000	50	35	5	5(0)(h)	20	20(h)	(e)	90	None
B-4	NA	None	None	None	NA	None	NA	None	(e)	100	None
B-5	NA	10,000	10,000 100	35	NA	10(h)	NA	25(i)	(e)	90	None
B-6	NA	10,000	10,000 100	35	NA	10(h)	NA	25(i)	(e)	90	None
RU-1	15,000	15,000	15,000 100	35	10	10	30	30	38	40	0.25
RU-2	87,120	43,560	43,560 200	35	15	50	30	60	38	20	0.15

Notes to Table III

- a – Lot area is expressed in square feet.
- b – Measurement from front property line.
- c – Measurement from average elevation of finished grade of the front of the structure.
- d – Total floor measured as a percent of total lot area
- e – There is no maximum: provided side and rear setbacks shall increase by one (1) foot for each two (2) feet in height over thirty-five (35) feet for buildings outside of the B-4 District; further provided that approval of buildings over thirty-five (35) feet shall be based on fire ladder capabilities as determined by the Fire Department with jurisdiction.

The following side and rear yard setbacks shall be observed in the commercial zoning districts when non-residential development is proposed adjacent to a residential zoning district:

- f – 30 feet
- g – 40 feet
- h – 50 feet
- i – 100 feet

N/A = Not Applicable

follows:

AMENDMENT REQUEST (2):

A. The current text reads as follows:

**Table VIII
Number, Dimension, and Location of Permitted Signs,
By Zoning District**

	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS (B)	UZ (1)
Freestanding										
Number Permitted (E)										
Per Lot										
Billboards	N	N	N	NA	N	NA	NA	N	N	NA
Other	1 (A)	1	1	1	1	1	1	1 (A)	1	NA
Per Feet of St. Frontage										
Billboards (C)	N	N	N	1:1,200 (J)	N	1:1,200 (J)	1:1,200 (J)	N	N	1:1,200
Other	NA	NA	NA	(D)	NA	(D)	(D)	NA	NA	NA
Maximum Sign Area (s.f.)										
Billboards	NA	NA	NA	(F)	NA	(F)	(F)	NA	NA	NA
Other	20	20	32	3 s.f. for each ft. st. frontage (G)	80	80	32	20	20	NA
Minimum Setback from Property Line										
Billboards	NA	NA	NA	10'	NA	10'	10'	NA	NA	10'
Other	5'	5'	5'	5'	0'	5'	5'	5'	5'	NA
Maximum Height	12'	12'	24'	(H)	24'	(H)	(H)	12'	12'	(H)
Building Signs										
Number Permitted	1	1	2	2	2	2	2	1	1	NA
Maximum Sign Area (s.f.)	4	12	NA	NA	NA	NA	NA	12	12	NA
Maximum Wall Area (%)	NA	NA	25%	25%	25%	15%	25%	NA	NA	NA
Temporary Signs (2)	See Section 5.5									

Table Notes: NA = Not Applicable N= Not Allowed s.f. = Square Feet

- A** – One-use identification signs, not exceeding 20 s.f. each, are permitted for each entrance of a subdivision, residential project, or agricultural operation.
- B** – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the Zoning Ordinance in residential zoning district, i.e. churches, schools, parks, etc.
- C** – Minimum distances required by this section shall be measured between billboards located on either side of the street along the centerline of the street from which the billboard is viewed.
- D** – One per lot or one for each 300 linear feet of street frontage, whichever is less.
- E** – Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- F** – 378 s.f., except where located within 600 feet of an Interstate Highway ROW, where maximum shall be 672 square feet. Interstate highway ROW does not include I-20 Spur or McLeod Blvd. from W. Evans to I-95.
- G** – Not to exceed 160 square feet.
- H** – Maximum height of billboards shall not exceed 100 feet. Where located within 600 feet of Interstate ROW, shall not exceed 40 feet.
- I** – Un-zoned areas – Billboards must be within 600 feet of business operation for 12 months, with at least one employee available to public at least 36 hours per week for four (4) days. Business to be equipped with all utilities, including restroom and permanent floor.

B. The amended text shall read as follows after the deletion of reference to information that has been removed from the Ordinance as a part of the Planning Department's ongoing amendment process:

**Table VIII
Number, Dimension, and Location of Permitted Signs,
By Zoning District**

	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS (B)	UZ (1)
Freestanding										
Number Permitted (E)										
Per Lot										
Billboards	N	N	N	NA	N	NA	NA	N	N	NA
Other	1 (A)	1	1	1	1	1	1	1 (A)	1	NA
Per Feet of St. Frontage										
Billboards (C)	N	N	N	1:1,200 (J)	N	1:1,200 (J)	1:1,200 (J)	N	N	1:1,200
Other	NA	NA	NA	(D)	NA	(D)	(D)	NA	NA	NA
Maximum Sign Area (s.f.)										
Billboards	NA	NA	NA	(F)	NA	(F)	(F)	NA	NA	NA
Other	20	20	32	3 s.f. for each ft. st. frontage (G)	80	80	32	20	20	NA
Minimum Setback from Property Line										
Billboards	NA	NA	NA	10'	NA	10'	10'	NA	NA	10'
Other	5'	5'	5'	5'	0'	5'	5'	5'	5'	NA
Maximum Height	12'	12'	24'	(H)	24'	(H)	(H)	12'	12'	(H)
Building Signs										
Number Permitted	1	1	2	2	2	2	2	1	1	NA
Maximum Sign Area (s.f.)	4	12	NA	NA	NA	NA	NA	12	12	NA
Maximum Wall Area (%)	NA	NA	25%	25%	25%	15%	25%	NA	NA	NA
Temporary Signs (2)										

See Section 5.5

Table Notes: NA = Not Applicable N= Not Allowed s.f. = Square Feet

A – One-use identification signs, not exceeding 20 s.f. each, are permitted for each entrance of a subdivision, residential project, or agricultural operation.

B – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the Zoning Ordinance in residential zoning district, i.e. churches, schools, parks, etc.

C – Minimum distances required by this section shall be measured between billboards located on either side of the street along the centerline of the street from which the billboard is viewed.

D – One per lot or one for each 300 linear feet of street frontage, whichever is less.

E – Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

F – 378 s.f., except where located within 600 feet of an Interstate Highway ROW, where maximum shall be 672 square feet. Interstate highway ROW does not include I-20 Spur or McLeod Blvd. from W. Evans to I-95.

G – Not to exceed 160 square feet.

H – Maximum height of billboards shall not exceed 100 feet. Where located within 600 feet of Interstate ROW, shall not exceed 40 feet.

I – Un-zoned areas – Billboards must be within 600 feet of business operation for 12 months, with at least one employee available to public at least 36 hours per week for four (4) days. Business to be equipped with all utilities, including restroom and permanent floor.

AMENDMENT REQUEST(3)

A. The current text of Section 7.6 reads as follows:

Section 7.6 Accessory Buildings and Uses

Section 7.6-1 Accessory Uses to Observe Required Setbacks

Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

Section 7.6-2 General Requirements

Residential Districts

1. The number of accessory uses shall not exceed two on any lot or parcel.
2. The combined gross floor area (GFA) of all accessory uses shall not exceed 50 percent of the principal use.
3. The height of accessory buildings shall not exceed 20 feet.
4. No mobile home or standard design manufactured home shall be used as an accessory building.

All Other Districts

1. There is no limit to the number of accessory buildings however such buildings shall occupy no more than 30 percent of the total lot area.
2. If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 20 feet in height.
3. Accessory uses may be allowed within 3 feet of a side or rear property line, except where contiguous to a residential zone, in which case the accessory use shall observe the setback requirement of the principal use.

B. The proposed text amendment shall read as follows:

Section 7.6 Accessory Buildings and Uses

Section 7.6-1 Accessory Uses to Observe Required Setbacks

Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

Section 7.6-2 General Requirements

Residential Districts

1. The number of accessory uses shall not exceed two on any lot or parcel.
2. The combined gross floor area (GFA) of all accessory uses shall not exceed ~~50 percent of the principal use~~ **1000 square feet.**
3. The height of accessory buildings shall not exceed 20 feet.
4. No mobile home or standard design manufactured home shall be used as an accessory building.
5. **Setbacks of three feet from side and rear property lines shall be observed.**

All Other Districts

1. There is no limit to the number of accessory buildings however such buildings shall occupy no more than 30 percent of the total lot area.
2. If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 20 feet in height.
3. Accessory uses may be allowed within 3 feet of a side or rear property line, except where contiguous to a residential zone, in which case the accessory use shall observe the setback requirement of the principal use.

AMENDMENT REQUEST(4):

An addition shall be made to Section 7.7 Access to Property and shall read as follows:

Access to Commercial and Industrial Zoned Property Prohibited From Residential Zones

Where a commercial or industrial zoning district is bounded by a residential zoning district, access to such industrial or commercial properties, including off-street parking and loading areas, shall be restricted to streets and alleys within the respective commercial or industrial districts in which such uses are located; and no commercial or industrial vehicles or parking in connection with an industrial or commercial use shall occupy a public street or right-of-way separating commercial or industrial districts from residential districts.

AMENDMENT REQUEST (5):

An addition shall be made to Section 3.21 Development Standards for Unzoned Areas §7 Setbacks and shall read as follows:

7) Setbacks

Proposed Use	Front	Rear	Side
Commercial	25'	20'	10'
Industrial/Warehousing/ Storage	25'	50'	50'
Office/Institutional	25'	20'	20'
Accessory Use All Other Uses	25'	5'	5'

Staff Recommendation:

Staff recommends approval of the request for text amendments to Section 2.5 Table III, Section 3.21, Section 7.6 and Section 7.7 of the Zoning Ordinance as presented.

Florence County/Municipal Planning Commission Action: August 28, 2007

The nine Planning Commission members voted unanimously to defer the request for a work session to be scheduled at a time in September prior to the September 25, 2007 Planning Commission meeting.

September 12, 2007

The Planning Commission held a work session for discussion of the amendment as presented.

Staff Recommendation:

Staff recommends deferral of the text amendments by Planning Commission for continuing coordination on the request.

Florence County/Municipal Planning Commission Action: September 25, 2007

No action was taken on the text amendments at the meeting held on September 25, 2007 due to the lack of a quorum of Planning Commission members.

In addition, prior to the Planning Commission meeting scheduled for October 23, 2007 and based on subsequent discussions after the work session of September 12, 2007, staff has been directed to research for amendments to the Zoning Ordinance Section 3.21 for establishing setbacks for all other uses in an unzoned area and to Section 7.7 to establish criteria for accessing commercial and industrial properties through residential zones.

Florence County/Municipal Planning Commission Action: October 23, 2007

The nine Planning Commission members present voted to defer action on the text amendment request by a vote of five in favor to defer and 4 in opposition to defer at the meeting on October 27, 2007.

Florence County/Municipal Planning Commission Action: November 27, 2007

The nine Planning Commission members present approved the text amendment request unanimously at the meeting on November 27, 2007.

**STAFF REPORT
TO THE
FLORENCE COUNTY/MUNICIPAL PLANNING COMMISSION
January 22, 2008
PC#2008-09
ORDIANNCE 26-2008/09**

SUBJECT: Request for amendment to Section 5.2-Table VIII of the Zoning Ordinance for correction of text error.

APPLICANT: Florence County/Municipal Planning Department Staff

STAFF ANALYSIS:

As staff administers the regulations of the Zoning Ordinance for the participating jurisdictions, periodically text errors are found that require amending of the particular area of the Ordinance.

Therefore, the Planning staff requests an amendment to Section 5.2-Table VIII for correction of information found in the descriptive narrative accompanying the table.

NOTE:

Text amendments to the Section for revision to current text shall be designated by strikethrough and with amended text in bold.

AMENDMENT REQUEST:

A. The current text reads as follows:

**Table VIII
Number, Dimension, and Location of Permitted Signs,
By Zoning District**

	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS (B)	UZ (1)
Freestanding										
Number Permitted (E)										
Per Lot										
Billboards	N	N	N	NA	N	NA	NA	N	N	NA
Other	1 (A)	1	1	1	1	1	1	1 (A)	1	NA
Per Feet of St. Frontage										
Billboards (C)	N	N	N	1:1,200 (J)	N	1:1,200 (J)	1:1,200 (J)	N	N	1:1,200
Other	NA	NA	NA	(D)	NA	(D)	(D)	NA	NA	NA
Maximum Sign Area (s.f.)										
Billboards	NA	NA	NA	(F)	NA	(F)	(F)	NA	NA	NA
Other	20	20	32	3 s.f. for each ft. frontage (G)	80	80	32	20	20	NA
Minimum Setback from Property Line										
Billboards	NA	NA	NA	10'	NA	10'	10'	NA	NA	10'
Other	5'	5'	5'	5'	0'	5'	5'	5'	5'	NA
Maximum Height	12'	12'	24'	(H)	24'	(H)	(H)	12'	12'	(H)
Building Signs										
Number Permitted	1	1	2	2	2	2	2	1	1	NA
Maximum Sign Area (s.f.)	4	12	NA	NA	NA	NA	NA	12	12	NA
Maximum Wall Area (%)	NA	NA	25%	25%	25%	15%	25%	NA	NA	NA
Temporary Signs (2)										See Section 5.5

Table Notes: NA = Not Applicable N= Not Allowed s.f. = Square Feet

A – One-use identification signs, not exceeding 20 s.f. each, are permitted for each entrance of a subdivision, residential project, or agricultural operation.

B – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the Zoning Ordinance in residential zoning district, i.e. churches, schools, parks, etc.

C – Minimum distances required by this section shall be measured between billboards located on either side of the street along the centerline of the street from which the billboard is viewed.

D – One per lot or one for each 300 linear feet of street frontage, whichever is less.

E – Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

F – 378 s.f., except where located within 600 feet of an Interstate Highway ROW, where maximum shall be 672 square feet. Interstate highway ROW does not include I-20 Spur or McLeod Blvd. from W. Evans to I-95.

G – Not to exceed 160 square feet.

H – Maximum height of billboards shall not exceed 100 feet. Where located within 600 feet of Interstate ROW, shall not exceed 40 feet.

I – Un-zoned areas – Billboards must be within 600 feet of business operation for 12 months, with at least one employee available to public at least 36 hours per week for four (4) days. Business to be equipped with all utilities, including restroom and permanent floor.

B. If approved, the amended text shall read as follows:

**Table VIII
Number, Dimension, and Location of Permitted Signs,
By Zoning District**

	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS (B)	UZ (1)
Freestanding										
Number Permitted (E)										
Per Lot										
Billboards	N	N	N	NA	N	NA	NA	N	N	NA
Other	1 (A)	1	1	1	1	1	1	1 (A)	1	NA
Per Feet of St. Frontage										
Billboards (C)	N	N	N	1:1,200 (J)	N	1:1,200 (J)	1:1,200 (J)	N	N	1:1,200
Other	NA	NA	NA	(D)	NA	(D)	(D)	NA	NA	NA
Maximum Sign Area (s.f.)										
Billboards	NA	NA	NA	(F)	NA	(F)	(F)	NA	NA	NA
Other	20	20	32	3 s.f. for each ft. st. frontage (G)	80	80	32	20	20	NA
Minimum Setback from Property Line										
Billboards	NA	NA	NA	10'	NA	10'	10'	NA	NA	10'
Other	5'	5'	5'	5'	0'	5'	5'	5'	5'	NA
Maximum Height	12'	12'	24'	(H)	24'	(H)	(H)	12'	12'	(H)
Building Signs										
Number Permitted	1	1	2	2	2	2	2	1	1	NA
Maximum Sign Area (s.f.)	4	12	NA	NA	NA	NA	NA	12	12	NA
Maximum Wall Area (%)	NA	NA	25%	25%	25%	15%	25%	NA	NA	NA
Temporary Signs (2)	See Section 5.5									

Table Notes: NA = Not Applicable N= Not Allowed s.f. = Square Feet

A – One-use identification signs, not exceeding 20 s.f. each, are permitted for each entrance of a subdivision, residential project, or agricultural operation.

B – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the Zoning Ordinance in residential zoning district, i.e. churches, schools, parks, etc.

C – Minimum distances required by this section shall be measured between billboards located on either side of the street along the centerline of the street from which the billboard is viewed.

D – One per lot or one for each 300 linear feet of street frontage, whichever is less.

E – Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

F – 378 s.f., except where located within 600 feet of an Interstate Highway ROW, where maximum shall be 672 square feet. Interstate highway ROW does not include I-20 Spur or McLeod Blvd. from W. Evans to I-95.

G – Not to exceed 160 square feet.

H – ~~Maximum height of billboards shall not exceed 100 feet. Where located within 600 feet of Interstate ROW, shall not exceed 40 feet.~~ Maximum height of billboards shall not exceed 100 feet where located within 600 feet of Interstate Highway as defined above (measured from the average roadway grade level; maximum height of other signs and billboards not on Interstate ROW shall not exceed forty (40) feet.

I – Un-zoned areas – Billboards must be within 600 feet of business operation for 12 months, with at least one employee available to public at least 36 hours per week for four (4) days. Business to be equipped with all utilities, including restroom and permanent floor.

Florence County/Municipal Planning Commission Action: January 22, 2008

The nine Planning Commission members present approved the text amendment unanimously at the meeting on January 22, 2008.

Florence County/Municipal Planning Commission Recommendation:

The Planning Commission recommended approval of the text amendment request by Florence County Council.

Final Markup

NOTE:

Text amendments to the Section for revision to current text shall be designated by strikethrough and with amendments designated in bold.

I. Sec. 30-30. Table III: Zoning setbacks.

District	Minimum Lot Area (a)		Lot Width (ft)	Front Yard Setback (b)	Side Yard Setback		Rear Yard Setback		Max Hgt. (ft) (c)	Max Impervious Surface Ratio (%)	Max. Floor Area Ratio: Non-Res. Uses (d)
	Residential	Non-Residential			Res	Non Res	Res	Non Res			
R-1	15,000	30,000	100	25	10	50	30	60	38	40	0.25
R-2	10,000	20,000	80	25	8	25	25	50	38	45	0.30
R-3	6,000	12,000	50	25	5	25	25	50	38	45	0.30
R-4	6,000	12,000	50	25	5	25	20	40	38	45	0.30
R-5	6,000	12,000	50	25	5	25	20	40	4 stories	70	0.30
B-1	5,000	5,000	50	35	5	5	20	20	38	70	0.30
B-2	5,000	5,000	50	35	5	5	20	20	38	80	0.50
B-3	5,000	5,000	50	35	5	5	20	20	(e)	90	None
B-4	NA	None	None	None	NA	None	NA	None	(e)	100	None
B-5	NA	10,000	10,000 100	35	NA	10	NA	25	(e)	90	None
B-6	NA	10,000	10,000 100	35	NA	10	NA	25	(e)	90	None
RU-1	15,000	15,000	15,000 100	35	10	10	30	30	38	40	0.25
RU-2	87,120	43,560	43,560 200	35	15	50	30	60	38	20	0.15

II. Sec. 30-111. Development standards for unzoned areas.

7) Setbacks.

Proposed Use	Front	Rear	Side
Commercial	25'	20'	10'
Industrial/warehousing/storage	25'	50'	50'
Office/institutional	25'	20'	20'
Accessory Use All other uses	25'	5'	5'

III. Sec. 30-202. Table VIII Number, Dimension, and Location of Permitted Signs, By Zoning District.

	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS(B)	UZ(1)
Freestanding										
Number permitted(E)										
Per lot										
Billboards	N	N	N	NA	N	NA	NA	N	N	NA
Other	1(A)	1	1	1	1	1	1	1(A)	1	NA
Per feet of st. frontage										
Billboards(C)	N	N	N	1:1,200(J)	N	1:1,200(J)	1:1,200(J)	N	N	1:1,200(J)
Other	NA	NA	NA	(D)	NA	(D)	(D)	NA	NA	NA
Maximum sign area (s.f.)										
Billboards	NA	NA	NA	(F)	NA	(F)	(F)	NA	NA	NA
Other	20	20	32	3 s.f. for each ft. st. frontage(G)	80	80	32	20	20	NA
Minimum setback from property line										
Billboards	NA	NA	NA	10'	NA	10'	10'	NA	NA	10'
Other	5'	5'	5'	5'	0'	5'	5'	5'	5'	NA
Maximum height	12'	12'	24'	(H)	24'	(H)	(H)	12'	12'	(H)
Building signs										
Number permitted	1	1	2	2	2	2	2	1	1	NA
Maximum sign area (s.f.)	4	12	NA	NA	NA	NA	NA	12	12	NA
Maximum wall area (%)	NA	NA	25%	25%	25%	15%	25%	NA	NA	NA
Temporary signs(2)	See section 30-205									

Table Notes:
NA = Not applicable

N= Not allowed

s.f. = Square feet

A - One-use identification signs, not exceeding 20 s.f. each, are permitted for each entrance of a subdivision, residential project, or agricultural operation.

B - This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the Zoning Ordinance in residential zoning district, i.e. churches, schools, parks, etc.

C - Minimum distances required by this section shall be measured between billboards located on either side of the street along the centerline of the street from which the billboard is viewed.

D - One per lot or one for each 300 linear feet of street frontage, whichever is less.

E - Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

F - 378 s.f., except where located within 600 feet of an Interstate Highway ROW, where maximum shall be 672 square feet. Interstate highway ROW does not include I-20 Spur or McLeod Blvd. From W. Evans to I-95.

G - Not to exceed 160 square feet.

H - ~~Maximum height of billboards shall not exceed 100 feet. Where located within 600 feet of Interstate ROW shall not exceed 40 feet.~~ Maximum height of billboards shall not exceed 100 feet where located within 600 feet of Interstate Highway as defined above (measured from the average roadway grade level; maximum height of other signs and billboards not on Interstate ROW shall not exceed (40) feet.

IV. Sec. 30-246. Accessory buildings and uses.

(a) Accessory uses to observe required setbacks. Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

(b) General requirements.

Residential districts:

- (1) The number of accessory uses shall not exceed two on any lot or parcel.
- (2) The combined gross floor area (GFA) of all accessory uses shall not exceed **50 percent of the principal use 1000 square feet.**
- (3) The height of accessory buildings shall not exceed 20 feet.
- (4) No mobile home or standard design manufactured home shall be used as an accessory building.
- (5) **Setbacks of three feet from side and rear property lines shall be observed.**

All other districts:

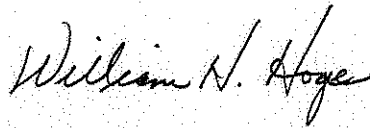
- (1) There is no limit to the number of accessory buildings however such buildings shall occupy no more than 30 percent of the total lot area.
- (2) If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 20 feet in height.
- (3) Accessory uses may be allowed within three feet of a side or rear property line, except where contiguous to a residential zone, in which case the accessory use shall observe the setback requirement of the principal use.

FLORENCE COUNTY COUNCIL MEETING

Item for Meeting on: Thursday, April 16, 2009

AGENDA ITEM: Ordinance No.27-2008/09
Introduction

DEPARTMENT: Planning and Building Inspections



ISSUE UNDER CONSIDERATION:

[An Ordinance To Amend Section 30-30, Table III, Section 30-48 And Section 30-247 Of The Florence County Code Regarding Zoning Setbacks, Changes In Approved Planned Development Plans And Access To Property.]

POINTS TO CONSIDER:

1. Council District(s): All Florence County Council Districts
2. The amendments to Section 30-30, Table III, Zoning Setbacks, shall re-establish the minimum rear and side yard setback requirements between development of non-residential uses in the commercial zoning districts and adjacent residential zoning districts to lessen the potential negative impact between these uses. Non-residential use development adjacent to like uses shall observe the current setbacks.
3. The amendment to Section 30-48, Changes in Approved Planned Development Plans, shall establish consistency of the existing criteria for major changes to an approved Planned Development with State Law as established by the §6-29-740 *Planned Development Districts*.
4. The amendment to Section 30-247, Access to Property, shall establish criteria for prohibiting access to commercial and industrial properties by way of residential zones.
5. The amendments to the above-referenced sections shall become effective immediately upon adoption.

OPTIONS:

1. *(Recommended)* Approve as Presented.
(Planning Commission approved 9-0, both) (All Council Districts).
2. Provide an Alternate Directive.

ATTACHMENTS:

Copies of the following are attached:

1. Ordinance No. 27-2008/09
2. Staff report for PC#2007-63
3. Staff report for PC#2008-08
4. Final markup for Sections 30-30, 30-48, 30-247 of the Florence County Code

Sponsor(s)	: Planning Commission and Staff
Planning Commission Consideration	: August 28, 2007
Planning Commission Consideration	: January 22, 2009
Planning Commission Public Hearing	: August 28, 2007
Planning Commission Public Hearing	: October 22, 2008
Planning Commission Recommendation	: August 28, 2007 [Approved 9-0]
Planning Commission Recommendation	: October 22, 2008 [Approved 9-0]
First Reading/Introduction	: April 16, 2009
Committee Referral	: N/A
Second Reading	: May 7, 2009
Third Reading	: May 21, 2009
Effective Date	: Immediately

I, _____,
 Council Clerk, certify that
 this Ordinance was advertised
 for Public Hearing on
 _____.

ORDINANCE NO. 28-2008/09

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Amend Section 30-30, Table III, Section 30-48 And Section 30-247 Of The Florence County Code Regarding Zoning Setbacks, Changes In Approved Planned Development Plans And Access To Property.]

WHEREAS:

1. The Planning Commission and staff continue to review issues in the community that require the need for changes in setbacks and buffers between conflicting land uses, to enhance the requirements for major changes to approved planned developments for consistency with State Law and to establish criteria to alleviate the need for access to commercial properties through residential zones; and
2. The amendments to Section 30-30, Table III, Section 30-48 and Section 30-247 shall become effective immediately upon adoption.

NOW THEREFORE BE IT ORDAINED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THAT:

1. Section 30-30, Table III, Zoning Setbacks; Section 30-48, Changes In Approved Planned Development Plans and Section 30-247, Access To Property are hereby amended to read as follows:

(Amendments to follow on next page.)

Section 30-30. Table III: Zoning setbacks.

District	Minimum Lot Area (a)		Lot Width (ft)	Front Yard Setback (b)	Side Yard Setback		Rear Yard Setback		Max Hgt. ft) (c)	Max Impervious Surface Ratio (%)	Max. Floor Area Ratio: Non-Res. Uses (d)
	Residential	Non Residential			Res	Non Res	Res	Non Res			
R-1	15,000	30,000	100	25	10	50	30	60	38	40	0.25
R-2	10,000	20,000	80	25	8	25	25	50	38	45	0.30
R-3	6,000	12,000	50	25	5	25	25	50	38	45	0.30
R-4	6,000	12,000	50	25	5	25	20	40	38	45	0.30
R-5	6,000	12,000	50	25	5	25	20	40	4 stories	70	0.30
B-1	5,000	5,000	50	35(j)	5	5(f)	20	20(f)	38	70	0.30
B-2	5,000	5,000	50	35(j)	5	5(g)	20	20(g)	38	80	0.50
B-3	5,000	5,000	50	35(j)	5	5(0)(h)	20	20(h)	(e)	90	None
B-4	NA	None	None	None	NA	None	NA	None	(e)	100	None
B-5	NA	10,000	100	35	NA	10(i)	NA	25(i)	(e)	90	None
B-6	NA	10,000	100	35	NA	10(i)	NA	25(i)	(e)	90	None
RU-1	15,000	15,000	100	35	10	10	30	30	38	40	0.25
RU-2	87,120	43,560	200	35	15	50	30	60	38	20	0.15

Notes to Table III

a – Lot area is expressed in square feet.

b – Measurement from front property line.

c – Measurement from average elevation of finished grade of the front of the structure.

d – Total floor measured as a percent of total lot area

e – There is no maximum: provided side and rear setbacks shall increase by one (1) foot for each two (2) feet in height over thirty-five (35) feet for buildings outside of the B-4 District; further provided that approval of buildings over thirty-five (35) feet shall be based on fire ladder capabilities as determined by the Fire Department with jurisdiction.

The following side and rear yard setbacks shall be observed in the commercial zoning districts when non-residential development is proposed adjacent to a residential zoning district:

f – 20 feet

g – 20 feet

h – 30 feet

i – 100 feet

j – The minimum front yard setback requirement shall be 20' if parking is established either in the side or rear of the property.

N/A = Not Applicable

Section 30-48. Changes in approved PD plans.

Except as provided in this section, approved PD Plans shall be binding on the owner and any successor in title.

Amendments to a Planned Development district may be authorized by ordinance of the governing authority after recommendation from the Planning Commission. These amendments constitute zoning ordinance amendments and must follow prescribed procedures for the amendments. The adopted plan may include a method for minor modifications to the site plan or development provisions.

Minor changes in approved PD site plans may be approved by the Zoning Administrator on application by the applicant, upon making a finding that such changes are:

1. In accord with all applicable regulations in effect at the time of the creation of the PD District and changes less than 10 percent from the original requirements; or
2. In accord with all applicable regulations currently in effect and changes less than 10 percent from the original requirements.

In reaching a decision as to whether the change will require the governing authority's approval, the Zoning Administrator shall use the following criteria:

1. Any increase in intensity or use shall constitute a modification requiring the governing authority's approval. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in the number of dwelling or lodging units, or an increase in the amount of outside land area devoted to sales, displays, or demonstrations.
2. Any change greater than 10 percent in parking areas resulting in an increase or reduction in the number of spaces approved shall constitute a change requiring the governing authority's approval.
3. Structural alterations significantly affecting the basic size, form, style, and location of a building, as shown on the approved Plan, shall be considered a change requiring the governing authority's approval.
4. Any reduction in the amount of open space or buffer area greater than 10 percent, or any change in the location or characteristics of open space, shall constitute a change requiring the governing authority's approval.
5. Any change in use from one use group to another shall constitute a change requiring the governing authority's approval.
6. Any change in pedestrian or vehicular access or circulation shall constitute a change requiring the governing authority's approval.

Section 30-247. Access to property.

(3) Access to Commercial and Industrial Zoned Property Prohibited From Residential Zones.

Where a commercial or industrial zoning district is bounded by a residential zoning district, access to such industrial or commercial properties, including off-street parking and loading areas, shall be restricted to streets and alleys within the respective commercial or industrial districts in which such uses are located; and no commercial or industrial vehicles or parking in connection with an industrial or commercial use shall occupy a public street or right-of-way separating commercial or industrial districts from residential districts.

2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

SIGNED:

Connie Y. Haselden, Council Clerk

K. G. Rusty Smith, Jr., Chairman

Approved as to Form and Content
James C. Rushton, III, County Attorney

COUNCIL VOTE:

OPPOSED:

ABSENT:

DRAFT

**STAFF REPORT
TO THE
FLORENCE COUNTY/MUNICIPAL PLANNING COMMISSION
August 28, 2007
PC#2007-63
ORDINANCE NO. 27-2008/09**

SUBJECT: Request for amendments to Section 2.5 Table III, Section 3.21, Section 5.2-Table VIII, Section 7.6, and Section 7.7 of the Consolidated Zoning Ordinance for setbacks, text errors, accessory structure rules and commercial and industrial property access.

APPLICANT: Florence County/Municipal Planning Department Staff

STAFF ANALYSIS:

During recent reviews of continuing issues in the community for setbacks and buffers between conflicting land uses, the Planning Commission and staff have determined that several changes should be made.

1. The amendments to Section 2.5 Table III (a) shall are-establish the minimum rear and side yard setback requirements between development of non-residential uses in the commercial zoning districts and adjacent residential zoning districts to lessen the potential negative impact between these uses. Non-residential use development adjacent to like uses shall observe the current setbacks and (b) shall correct typographical errors to the lot width requirements for the B-5, B-6, RU-1 and RU-2 Zoning Districts.
2. The amendment to Section 5.2-Table VIII shall delete reference to information that has been removed from the Ordinance as a part of the amendment process.
3. The amendment to Section 3.21 shall establish minimum required setbacks for all other uses other than commercial and industrial uses in unzoned areas.
4. The amendment to Section 7.6 shall specifically establish a maximum square footage of accessory structures in residential districts.
5. The amendment to Section 7.7 shall establish criteria for prohibiting access to commercial and industrial properties by way of residential zones.

NOTE:

Text amendments to the Sections for revisions to current text shall be designated by strikethrough and with amended text in bold. Amendment to the text of the Sections for additions shall be designated by bold lettering only.

AMENDMENT REQUEST (1):

A. The current text of Section 2.5 Table III: Schedule of Lot Area, Yard, Setback, Height, Density, Floor area, and Impervious Surface Requirements for Residential, Business and Rural Districts reads as follows:

District	Minimum Lot Area (a)		Lot Width (ft)	Front Yard Setback (b)	Side Yard Setback		Rear Yard Setback		Max. Hgt. (ft) (c)	Max Impervious Surface Ratio (%)	Max. Floor Area Ratio: Non-Res. Uses (d)
	Residential	Non-Residential			Res	Non Res	Res	Non Res			
R-1	15,000	30,000	100	25	10	50	30	60	38	40	0.25
R-2	10,000	20,000	80	25	8	25	25	50	38	45	0.30
R-3	6,000	12,000	50	25	5	25	25	50	38	45	0.30
R-4	6,000	12,000	50	25	5	25	20	40	38	45	0.30
R-5	6,000	12,000	50	25	5	25	20	40	4 stories	70	0.30
B-1	5,000	5,000	50	35	5	5	20	20	38	70	0.30
B-2	5,000	5,000	50	35	5	5	20	20	38	80	0.50
B-3	5,000	5,000	50	35	5	5	20	20	(e)	90	None
B-4	NA	None	None	None	NA	None	NA	None	(e)	100	None
B-5	NA	10,000	10,000	35	NA	10	NA	25	(e)	90	None
B-6	NA	10,000	10,000	35	NA	10	NA	25	(e)	90	None
RU-1	15,000	15,000	15,000	35	10	10	30	30	38	40	0.25
RU-2	87,120	43,560	43,560	35	15	50	30	60	38	20	0.15

Notes to Table III

a – Lot area is expressed in square feet.

b – Measurement from front property line.

c – Measurement from average elevation of finished grade of the front of the structure.

d – Total floor measured as a percent of total lot area

e – There is no maximum: provided side and rear setbacks shall increase by one (1) foot for each two (2) feet in height over thirty-five (35) feet for buildings outside of the B-4 District; further provided that approval of buildings over thirty-five (35) feet shall be based on fire ladder capabilities as determined by the Fire Department with jurisdiction.

N/A = Not Applicable

B. The amended text to Section 2.5 Table III: Schedule of Lot Area, Yard, Setback, Height, Density, Floor area, and Impervious Surface Requirements for Residential, Business and Rural Districts for setbacks requirements and corrections for typographical errors shall read as

District	Minimum Lot Area (a)		Lot Width (ft)	Front Yard Setback (b)	Side Yard Setback		Rear Yard Setback		Max Hgt. ft) (c)	Max Impervious Surface Ratio (%)	Max. Floor Area Ratio: Non-Res. Uses (d)
	Residential	Non Residential			Res	Non Res	Res	Non Res			
R-1	15,000	30,000	100	25	10	50	30	60	38	40	0.25
R-2	10,000	20,000	80	25	8	25	25	50	38	45	0.30
R-3	6,000	12,000	50	25	5	25	25	50	38	45	0.30
R-4	6,000	12,000	50	25	5	25	20	40	38	45	0.30
R-5	6,000	12,000	50	25	5	25	20	40	4 stories	70	0.30
B-1	5,000	5,000	50	35	5	5(f)	20	20(f)	38	70	0.30
B-2	5,000	5,000	50	35	5	5(g)	20	20(g)	38	80	0.50
B-3	5,000	5,000	50	35	5	5(h)	20	20(h)	(e)	90	None
B-4	NA	None	None	None	NA	None	NA	None	(e)	100	None
B-5	NA	10,000	10,000 100	35	NA	10(h)	NA	25(i)	(e)	90	None
B-6	NA	10,000	10,000 100	35	NA	10(h)	NA	25(i)	(e)	90	None
RU-1	15,000	15,000	15,000 100	35	10	10	30	30	38	40	0.25
RU-2	87,120	43,560	43,560 200	35	15	50	30	60	38	20	0.15

Notes to Table III

a – Lot area is expressed in square feet.

b – Measurement from front property line.

c – Measurement from average elevation of finished grade of the front of the structure.

d – Total floor measured as a percent of total lot area

e – There is no maximum: provided side and rear setbacks shall increase by one (1) foot for each two (2) feet in height over thirty-five (35) feet for buildings outside of the B-4 District; further provided that approval of buildings over thirty-five (35) feet shall be based on fire ladder capabilities as determined by the Fire Department with jurisdiction.

The following side and rear yard setbacks shall be observed in the commercial zoning districts when non-residential development is proposed adjacent to a residential zoning district:

f – 30 feet

g – 40 feet

h – 50 feet

i – 100 feet

N/A = Not Applicable

follows:

AMENDMENT REQUEST (2):

A. The current text reads as follows:

**Table VIII
Number, Dimension, and Location of Permitted Signs,
By Zoning District**

	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS (B)	UZ (1)
Freestanding										
Number Permitted (E)										
Per Lot										
Billboards	N	N	N	NA	N	NA	NA	N	N	NA
Other	1 (A)	1	1	1	1	1	1	1 (A)	1	NA
Per Feet of St. Frontage										
Billboards (C)	N	N	N	1:1,200 (J)	N	1:1,200 (J)	1:1,200 (J)	N	N	1:1,200
Other	NA	NA	NA	(D)	NA	(D)	(D)	NA	NA	NA
Maximum Sign Area (s.f.)										
Billboards	NA	NA	NA	(F)	NA	(F)	(F)	NA	NA	NA
Other	20	20	32	3 s.f. for each ft. st. frontage (G)	80	80	32	20	20	NA
Minimum Setback from Property Line										
Billboards	NA	NA	NA	10'	NA	10'	10'	NA	NA	10'
Other	5'	5'	5'	5'	0'	5'	5'	5'	5'	NA
Maximum Height	12'	12'	24'	(H)	24'	(H)	(H)	12'	12'	(H)
Building Signs										
Number Permitted	1	1	2	2	2	2	2	1	1	NA
Maximum Sign Area (s.f.)	4	12	NA	NA	NA	NA	NA	12	12	NA
Maximum Wall Area (%)	NA	NA	25%	25%	25%	15%	25%	NA	NA	NA
Temporary Signs (2)	See Section 5.5									

Table Notes: NA = Not Applicable N= Not Allowed s.f. = Square Feet

- A** – One-use identification signs, not exceeding 20 s.f. each, are permitted for each entrance of a subdivision, residential project, or agricultural operation.
- B** – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the Zoning Ordinance in residential zoning district, i.e. churches, schools, parks, etc.
- C** – Minimum distances required by this section shall be measured between billboards located on either side of the street along the centerline of the street from which the billboard is viewed.
- D** – One per lot or one for each 300 linear feet of street frontage, whichever is less.
- E** – Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- F** – 378 s.f., except where located within 600 feet of an Interstate Highway ROW, where maximum shall be 672 square feet. Interstate highway ROW does not include I-20 Spur or McLeod Blvd. from W. Evans to I-95.
- G** – Not to exceed 160 square feet.
- H** – Maximum height of billboards shall not exceed 100 feet. Where located within 600 feet of Interstate ROW, shall not exceed 40 feet.
- I** – Un-zoned areas – Billboards must be within 600 feet of business operation for 12 months, with at least one employee available to public at least 36 hours per week for four (4) days. Business to be equipped with all utilities, including restroom and permanent floor.

B. The amended text shall read as follows after the deletion of reference to information that has been removed from the Ordinance as a part of the Planning Department's ongoing amendment process:

**Table VIII
Number, Dimension, and Location of Permitted Signs,
By Zoning District**

	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS (B)	UZ (1)
Freestanding										
Number Permitted (E)										
Per Lot										
Billboards	N	N	N	NA	N	NA	NA	N	N	NA
Other	1 (A)	1	1	1	1	1	1	1 (A)	1	NA
Per Feet of St. Frontage										
Billboards (C)	N	N	N	1:1,200 (J)	N	1:1,200 (J)	1:1,200 (J)	N	N	1:1,200
Other	NA	NA	NA	(D)	NA	(D)	(D)	NA	NA	NA
Maximum Sign Area (s.f.)										
Billboards	NA	NA	NA	(F)	NA	(F)	(F)	NA	NA	NA
Other	20	20	32	3 s.f. for each ft. st. frontage (G)	80	80	32	20	20	NA
Minimum Setback from Property Line										
Billboards	NA	NA	NA	10'	NA	10'	10'	NA	NA	10'
Other	5'	5'	5'	5'	0'	5'	5'	5'	5'	NA
Maximum Height	12'	12'	24'	(H)	24'	(H)	(H)	12'	12'	(H)
Building Signs										
Number Permitted	1	1	2	2	2	2	2	1	1	NA
Maximum Sign Area (s.f.)	4	12	NA	NA	NA	NA	NA	12	12	NA
Maximum Wall Area (%)	NA	NA	25%	25%	25%	15%	25%	NA	NA	NA
Temporary Signs (2)	See Section 5.5									

Table Notes: NA = Not Applicable N= Not Allowed s.f. = Square Feet

- A** – One-use identification signs, not exceeding 20 s.f. each, are permitted for each entrance of a subdivision, residential project, or agricultural operation.
- B** – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the Zoning Ordinance in residential zoning district, i.e. churches, schools, parks, etc.
- C** – Minimum distances required by this section shall be measured between billboards located on either side of the street along the centerline of the street from which the billboard is viewed.
- D** – One per lot or one for each 300 linear feet of street frontage, whichever is less.
- E** – Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- F** – 378 s.f., except where located within 600 feet of an Interstate Highway ROW, where maximum shall be 672 square feet. Interstate highway ROW does not include I-20 Spur or McLeod Blvd. from W. Evans to I-95.
- G** – Not to exceed 160 square feet.
- H** – Maximum height of billboards shall not exceed 100 feet. Where located within 600 feet of Interstate ROW, shall not exceed 40 feet.
- I** – Un-zoned areas – Billboards must be within 600 feet of business operation for 12 months, with at least one employee available to public at least 36 hours per week for four (4) days. Business to be equipped with all utilities, including restroom and permanent floor.

AMENDMENT REQUEST(3)

A. The current text of Section 7.6 reads as follows:

Section 7.6 Accessory Buildings and Uses

Section 7.6-1 Accessory Uses to Observe Required Setbacks

Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

Section 7.6-2 General Requirements

Residential Districts

1. The number of accessory uses shall not exceed two on any lot or parcel.
2. The combined gross floor area (GFA) of all accessory uses shall not exceed 50 percent of the principal use.
3. The height of accessory buildings shall not exceed 20 feet.
4. No mobile home or standard design manufactured home shall be used as an accessory building.

All Other Districts

1. There is no limit to the number of accessory buildings however such buildings shall occupy no more than 30 percent of the total lot area.
2. If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 20 feet in height.
3. Accessory uses may be allowed within 3 feet of a side or rear property line, except where contiguous to a residential zone, in which case the accessory use shall observe the setback requirement of the principal use.

B. The proposed text amendment shall read as follows:

Section 7.6 Accessory Buildings and Uses

Section 7.6-1 Accessory Uses to Observe Required Setbacks

Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

Section 7.6-2 General Requirements

Residential Districts

1. The number of accessory uses shall not exceed two on any lot or parcel.
2. The combined gross floor area (GFA) of all accessory uses shall not exceed ~~50 percent of the principal use~~ **1000 square feet.**
3. The height of accessory buildings shall not exceed 20 feet.
4. No mobile home or standard design manufactured home shall be used as an accessory building.
5. **Setbacks of three feet from side and rear property lines shall be observed.**

All Other Districts

1. There is no limit to the number of accessory buildings however such buildings shall occupy no more than 30 percent of the total lot area.
2. If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 20 feet in height.
3. Accessory uses may be allowed within 3 feet of a side or rear property line, except where contiguous to a residential zone, in which case the accessory use shall observe the setback requirement of the principal use.

AMENDMENT REQUEST(4):

An addition shall be made to Section 7.7 Access to Property and shall read as follows:

Access to Commercial and Industrial Zoned Property Prohibited From Residential Zones

Where a commercial or industrial zoning district is bounded by a residential zoning district, access to such industrial or commercial properties, including off-street parking and loading areas, shall be restricted to streets and alleys within the respective commercial or industrial districts in which such uses are located; and no commercial or industrial vehicles or parking in connection with an industrial or commercial use shall occupy a public street or right-of-way separating commercial or industrial districts from residential districts.

AMENDMENT REQUEST (5):

An addition shall be made to Section 3.21 Development Standards for Unzoned Areas §7 Setbacks and shall read as follows:

7) Setbacks

Proposed Use	Front	Rear	Side
Commercial	25'	20'	10'
Industrial/Warehousing/ Storage	25'	50'	50'
Office/Institutional	25'	20'	20'
Accessory Use All Other Uses	25'	5'	5'

Florence County/Municipal Planning Commission Action: August 28, 2007:

The nine Planning Commission members voted unanimously to defer the request for a work session to be scheduled at a time in September prior to the September 25, 2007 Planning Commission meeting.

Planning Commission Work Session Action: September 12, 2007

The Planning Commission held a work session for discussion of the amendment as presented.

Florence County/Municipal Planning Commission Action: September 25, 2007:

No action was taken on the text amendments at the meeting held on September 25, 2007 due to the lack of a quorum of Planning Commission members.

In addition, prior to the Planning Commission meeting scheduled for October 23, 2007 and based on subsequent discussions after the work session of September 12, 2007, staff has been directed to research for amendments to the Zoning Ordinance Section 3.21 for establishing setbacks for all other uses in an unzoned area and to Section 7.7 to establish criteria for accessing commercial and industrial properties through residential zones.

Florence County/Municipal Planning Commission Action: October 23, 2007:

The nine Planning Commission members present voted to defer the text amendment requests and hold another public hearing at the next Planning Commission meeting with a vote of 5 in favor to defer and 4 in opposition to defer at the meeting held on October 23, 2007

Florence County/Municipal Planning Commission Action: November 27, 2007:

The nine Planning Commission members present approved the text amendment requests unanimously at the meeting held on November 27, 2007.

Florence County/Municipal Planning Commission Recommendation:

The Florence County/Municipal Planning Commission recommends approval of the text amendment requests by Florence County Council as presented.

**STAFF REPORT
TO THE
FLORENCE COUNTY/MUNICIPAL PLANNING COMMISSION
January 22, 2008
PC#2008-08
ORDINANCE NO. 27-2008/09**

SUBJECT: Request for amendment to Article 2, Zoning District Regulations, Section 2.6-8, Changes in Approved PD Plans of the Zoning Ordinance of Florence County for procedures for major changes to an approved PD, Planned Development.

APPLICANT: Florence County/Municipal Planning Department Staff

STAFF ANALYSIS:

Currently, the Zoning Ordinances for all participating jurisdictions separates proposed amendments to approved Planned Developments into two categories – minor changes and major changes.

Recently, staff discovered while reviewing the present process for major changes to an approved Planned Development, that the criteria presently established needed to be revisited for consistency with State Law as established by the §6-29-740 *Planned Development Districts* of the Comprehensive Planning Guide for Local Governments.

Therefore, Planning staff requests an amendment to Section 2.6-8 Changes In Approved PD Plans of the Zoning Ordinance.

NOTE:

Text amendments to the Section for revision to current text shall be designated by strikethrough and with amended text in bold.

Amendment Request:

The current text reads as follows:

Except as provided in this section, approved PD Plans shall be binding on the owner and any successor in title.

Minor changes in approved PD site plans may be approved by the Zoning Administrator on application by the applicant, upon making a finding that such changes are:

1. In accord with all applicable regulations in effect at the time of the creation of the PD District; or
2. In accord with all applicable regulations currently in effect.

Major changes to an approved PD shall require consent of the Planning Commission. In reaching a decision as to whether the change will require Planning Commission approval, the Zoning Administrator shall use the following criteria:

1. Any increase in intensity or use shall constitute a modification requiring Planning Commission approval. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in the number of dwelling or lodging units, or an increase in the amount of outside land area devoted to sales, displays, or demonstrations.
2. Any change in parking areas resulting in an increase or reduction in the number of spaces approved shall constitute a change requiring Planning Commission approval.
3. Structural alterations significantly affecting the basic size, form, style, and location of a building, as shown on the approved Plan, shall be considered a change requiring Planning Commission approval.
4. Any reduction in the amount of open space or buffer area, or any change in the location or characteristics of open space, shall constitute a change requiring Planning Commission approval.
5. Any change in use from one use group to another shall constitute a change requiring Planning Commission approval.
6. Any change in pedestrian or vehicular access or circulation shall constitute a change requiring Planning Commission approval.

If approved the amended text shall read as follows:

Except as provided in this section, approved PD Plans shall be binding on the owner and any successor in title.

Amendments to a Planned Development district may be authorized by ordinance of the governing authority after recommendation from the Planning Commission. These amendments constitute zoning ordinance amendments and must follow prescribed procedures for the amendments. The adopted plan may include a method for minor modifications to the site plan or development provisions.

Minor changes in approved PD site plans may be approved by the Zoning Administrator on application by the applicant, upon making a finding that such changes are:

1. In accord with all applicable regulations in effect at the time of the creation of the PD District; or
2. In accord with all applicable regulations currently in effect.
3. **Changes less than 10 percent from the original requirements.**

~~Major changes to an approved PD shall require consent of the Planning Commission.~~ In reaching a decision as to whether the change will require ~~Planning Commission~~ **the governing authority's** approval, the Zoning Administrator shall use the following criteria:

1. Any increase in intensity or use shall constitute a modification requiring ~~Planning Commission~~ **the governing authority's** approval. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in the number of dwelling or lodging units, or an increase in the amount of outside land area devoted to sales, displays, or demonstrations.
2. Any change **greater than 10 percent** in parking areas resulting in an increase or reduction in the number of spaces approved shall constitute a change requiring ~~Planning Commission~~ **the governing authority's** approval.
3. Structural alterations significantly affecting the basic size, form, style, and location of a building, as shown on the approved Plan, shall be considered a change requiring ~~Planning Commission~~ **the governing authority's** approval.
4. Any reduction in the amount of open space or buffer area greater than 10 percent, or any change in the location or characteristics of open space, shall constitute a change requiring ~~Planning Commission~~ **the governing authority's** approval.
5. Any change in use from one use group to another shall constitute a change requiring ~~Planning Commission~~ **the governing authority's** approval.
6. Any change in pedestrian or vehicular access or circulation shall constitute a change requiring ~~Planning Commission~~ **the governing authority's** approval.

Florence County/Municipal Planning Commission Action: January 22, 2008

The eight Planning Commission members present approved the request unanimously at the meeting held on January 22, 2008.

Florence County/Municipal Planning Commission Recommendation:

The Planning Commission recommends approval of the text amendment request by Florence County Council.

Final Markup

Amendment request for Section 30-30. Table III: Schedule of Lot Area, Yard, Setback, Height, Density, Floor area, and Impervious Surface Requirements for Residential, Business and Rural Districts.

The current text reads as follows:

District	Minimum Lot Area (a)		Lot Width (ft)	Front Yard Setback (b)	Side Yard Setback		Rear Yard Setback		Max Hgt. (ft) (c)	Max Impervious Surface Ratio (%)	Max. Floor Area Ratio: Non-Res. Uses (d)
	Residential	Non-Residential			Res	Non Res	Res	Non Res			
R-1	15,000	30,000	100	25	10	50	30	60	38	40	0.25
R-2	10,000	20,000	80	25	8	25	25	50	38	45	0.30
R-3	6,000	12,000	50	25	5	25	25	50	38	45	0.30
R-4	6,000	12,000	50	25	5	25	20	40	38	45	0.30
R-5	6,000	12,000	50	25	5	25	20	40	4 stories	70	0.30
B-1	5,000	5,000	50	35	5	5	20	20	38	70	0.30
B-2	5,000	5,000	50	35	5	5	20	20	38	80	0.50
B-3	5,000	5,000	50	35	5	5	20	20	(e)	90	None
B-4	NA	None	None	None	NA	None	NA	None	(e)	100	None
B-5	NA	10,000	100	35	NA	10	NA	25	(e)	90	None
B-6	NA	10,000	100	35	NA	10	NA	25	(e)	90	None
RU-1	15,000	15,000	100	35	10	10	30	30	38	40	0.25
RU-2	87,120	43,560	200	35	15	50	30	60	38	20	0.15

Notes to Table III

- a – Lot area is expressed in square feet.
 - b – Measurement from front property line.
 - c – Measurement from average elevation of finished grade of the front of the structure.
 - d – Total floor measured as a percent of total lot area
 - e – There is no maximum: provided side and rear setbacks shall increase by one (1) foot for each two (2) feet in height over thirty-five (35) feet for buildings outside of the B-4 District; further provided that approval of buildings over thirty-five (35) feet shall be based on fire ladder capabilities as determined by the Fire Department with jurisdiction.
- N/A = Not Applicable

If adopted, the amended text shall read as follows:

District	Minimum Lot Area (a)		Lot Width (ft)	Front Yard Setback (b)	Side Yard Setback		Rear Yard Setback		Max Hgt. (ft) (c)	Max Impervious Surface Ratio (%)	Max. Floor Area Ratio: Non-Res. Uses (d)
	Residential	Non Residential			Res	Non Res	Res	Non Res			
R-1	15,000	30,000	100	25	10	50	30	60	38	40	0.25
R-2	10,000	20,000	80	25	8	25	25	50	38	45	0.30
R-3	6,000	12,000	50	25	5	25	25	50	38	45	0.30
R-4	6,000	12,000	50	25	5	25	20	40	38	45	0.30
R-5	6,000	12,000	50	25	5	25	20	40	4 stories	70	0.30
B-1	5,000	5,000	50	35	5	5(f)	20	20(f)	38	70	0.30
B-2	5,000	5,000	50	35	5	5(g)	20	20(g)	38	80	0.50
B-3	5,000	5,000	50	35	5	5(h)	20	20(h)	(e)	90	None
B-4	NA	None	None	None	NA	None	NA	None	(e)	100	None
B-5	NA	10,000	100	35	NA	10(h)	NA	25(i)	(e)	90	None
B-6	NA	10,000	100	35	NA	10(h)	NA	25(i)	(e)	90	None
RU-1	15,000	15,000	100	35	10	10	30	30	38	40	0.25
RU-2	87,120	43,560	200	35	15	50	30	60	38	20	0.15

Notes to Table III

a – Lot area is expressed in square feet.

b – Measurement from front property line.

c – Measurement from average elevation of finished grade of the front of the structure.

d – Total floor measured as a percent of total lot area

e – There is no maximum: provided side and rear setbacks shall increase by one (1) foot for each two (2) feet in height over thirty-five (35) feet for buildings outside of the B-4 District; further provided that approval of buildings over thirty-five (35) feet shall be based on fire ladder capabilities as determined by the Fire Department with jurisdiction.

The following side and rear yard setbacks shall be observed in the commercial zoning districts when non-residential development is proposed adjacent to a residential zoning district:

f – 30 feet

g – 40 feet

h – 50 feet

i – 100 feet

N/A = Not Applicable

Amendment Request for Section 30-48. Changes in approved PD plans

The current text reads as follows:

Except as provided in this section, approved PD Plans shall be binding on the owner and any successor in title.

Minor changes in approved PD site plans may be approved by the Zoning Administrator on application by the applicant, upon making a finding that such changes are:

1. In accord with all applicable regulations in effect at the time of the creation of the PD District; or
2. In accord with all applicable regulations currently in effect.

Major changes to an approved PD shall require consent of the Planning Commission. In reaching a decision as to whether the change will require Planning Commission approval, the Zoning Administrator shall use the following criteria:

1. Any increase in intensity or use shall constitute a modification requiring Planning Commission approval. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in the number of dwelling or lodging units, or an increase in the amount of outside land area devoted to sales, displays, or demonstrations.
2. Any change in parking areas resulting in an increase or reduction in the number of spaces approved shall constitute a change requiring Planning Commission approval.
3. Structural alterations significantly affecting the basic size, form, style, and location of a building, as shown on the approved Plan, shall be considered a change requiring Planning Commission approval.
4. Any reduction in the amount of open space or buffer area, or any change in the location or characteristics of open space, shall constitute a change requiring Planning Commission approval.
5. Any change in use from one use group to another shall constitute a change requiring Planning Commission approval.
6. Any change in pedestrian or vehicular access or circulation shall constitute a change requiring Planning Commission approval.

If adopted, the amended text shall read as follows:

Except as provided in this section, approved PD Plans shall be binding on the owner and any successor in title.

Amendments to a Planned Development district may be authorized by ordinance of the governing authority after recommendation from the Planning Commission. These amendments constitute zoning ordinance amendments and must follow prescribed procedures for the amendments. The adopted plan may include a method for minor modifications to the site plan or development provisions.

Minor changes in approved PD site plans may be approved by the Zoning Administrator on application by the applicant, upon making a finding that such changes are:

1. In accord with all applicable regulations in effect at the time of the creation of the PD District; or
2. In accord with all applicable regulations currently in effect.
3. **Changes less than 10 percent from the original requirements.**

~~Major changes to an approved PD shall require consent of the Planning Commission.~~ In reaching a decision as to whether the change will require ~~Planning Commission~~ **the governing authority's** approval, the Zoning Administrator shall use the following criteria:

1. Any increase in intensity or use shall constitute a modification requiring ~~Planning Commission~~ **the governing authority's** approval. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in the number of dwelling or lodging units, or an increase in the amount of outside land area devoted to sales, displays, or demonstrations.
2. Any change **greater than 10 percent** in parking areas resulting in an increase or reduction in the number of spaces approved shall constitute a change requiring ~~Planning Commission~~ **the governing authority's** approval.
3. Structural alterations significantly affecting the basic size, form, style, and location of a building, as shown on the approved Plan, shall be considered a change requiring ~~Planning Commission~~ **the governing authority's** approval.
4. Any reduction in the amount of open space or buffer area greater than 10 percent, or any change in the location or characteristics of open space, shall constitute a change requiring ~~Planning Commission~~ **the governing authority's** approval.
5. Any change in use from one use group to another shall constitute a change requiring ~~Planning Commission~~ **the governing authority's** approval.
6. Any change in pedestrian or vehicular access or circulation shall constitute a change requiring ~~Planning Commission~~ **the governing authority's** approval.

Amendment request for Section 30-297. Access to property.

The current text reads as follows:

- (1) *Street access.* Except as herein provided, no building shall hereafter be erected, constructed, moved, or relocated on a lot not located on a publicly dedicated, publicly accepted or maintained street, or private street as part of an approved PD, or easement which meets all standards of land subdivision. The access point shall be not less than 20 feet wide, measured at the street line and extending to the principal part of the lot.
- (2) *Curb cuts.* Ingress-egress openings in concrete, asphalt, rock, or other street curbing provisions, commonly referred to as "curb cuts" shall be regulated in accord with specifications by the South Carolina Department of Transportation.

If adopted , an addition shall be made to the text and shall read as follows:

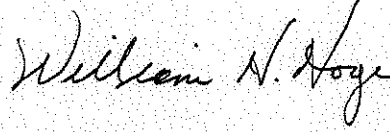
- (3) **Access to Commercial and Industrial Zoned Property Prohibited From Residential Zones.**
Where a commercial or industrial zoning district is bounded by a residential zoning district, access to such industrial or commercial properties, including off-street parking and loading areas, shall be restricted to streets and alleys within the respective commercial or industrial districts in which such uses are located; and no commercial or industrial vehicles or parking in connection with an industrial or commercial use shall occupy a public street or right-of-way separating commercial or industrial districts from residential districts.

FLORENCE COUNTY COUNCIL MEETING

Item For Meeting On: Thursday, April 16, 2009

AGENDA ITEM: Ordinance No.28-2008/09
Introduction

DEPARTMENT: Planning and Building Inspections



ISSUE UNDER CONSIDERATION:

[An Ordinance To Amend Section 30-246 Of The Florence County Code To Enhance The General Locational Rules Regarding Accessory Buildings and Uses.]

POINTS TO CONSIDER:

1. Council District(s): All Florence County Council Districts
2. Staff wishes to maintain clarity in the administration of the Zoning Ordinance for zoning and planning procedures.
3. The Planning staff was directed by the Board of Zoning Appeals to review the current location requirements for accessory uses on property and reestablish where accessory uses shall be located.
4. The amendment to this section shall become effective immediately upon adoption.

OPTIONS:

1. *(Recommended)* Approve As Presented.
(Planning Commission approved 10-0)(All Council Districts).
2. Provide An Alternative Directive.

ATTACHMENTS:

Copies of the following are attached:

1. Ordinance No.28-2008/09
2. Staff report PC#2009-12
3. Final markup for Section 30-246 of the Florence County Code

Sponsor(s) : Planning Commission
 Planning Commission Consideration : March 24, 2009
 Planning Commission Public Hearing : March 24, 2009
 Planning Commission Recommendation : March 24, 2009[10-0]
 First Reading/Introduction : April 16, 2009
 Committee Referral : N/A
 Second Reading : May 7, 2009
 Third Reading : May 21, 2009
 Effective Date : Immediately

I, _____,
 Council Clerk, certify that this
 Ordinance was advertised for
 Public Hearing on _____.

ORDINANCE NO.29-2008/09

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Amend Section 30-246 Of The Florence County Code To Enhance The General Locational Rules Regarding Accessory Buildings and Uses.]

WHEREAS:

1. Periodically amendments need to be made to the Florence County Code of Ordinances for continuous efficient and accurate customer service; and
2. The amendment to Section 30-246 shall include a purpose statement and enhance the general rules for locating accessory uses on property in zoned and unzoned districts.

NOW THEREFORE BE IT ORDAINED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THAT

1. The Florence County Code of Ordinances, Section 30-246. Accessory buildings and uses, portions of, are hereby amended to read as follows:

Purpose: To establish the general rules for the placement of accessory uses to a principal use on a parcel. As a general rule, all accessory uses shall only be placed in side or rear yards. Any exception to this rule shall be spelled out in detail below.

- (a) Accessory uses to observe required setbacks. Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

- (b) General requirements.

Residential districts:

- (1) The number of accessory uses shall not exceed two on any lot or parcel.
- (2) The combined gross floor area (GFA) of all accessory uses shall not exceed 50 percent of the principal use.
- (3) The height of accessory buildings shall not exceed 20 feet.
- (4) No mobile home or standard design manufactured home shall be used as an accessory building.

All other zoned districts:

- (1) There is no limit to the number of accessory buildings however such buildings shall occupy no more than 30 percent of the total lot area.
 - (2) If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 20 feet in height.
 - (3) Accessory uses may be allowed within three feet of a side or rear property line, except where contiguous to a residential zone, in which case the accessory use shall observe the setback requirement of the principal use.
- (c) Location. Without exception, no accessory use, building or structure shall be located within a required front yard or any buffer area.

Front yard as established by the above-referenced section shall also include secondary front yards.

Unzoned areas of Florence County shall observe the setbacks for accessory uses as established in Section 30-111 of this Ordinance.

Unless otherwise specifically regulated by this Ordinance, accessory buildings, uses and structures are permitted anywhere within the buildable area of a lot or parcel and are permitted within required yards and setback areas under the following conditions:

- (1) Off-street parking and loading space. Off-street parking and loading spaces are permitted in required yards and setback areas.
- (2) Free-standing signs. Freestanding signs are permitted in all required yards, but no closer than five feet of a property line.
- (3) Buildings, sheds, and structures for dry storage; greenhouses. Buildings, sheds and structures for dry storage and greenhouses may be located in rear yard setback areas only, but no closer than three feet to the property line.
- (4) Domestic animal shelters and pens. Domestic animal shelters and pens may be located in rear yard setback areas only, but no closer than ten feet from any side or rear residential property line.
- (5) Swimming pools, tennis courts, recreational uses. These uses may be located in required rear yard and setback areas only; provided said uses shall be no closer than ten feet to the nearest property line, and shall have all lighting shielded or directed away from adjoining residences.
- (6) Ground supported communication and reception antennas. These uses may be located in required rear and side yards only, but no closer than five feet to the property line, and if located in the buildable area shall not extend or be located in front of any principal building.
- (7) Fences and walls. May be located in all required yards and along any property line. Fences and walls exceeding eight feet in height require a variance from the board of zoning appeals.

(8) Uses not specified. Uses not specified above shall observe a three foot setback from the nearest rear or side yard property line only.

2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

Connie Y. Haselden, Council Clerk

Approved as to Form and Content
James C. Rushton, III, County Attorney

SIGNED:

K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

DRAFT

**STAFF REPORT
TO THE
FLORENCE COUNTY PLANNING COMMISSION
March 24, 2009
PC#2009-12
ORDINANCE 28-2008/09**

SUBJECT: Request for amendment to Section 30-246. Accessory Buildings and Uses of the Zoning Ordinance for location requirements.

APPLICANT: Florence County Planning Department Staff

STAFF ANALYSIS:

As staff administers the regulations of the Zoning Ordinance for the participating jurisdictions, periodically amendments need to be made in order to continue to provide the most efficient and accurate customer service as possible.

The amendment to Section 30-246 shall include a purpose statement and enhance the general rules for locating accessory uses on property in zoned and unzoned districts.

NOTE:

Text amendments to the Section for revision to current text shall be designated by highlighted information with strikethroughs and amendments designated in bold.

I. The current text of Section 30-246 Accessory Buildings and Uses reads as follows:

Sec. 30-246. Accessory buildings and uses.

(a) *Accessory uses to observe required setbacks.* Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

(b) *General requirements.*

Residential districts:

- (1) The number of accessory uses shall not exceed two on any lot or parcel.
- (2) The combined gross floor area (GFA) of all accessory uses shall not exceed 50 percent of the principal use.
- (3) The height of accessory buildings shall not exceed 20 feet.
- (4) No mobile home or standard design manufactured home shall be used as an accessory building.

All other districts:

- (1) There is no limit to the number of accessory buildings however such buildings shall occupy no more than 30 percent of the total lot area.
- (2) If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 20 feet in height.
- (3) Accessory uses may be allowed within three feet of a side or rear property line, except where contiguous to a residential zone, in which case the accessory use shall observe the setback requirement of the principal use.

(c) *Location.* Without exception, no accessory use may be located in a required buffer area. Accessory buildings and uses are permitted anywhere within the buildable area of a lot or parcel unless specifically regulated, and are permitted within required yards and setback areas under the following conditions:

- (1) *Off-street parking and loading space.* Off-street parking and loading spaces are permitted in required yards and setback areas.
- (2) *Free-standing signs.* Freestanding signs are permitted in all required yards, but no closer than five feet of a property line.
- (3) *Buildings, sheds, and structures for dry storage; greenhouses.* Building sheds and structures for dry storage and greenhouses may be located in rear yard setback areas only, but no closer than three feet to the property line.
- (4) *Domestic animal shelters and pens.* Domestic animal shelters and pens may be located in rear yard setback areas only, but no closer than ten feet from any side or rear residential property line.
- (5) *Swimming pools, tennis courts, recreational uses.* These uses may be located in required rear yard and setback areas only; provided said uses shall be no closer than ten feet to the nearest property line, and shall have all lighting shielded or directed away from adjoining residences.
- (6) *Ground supported communication and reception antennas.* These uses may be located in required rear and side yards only, but no closer than five feet to the property line, and if located in the buildable area shall not extend or be located in front of any principal building.
- (7) *Fences and walls.* May be located in all required yards and along any property line. Fences and walls exceeding eight feet in height require a variance from the board of zoning appeals.
- (8) *Uses not specified.* Uses not specified above shall observe a three foot setback from the nearest property line.

II. If approved, the amendment to the text of the Section 30-246 30-246 Accessory Buildings and Uses shall read as follows:

Sec. 30-246. Accessory buildings and uses.

Purpose: To establish the general rules for the placement of uses accessory to a principal use on a parcel. As a general rule, all accessory uses shall only be placed in side or rear yards. Any exception to this rule shall be spelled out in detail below.

- (a) *Accessory uses to observe required setbacks.* Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.
- (b) *General requirements.*

Residential districts:

- (1) The number of accessory uses shall not exceed two on any lot or parcel.
- (2) The combined gross floor area (GFA) of all accessory uses shall not exceed 50 percent of the principal use.
- (3) The height of accessory buildings shall not exceed 20 feet.
- (4) No mobile home or standard design manufactured home shall be used as an accessory building.

All other zoned districts:

- (1) There is no limit to the number of accessory buildings however such buildings shall occupy no more than 30 percent of the total lot area.
- (2) If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 20 feet in height.
- (3) Accessory uses may be allowed within three feet of a side or rear property line, except where contiguous to a residential zone, in which case the accessory use shall observe the setback requirement of the principal use.
- (c) *Location.* Without exception, no accessory use, **building or structure may shall** be located **within** a required **front yard or** any buffer area.

Front yard as established by the above-referenced section shall also include secondary front yards.

Unzoned areas of Florence County shall observe the setbacks for accessory uses as established in Section 30-111 of this Ordinance.

Unless otherwise specifically regulated by this Ordinance, Aaccessory buildings, **and** uses, and **structures** are permitted anywhere within the buildable area of a lot or parcel, **unless specifically regulated,** and are permitted within required yards and setback areas under the following conditions:

- (1) *Off-street parking and loading space.* Off-street parking and loading spaces are permitted in required yards and setback areas.
- (2) *Free-standing signs.* Freestanding signs are permitted in all required yards, but no closer than five feet of a property line.
- (3) *Buildings, sheds, and structures for dry storage; greenhouses.* Buildings, sheds and structures for dry storage and greenhouses may be located in rear yard setback areas only, but no closer than three feet to the property line.
- (4) *Domestic animal shelters and pens.* Domestic animal shelters and pens may be located in rear yard setback areas only, but no closer than ten feet from any side or rear residential property line.
- (5) *Swimming pools, tennis courts, recreational uses.* These uses may be located in required rear yard and setback areas only; provided said uses shall be no closer than ten feet to the nearest property line, and shall have all lighting shielded or directed away from adjoining residences.
- (6) *Ground supported communication and reception antennas.* These uses may be located in required rear and side yards only, but no closer than five feet to the property line, and if located in the buildable area shall not extend or be located in front of any principal building.
- (7) *Fences and walls.* May be located in all required yards and along any property line. Fences and walls exceeding eight feet in height require a variance from the board of zoning appeals.
- (8) *Uses not specified.* Uses not specified above shall observe a three foot setback from the nearest **rear or side yard** property line **only**.

Florence County Planning Commission Action: March 24, 2009

The ten Planning Commission members approved the text amendment request unanimously at the meeting held on March 24, 2009.

Florence County Planning Commission Recommendation:

The Planning Commission recommends approval of the text amendment request by Florence County Council.

Final Markup

Amendment request for Section 30-246. Accessory buildings and uses

The current text reads as follows:

(a) *Accessory uses to observe required setbacks.* Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

(b) *General requirements.*

Residential districts:

- (1) The number of accessory uses shall not exceed two on any lot or parcel.
- (2) The combined gross floor area (GFA) of all accessory uses shall not exceed 50 percent of the principal use.
- (3) The height of accessory buildings shall not exceed 20 feet.
- (4) No mobile home or standard design manufactured home shall be used as an accessory building.

All other districts:

- (1) There is no limit to the number of accessory buildings however such buildings shall occupy no more than 30 percent of the total lot area.
- (2) If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 20 feet in height.
- (3) Accessory uses may be allowed within three feet of a side or rear property line, except where contiguous to a residential zone, in which case the accessory use shall observe the setback requirement of the principal use.

(c) *Location.* Without exception, no accessory use may be located in a required buffer area. Accessory buildings and uses are permitted anywhere within the buildable area of a lot or parcel unless specifically regulated, and are permitted within required yards and setback areas under the following conditions:

- (1) *Off-street parking and loading space.* Off-street parking and loading spaces are permitted in required yards and setback areas.
- (2) *Free-standing signs.* Freestanding signs are permitted in all required yards, but no closer than five feet of a property line.
- (3) *Buildings, sheds, and structures for dry storage; greenhouses.* Building sheds and structures for dry storage and greenhouses may be located in rear yard setback areas

only, but no closer than three feet to the property line.

- (4) *Domestic animal shelters and pens.* Domestic animal shelters and pens may be located in rear yard setback areas only, but no closer than ten feet from any side or rear residential property line.
- (5) *Swimming pools, tennis courts, recreational uses.* These uses may be located in required rear yard and setback areas only; provided said uses shall be no closer than ten feet to the nearest property line, and shall have all lighting shielded or directed away from adjoining residences.
- (6) *Ground supported communication and reception antennas.* These uses may be located in required rear and side yards only, but no closer than five feet to the property line, and if located in the buildable area shall not extend or be located in front of any principal building.
- (7) *Fences and walls.* May be located in all required yards and along any property line. Fences and walls exceeding eight feet in height require a variance from the board of zoning appeals.
- (8) *Uses not specified.* Uses not specified above shall observe a three foot setback from the nearest property line.

If adopted, the amendment to the text shall read as follows:

Purpose: To establish the general rules for the placement of uses accessory to a principal use on a parcel. As a general rule, all accessory uses shall only be placed in side or rear yards. Any exception to this rule shall be spelled out in detail below.

- (a) *Accessory uses to observe required setbacks.* Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.
- (b) *General requirements.*

Residential districts:

- (1) The number of accessory uses shall not exceed two on any lot or parcel.
- (2) The combined gross floor area (GFA) of all accessory uses shall not exceed 50 percent of the principal use.
- (3) The height of accessory buildings shall not exceed 20 feet.
- (4) No mobile home or standard design manufactured home shall be used as an accessory building.

All other ~~zoned~~ districts:

- (1) There is no limit to the number of accessory buildings however such buildings shall occupy no more than 30 percent of the total lot area.
- (2) If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 20 feet in height.
- (3) Accessory uses may be allowed within three feet of a side or rear property line, except where contiguous to a residential zone, in which case the accessory use shall observe the setback requirement of the principal use.
- (c) *Location.* Without exception, no accessory use, **building or structure may shall** be located **within** a required **front yard or** any buffer area.

Front yard as established by the above-referenced section shall also include secondary front yards.

Unzoned areas of Florence County shall observe the setbacks for accessory uses as established in Section 30-111 of this Ordinance.

Unless otherwise specifically regulated by this Ordinance, Accessory buildings, **and** uses, and **structures** are permitted anywhere within the buildable area of a lot or parcel, **unless specifically regulated,** and are permitted within required yards and setback areas under the following conditions:

- (1) *Off-street parking and loading space.* Off-street parking and loading spaces are permitted in required yards and setback areas.
- (2) *Free-standing signs.* Freestanding signs are permitted in all required yards, but no closer than five feet of a property line.
- (3) *Buildings, sheds, and structures for dry storage; greenhouses.* Buildings, sheds and structures for dry storage and greenhouses may be located in rear yard setback areas only, but no closer than three feet to the property line.
- (4) *Domestic animal shelters and pens.* Domestic animal shelters and pens may be located in rear yard setback areas only, but no closer than ten feet from any side or rear residential property line.
- (5) *Swimming pools, tennis courts, recreational uses.* These uses may be located in required rear yard and setback areas only; provided said uses shall be no closer than ten feet to the nearest property line, and shall have all lighting shielded or directed away from adjoining residences.
- (6) *Ground supported communication and reception antennas.* These uses may be located in required rear and side yards only, but no closer than five feet to the property line, and if located in the buildable area shall not extend or be located in front of any principal building.
- (7) *Fences and walls.* May be located in all required yards and along any property line. Fences and walls exceeding eight feet in height require a variance from the board of

zoning appeals.

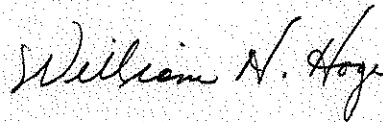
- (8) *Uses not specified.* Uses not specified above shall observe a three foot setback from the nearest **rear or side yard** property line **only**.

FLORENCE COUNTY COUNCIL MEETING

Item For Meeting On: Thursday, April 16, 2009

AGENDA ITEM: Ordinance No.29-2008/09
Introduction

DEPARTMENT: Planning and Building Inspections



ISSUE UNDER CONSIDERATION:

[An Ordinance To Amend Section 30-29, Table II Of The Florence County Code For Revision Of The NAICS Code Reference For Personal Care Services.]

POINTS TO CONSIDER:

1. Council District(s): All Florence County Council Districts
2. The NAICS or North American Industrial Classification System is an industry classification system that groups establishments into industries based on the activities in which they are primarily engaged.
3. Section 30-29, Table II of the Florence County Code was established utilizing those sectors and industries.
4. Staff finds it necessary at this to time to revise the number classification for personal care services for placement in correct category on and in the correct location on the table.
5. The amendment to this section shall become effective immediately upon adoption.

OPTIONS:

1. *(Recommended)* Approve As Presented.
(Planning Commission approved 10-0)(All Council Districts).
2. Provide An Alternative Directive.

ATTACHMENTS:

Copies of the following are attached:

1. Ordinance No. 29-2008/09
2. Staff report for PC#2009-13
3. Final markup of Section 30-29, Table II of the Florence County Code

Sponsor(s) : Planning Commission
 Planning Commission Consideration : March 24, 2009
 Planning Commission Public Hearing : March 24, 2009
 Planning Commission Recommendation : March 24, 2009[10-0]
 First Reading/Introduction : April 16, 2009
 Committee Referral : N/A
 Second Reading : May 7, 2009
 Third Reading : May 21, 2009
 Effective Date : Immediately

I, _____,
 Council Clerk, certify that this
 Ordinance was advertised for
 Hearing on _____.

ORDINANCE NO. 29-2008/09

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Amend Section 30-29, Table II Of The Florence County Code For Revision To The NAICS Code Reference For Personal Care Services.]

WHEREAS:

1. The present Zoning Ordinance was adopted using the 1997 NAICS or the North American Industry Classification System and has since been updated to the 2002 version; and
2. The Planning staff seeks to revise the NAICS code reference for personal care services and relocate the category on the table.

NOW THEREFORE BE IT ORDAINED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THAT

1. The Florence County Code, Section 30-29, Table II, Schedule of Permitted and Conditional Uses and Off-street Parking Requirements for Business and Rural Districts is hereby amended and shall read as follows:

Personal care services	8121	N	P	P	P	N	N	P	N	2.5 per chair basin
------------------------	------	---	---	---	---	---	---	---	---	---------------------

2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

SIGNED:

 Connie Y. Haselden, Council Clerk

 K. G. Rusty Smith, Jr., Chairman

 Approved as to Form and Content
 James C. Rushton, III, County Attorney

COUNCIL VOTE:
 OPPOSED:
 ABSENT:

**STAFF REPORT
TO THE
FLORENCE COUNTY PLANNING COMMISSION
March 24, 2009
PC#2009-13
ORDINANCE NO. 29-2008/09**

SUBJECT: Request for an amendment to Section 30-29 Table II: Schedule of Permitted and Conditional Uses and Off-street Parking Requirements for Business and Rural Districts for revision of NAICS code reference for personal care services.

APPLICANT: Florence County Planning Department Staff

Staff Analysis:

The Planning staff seeks to maintain and enhance the manner in which the Zoning Ordinance is administered for continued professional service for and development in Florence County.

As staff administers the regulations of the Zoning Ordinance for the participating jurisdictions, periodically amendments need to be made in order to continue to provide the most efficient and accurate customer service as possible.

Therefore staff is requesting an amendment to the text of Section 30-29 Table II: Schedule of Permitted and Conditional Uses and Off-street Parking Requirements for Business and Rural Districts to revise the NAICS code reference for personal care services and relocate the category on the table.

I. The current text of Section 30-29 Table II reads as follows:

Personal & laundry services	812									
Tattoo facilities (section 30-113)	812199	N	N	C	N	N	N	N	N	1.0 per 150 s.f. GFA
Personal care services	81221	N	P	P	P	N	N	P	N	2.5 per chair basin
Funeral homes & services	81221	P	P	P	P	N	N	N	N	5.0 plus 1.0 per 2 seats main assembly
Cemeteries	81221	N	N	P	N	N	N	P	P	None
Crematories	81222	N	N	N	N	N	N	P	N	1.0 per 500 s.f. GFA
Laundry & dry cleaning services	8123	N	N	P	P	N	P	N	N	1.0 per 500 s.f. GFA
Coin operated laundries/dry cleaning	81231	N	P	P	P	N	N	P	N	1.0 per 250 s.f. GFA
Pet care	81291	N	N	P	N	N	P	P	P	1.0 per 1,000 s.f. GFA
Automotive parking lots & garages	81293	N	P	P	P	P	P	N	N	None
Sexually oriented business (section 30-105)	81299	N	N	C	N	N	N	N	N	1.0 per 350 s.f. GFA
All other personal services	81299	N	P	P	P	N	N	N	N	1.0 per 300 s.f. GFA

II. The amendment to the text of Section 30-29 Table II shall revise the NAICS code reference number for the personal care services category from 81221 to 8121, relocate the category and shall read as follows:

Personal & laundry services	812									
Personal care services	8121	N	P	P	P	N	N	P	N	2.5 per chair basin
Tattoo facilities (section 30-113)	812199	N	N	C	N	N	N	N	N	1.0 per 150 s.f. GFA
Personal care services	81221	N	P	P	P	N	N	P	N	2.5 per chair basin
Funeral homes & services	81221	P	P	P	P	N	N	N	N	5.0 plus 1.0 per 2 seats main assembly
Cemeteries	81221	N	N	P	N	N	N	P	P	None
Crematories	81222	N	N	N	N	N	P	N	N	1.0 per 500 s.f. GFA
Laundry & dry cleaning services	8123	N	N	P	P	N	P	N	N	1.0 per 500 s.f. GFA
Coin operated laundries/dry cleaning	81231	N	P	P	P	N	N	P	N	1.0 per 250 s.f. GFA
Pet care	81291	N	N	P	N	N	P	P	P	1.0 per 1,000 s.f. GFA
Automotive parking lots & garages	81293	N	P	P	P	P	P	N	N	None
Sexually oriented business (section 30-105)	81299	N	N	C	N	N	N	N	N	1.0 per 350 s.f. GFA
All other personal services	81299	N	P	P	P	N	N	N	N	1.0 per 300 s.f. GFA

If adopted, the amendment for Section 2.5 Table III shall become effective June 1, 2008. All other amendments shall be effective upon adoption.

Florence County Planning Commission Action: March 24, 2009

The ten Planning Commission members present approved the request unanimously at the meeting held on March 24, 2009.

Florence County Planning Commission Recommendation:

The Planning Commission recommend approval of the text amendment request as presented by Florence County Council.

Final Markup

Amendment request for Section 30-29. Table II: Schedule of permitted and conditional uses and off-street parking requirements for business & rural districts.

The current text of reads as follows:

Personal & laundry services	812									
Tattoo facilities (section 30-113)	812199	N	N	C	N	N	N	N	N	1.0 per 150 s.f. GFA
Personal care services	81221	N	P	P	P	N	N	P	N	2.5 per chair basin
Funeral homes & services	81221	P	P	P	P	N	N	N	N	5.0 plus 1.0 per 2 seats main assembly
Cemeteries	81221	N	N	P	N	N	N	P	P	None
Crematories	81222	N	N	N	N	N	P	N	N	1.0 per 500 s.f. GFA
Laundry & dry cleaning services	8123	N	N	P	P	N	P	N	N	1.0 per 500 s.f. GFA
Coin operated laundries/dry cleaning	81231	N	P	P	P	N	N	P	N	1.0 per 250 s.f. GFA
Pet care	81291	N	N	P	N	N	P	P	P	1.0 per 1,000 s.f. GFA
Automotive parking lots & garages	81293	N	P	P	P	P	P	N	N	None
Sexually oriented business (section 30-105)	81299	N	N	C	N	N	N	N	N	1.0 per 350 s.f. GFA
All other personal services	81299	N	P	P	P	N	N	N	N	1.0 per 300 s.f. GFA

If adopted, the amendment to the text shall read as follows:

Personal & laundry services	812									
Personal care services	8121	N	P	P	P	N	N	P	N	2.5 per chair basin
Tattoo facilities (section 30-113)	812199	N	N	C	N	N	N	N	N	1.0 per 150 s.f. GFA
Personal care services	81221	N	P	P	P	N	N	P	N	2.5 per chair basin
Funeral homes & services	81221	P	P	P	P	N	N	N	N	5.0 plus 1.0 per 2 seats main assembly
Cemeteries	81221	N	N	P	N	N	N	P	P	None
Crematories	81222	N	N	N	N	N	P	N	N	1.0 per 500 s.f. GFA
Laundry & dry cleaning services	8123	N	N	P	P	N	P	N	N	1.0 per 500 s.f. GFA
Coin operated laundries/dry cleaning	81231	N	P	P	P	N	N	P	N	1.0 per 250 s.f. GFA
Pet care	81291	N	N	P	N	N	P	P	P	1.0 per 1,000 s.f. GFA
Automotive parking lots & garages	81293	N	P	P	P	P	P	N	N	None
Sexually oriented business (section 30-105)	81299	N	N	C	N	N	N	N	N	1.0 per 350 s.f. GFA
All other personal services	81299	N	P	P	P	N	N	N	N	1.0 per 300 s.f. GFA

FLORENCE COUNTY COUNCIL MEETING

Item For Meeting On: Thursday, April 16, 2009

AGENDA ITEM: Ordinance No.30-2008/09
Introduction

DEPARTMENT: Planning and Building Inspections



ISSUE UNDER CONSIDERATION:

[An Ordinance To Rezone Properties Owned By James M. And Christina N. Fender Located At 2506 Pamplico Hwy. And 2328 Dudley Drive, Florence County From B-3, General Commercial District To Unzoned Shown On Florence County Tax Map No. 00180, Block 1, Parcels 161 And 162 Consisting Of 2.17 Acres.]

POINTS TO CONSIDER:

1. The properties are located in Council District 5.
2. The subject properties are currently developed with car dealership including an office, single-family residence and recent addition of an agricultural use of animals to include two pigs, three goats and nine chickens.
3. The properties are currently zoned B-3, General Commercial District.
4. The applicants wish to rezone the properties to unzoned.
5. The properties are surrounded by wooded areas and residentially-developed properties.
6. The properties are designated as a High Intensity Economic Corridor area and Developing Residential area.
7. This request does not comply with the Comprehensive plan.

OPTIONS:

1. ***(Recommended)*** Deny as Presented.
(Planning Commission denied 10-0)(Council District 5).
2. Provide An Alternative Directive

ATTACHMENTS:

Copies of the following are attached:

1. Ordinance No. 30-2008/09
2. Staff report for PC#2009-11
3. Vicinity map
4. Location map
5. Comprehensive Land Use Plan map
6. Zoning map
7. Aerial photograph
8. Comprehensive Plan information
9. Zoning Ordinance information

Sponsor(s) : Planning Commission
 Planning Commission Consideration : March 24, 2009
 Planning Commission Public Hearing : March 24, 2009
 Planning Commission Recommendation : March 24 2009 [Denied 10-0]
 First Reading/Introduction : April 16, 2009
 Committee Referral : N/A
 Second Reading : May 7, 2009
 Third Reading : May 21, 2009
 Effective Date : Immediately

I, _____,
 Council Clerk, certify that this
 Ordinance was advertised for
 Hearing on _____.

ORDINANCE NO. 30-2008/09

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Rezone Properties Owned By James M. And Christina N. Fender Located At 2506 Pamplico Hwy. And 2328 Dudley Drive, Florence County From B-3, General Commercial District To Unzoned Shown On Florence County Tax Map No. 00180, Block 1, Parcels 161 And 162 Consisting Of 2.17 Acres.]

WHEREAS:

1. Section 30-291 of the Florence County Code establishes that Florence County Council must be satisfied that applications for amendments to the Zoning Atlas of Florence County are not injurious from a public health, safety and general welfare outlook and the effect of the change will not negatively impact the immediate environs or the County generally; and
2. Section 30-297 of the Florence County Code republished January 2008, provides a procedure for amending the official Zoning Map of the County of Florence; and
3. The procedure has been followed by the Florence County Planning Commission at a public hearing on March 24, 2009.

NOW THEREFORE BE IT ORDAINED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THAT:

1. Properties located at 2506 Pamplico Hwy. and 2328 Dudley Drive bearing Tax Map 00180, Block 1, Parcels 161 and 162 are hereby rezoned to unzoned.
2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

SIGNED:

 Connie Y. Haselden, Council Clerk

 K. G. Rusty Smith, Jr., Chairman

 Approved as to Form and Content
 James C. Rushton, III, County Attorney

COUNCIL VOTE:
 OPPOSED:
 ABSENT:

**STAFF REPORT
TO THE
FLORENCE COUNTY PLANNING COMMISSION
March 24, 2009
PC#2009-11
ORDINANCE NO. 30-2008/09**

Subject: Rezoning request from B-3, General Commercial District to an Unzoned Area

Location: Properties located at 2506 Pamplico Hwy. and 2328 Dudley Drive, Florence County

Tax Map Number: 00180, Block 1, Parcels 161 and 162

Council District(s): 5; County Council

Owner of Record: James M. & Christina N. Fender

Applicant: Christina N. & James M. Fender

Land Area: 2.17 acres

Existing Land Use and Zoning:

Parcel 161 located at 2506 Pamplico Hwy. currently contains a car dealership including an office, single-family residence, and the recent addition of an agricultural use of animals to include two pigs, three goats and nine chickens.

Parcel 162 located at 2328 Dudley Street currently contains a mobile home and some of the animals.

The properties are currently zoned B-3, General Commercial District.

Proposed Land Use and Zoning:

The applicant proposes to rezone the subject properties to an unzoned area for the addition of the agricultural use of animals.

Surrounding Land Uses and Zoning

North: Single- Family Residential / R-2/Florence County

South: Vacant /B-3/ Florence County

East: Vacant Wooded Area /UZ/ Florence County

West: Single-Family Residential/ R-5 / Florence County

Florence County Comprehensive Plan:

The front portion of subject property, parcel #180-01-161, is located in a High Intensity Economic Corridor area and the rear portion of this parcel is located in a Developing Residential area according to the Comprehensive Plan Land Use Map. The remaining subject property, parcel #180-01-162, is located in a Developing Residential area according to the Comprehensive Plan Land Use Map. The applicant has requested to unzoned these properties. All adjacent properties are High Intensity Economic Corridor and /or Development Residential areas according to the Comprehensive Plan Land Use Map therefore this request does not comply with the Comprehensive Plan.

Staff Analysis:

Access and Circulation- Present access to the properties are by way of Pamplico Hwy. and Dudley Drive

Water and Sewer Availability- These services are provided by the City of Florence Public Works.

Adjacent Waterways/Bodies of Water/Flood Zone- There does not appear to be any waterway/body of water adjacent to the property. The property is not located in a flood zone.

Background- The request is to rezone the subject properties to an unzoned area for recent addition of animals to include two pigs, three goats and nine chickens.

Florence County Planning Commission Action: March 24, 2009

The ten Planning Commission members present denied the request unanimously due to the rezoning request not being in compliance with the Comprehensive Plan, there being no protection for the adjacent properties, and the incompatibility between uses.

Florence County Planning Commission Recommendation:

The Planning Commission recommends denial of this request by the Florence County Council due to the request not being in compliance with the Comprehensive Plan.

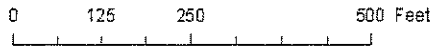


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Map Prepared by: RWE
 Copyright 2007: Florence County/Municipal Planning
 & Building Inspections Department
 Geographic Information Systems
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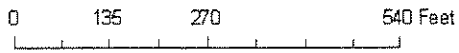
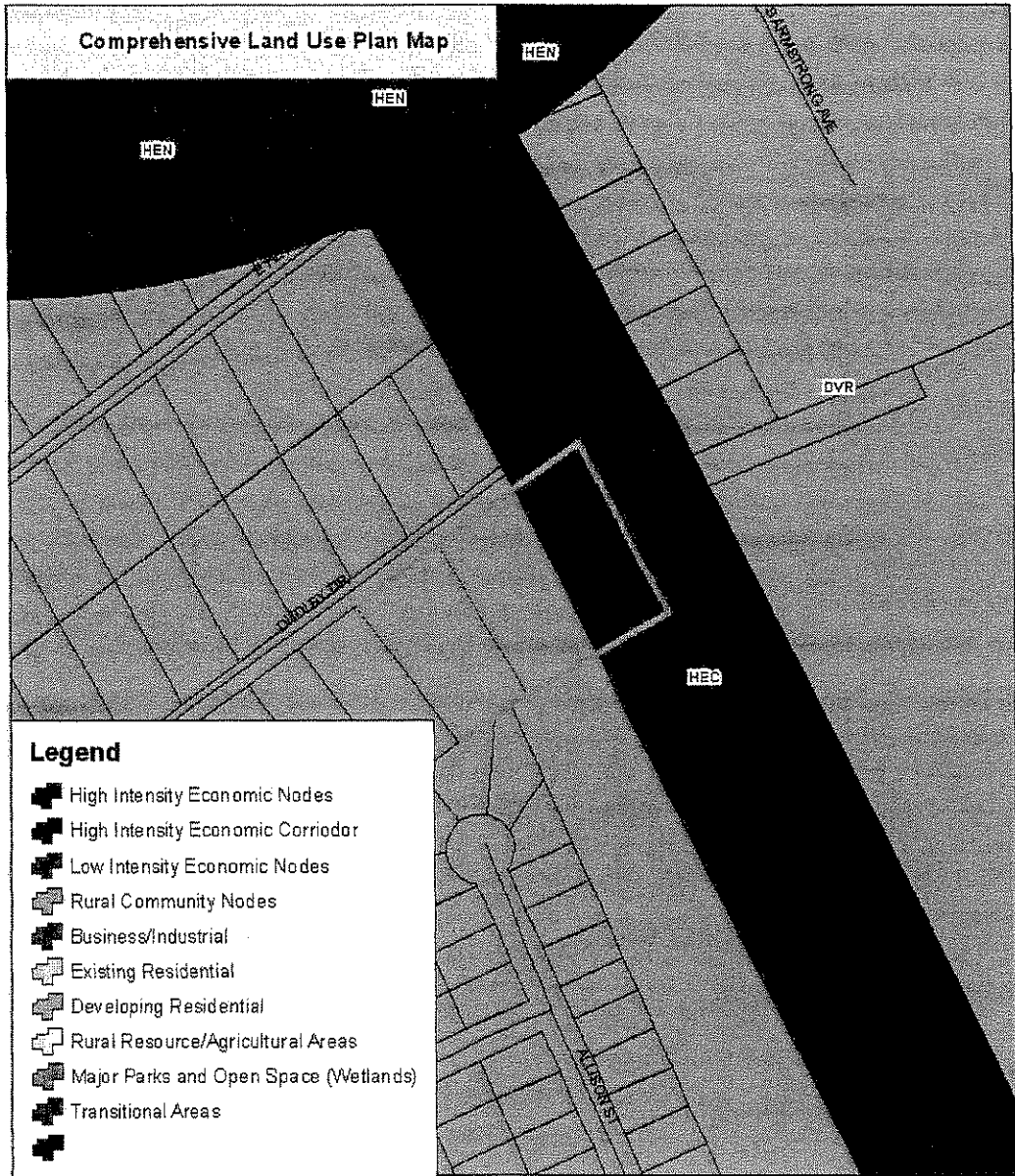


COUNTY COUNCIL DISTRICT(S): 5
PC#2009-11



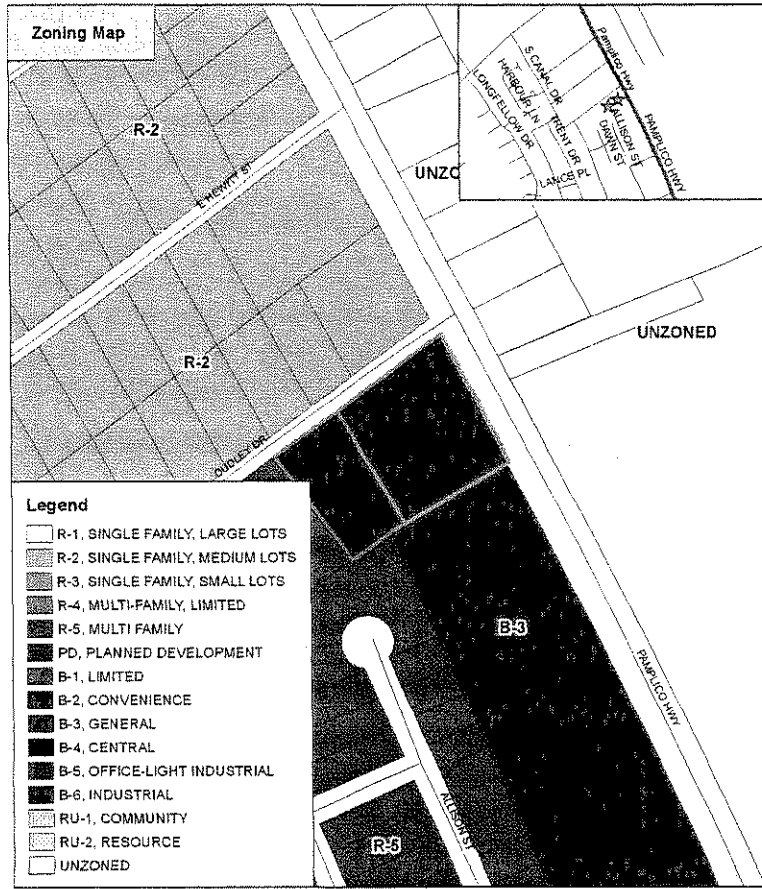
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COUNTY COUNCIL DISTRICT(S): 5
PC#2009-11



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COUNTY COUNCIL DISTRICT(S): 5
PC#2009-11



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COUNTY COUNCIL DISTRICT(S): 5
 PC#2009-11

Florence County 2003 Orthophotography Map



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COUNTY COUNCIL DISTRICT(S): 5
PC#2009-11

Comprehensive Plan Attachment:

Residential Areas Developing Residential

This is where most future residential development is expected to take place based on trends, availability of existing and/or planned infrastructure, and environmental conditions.

Objective

The objective of this designation is to promote and accommodate in an orderly manner residential development in areas so designated.

Strategy

The following strategies are recommended for implementing the above objective:

- ✓ Regulate development within such areas to ensure land use compatibility.
- ✓ Back residential subdivisions along arterial streets; discourage strip residential development and control curb cuts along such streets.
- ✓ Enact habitability, siting, and safety standards for manufactured homes, and promote compatibility with conventional dwellings.
- ✓ Amend subdivision regulations to address conservation of on-site resources and the integration of such resources into site design.
- ✓ Ensure that the level and type of proposed residential development will be compatible with the physical limitations of the land and established land uses in the surrounding area.
- ✓ Provide opportunities for an appropriate mix of dwelling types, sites, and prices in order to meet current and projected housing needs of county residents in keeping with their financial capabilities and preferences.
- ✓ Promote new and innovative approaches to residential development which will expand the variety of housing opportunities and/or minimize public and private costs.

Plan Compliance Matrix

PLAN MAP OBJECTIVES (Summary)	USE IN ACCORD WITH PLAN MAP OBJECTIVES	USES AT VARIANCE WITH PLAN MAP OBJECTIVES
Promote and accommodate in an orderly manner new residential development, and permit the housing industry to respond to changing market demands for various types of housing at varying densities	<ul style="list-style-type: none"> ❖ Residential uses, including single-family, multi-family, townhouses, patio homes, manufactured homes. ❖ Institutional uses in support of and compatible with residential development, e.g. school, churches, recreation facilities 	<ul style="list-style-type: none"> ❖ Non-residential uses, including commercial, industrial, and business uses

Comprehensive Plan Attachment:

Economic Activity Areas High Intensity Economic Nodes

Objective

This is an inclusive economic or business designation. The objective is to concentrate general commercial development and economic activity in these areas, and to minimize the impact of such uses on neighboring properties, the transportation network, and environmental resources. Further, the objective is to encourage and promote the economic vitality and ability of the county, including both incorporated and unincorporated areas, to compete in a regional market by concentrating economic activities, thereby strengthening the draw of such areas through "cumulative attraction".

Strategy

- ✓ Provide investment incentives for concentrating development in such nodes.
- ✓ Channel higher intensity development to such areas, by prohibiting it elsewhere.
- ✓ Provide urban infrastructure to such areas.

Plan Compliance Matrix

PLAN MAP OBJECTIVES (SUMMARY)	USES IN ACCORD WITH PLAN MAP OBJECTIVES	USES AT VARIANCE WITH PLAN MAP OBJECTIVES
Create strong diversified business centers capable of competing in a regional company	<ul style="list-style-type: none">❖ Multi-Use Retail❖ Institutional❖ General Business	<ul style="list-style-type: none">❖ Residential❖ Industrial❖ Wholesale

FLORENCE COUNTY COUNCIL MEETING

April 16, 2009

AGENDA ITEM: Boards & Commissions

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Filling vacancies on Boards and Commissions.

POINTS TO CONSIDER:

1. Citizen involvement on boards, commissions and committees of Florence County is extremely important.
2. Many boards/commissions/committees currently have vacancies or have approaching vacancies.

OPTIONS:

1. Make appropriate appointments.
2. Take no action.

(A copy of the list of current and approaching vacancies for 2009 was previously provided to Council. Additional copies are available upon request.)

FLORENCE COUNTY COUNCIL MEETING

April 16, 2009

AGENDA ITEM: Reports to Council
Bid Award

DEPARTMENT: Florence County Public Works
Procurement Department

ISSUE UNDER CONSIDERATION: Award Bid #31-08/09 for one (1) street sweeper for Florence County Public Works Department to Carolina Industrial Equipment in the amount of \$194,795.00.

POINTS TO CONSIDER:

- 1) Bid #31-08/09 was publicly offered.
- 2) Five (5) bids were received; two (2) bids were compliant.
- 3) Carolina Industrial Equipment, Charlotte, NC was the lowest compliant bidder at \$194,795.00.
- 4) The Public Works Director recommends this award.
- 5) The bid expires April 14, 2009.

FUNDING FACTORS:

- 1) \$194,795.00 = Total cost of street sweeper for the Florence County Public Works Department to be funded from FY09 Public Works Budget.

OPTIONS:

- 1) *(Recommended)* Award Bid #31-08/09 for one (1) street sweeper for Florence County Public Works Department to Carolina Industrial Equipment in the amount of \$194,795.00; and authorize the County Administrator to execute all associated documents to proceed. *(2 Compliant Bids Received)*
- 2) Decline.

ATTACHMENTS:

- 1) Bid Tabulation Sheet.
- 2) March 18, 2009 Recommendation Letter from Public Works Director.

Dept: Florence County Public Works
 Street Sweeper (1)
 Invitation-to-Bid #31-08/09

Bid Opening Date: February 25, 2009
 Time: 11:30 AM
 Advertised Date: Morn News 2/15/09
 Invitations to Bids Distributed: 3
 Bid Expiration Date: 4/14/2009

Name of Bidder	Base Bid	Year/Make Model	Bid Security	Meets Specs	Total Bid	Total Non-Local (+2%)
Carolina Industrial Equipment Charlotte, NC	\$194,795.00	2009 Allianz VT 650	Yes	Yes	\$194,795.00	\$198,690.90
Amick Equipment Co. Lexington, SC	\$186,998.75	2008 Isuzu FVR	Yes	No	\$186,998.75	\$190,738.72
ALTERNATE Amick Equipment Co. Lexington, SC	\$154,700.00	2008 Intl. 4300 Tymco Mod 600	Yes	No	\$154,700.00	\$157,794.00
Florence Truck Center Florence, SC	\$199,800.00	2008 Isuzu FVR	Yes	Yes	\$199,800.00	
ALTERNATE Florence Truck Center Florence, SC	\$147,300.00	2008 Isuzu FVR Tymco Mod 600 refurb. sweeper	Yes	No	\$147,300.00	

Notes:
 2% Local Preference Florence County Code, Section 11-62



FLORENCE COUNTY
Public Works Department

Arthur C. Gregg, Jr.
Public Works Director

MEMORANDUM

TO: Mazie Abraham, Procurement Director
FROM: Arthur C. Gregg, Jr., Public Works Director
DATE: March 18, 2009
RE: Recommendation on Awarding Bids

My recommendation on Bid #30-08/09 is that it be awarded to the lowest bidder – Carolina Intl. Trucks, Florence, SC.

My recommendation on Bid #31-08/09 is that it be awarded to Carolina Industrial Equipment, Charlotte, NC. Exceptions to other bids are included.

If you have any questions, please give me a call.

ACG, JR/ig

Enclosures

FLORENCE COUNTY COUNCIL MEETING

April 16, 2009

AGENDA ITEM: Reports to Council
Bid Award

DEPARTMENT: Florence County Recreation
Procurement Department

ISSUE UNDER CONSIDERATION: Award Bid #38-08/09 for the construction of restroom facilities at Savannah Grove Park and Brooks McCall Park to Charles Blanchard Construction in the amount of \$97,910, and approve additional funding from Council Districts 3, 4, 5, and 9 Infrastructure Funds in the amount of \$15,000.

POINTS TO CONSIDER:

- 1) Bid #38-08/09 was publicly offered.
- 2) Eleven (11) bids were received; five (5) bids were compliant.
- 3) Charles Blanchard Construction, North Charleston, SC was the lowest compliant bidder at \$97,910.
- 4) The Recreation Director recommends this award.
- 5) The bid expires May 19, 2009.
- 6) Approval of the bid includes authorization for the County Administrator to execute all associated documents to proceed.

FUNDING FACTORS:

- 1) \$97,910 = Total cost of construction for both restroom facilities.
- 2) The Brooks McCall restroom facility construction cost is \$49,555 and is funded from FY 06 Bonds.
- 3) The Savannah Grove Park restroom facility construction cost is \$48,355, with \$34,000 from the FY09 Recreation Department and the balance of \$15,000 comprised of equal portions from Council Districts 3, 4, 5, and 9 Infrastructure Funds.

OPTIONS:

- 1) *(Recommended)* Award Bid #38-08/09 for the construction of restroom facilities at Savannah Grove Park and Brooks McCall Park to Charles Blanchard Construction in the amount of \$97,910, \$82,355 from budgeted funds and the balance of \$15,000 to come in equal portions from Council Districts 3, 4, 5, and 9 Infrastructure Fund Allocations. *(5 Compliant Bids Received)*
- 2) Decline.

ATTACHMENTS:

- 1) Bid Tabulation Sheet.
- 2) April 2, 2009 Recommendation Letter from Recreation Director.
- 3) Council Infrastructure Fund Approval Form.

Dept: Florence County
 Restroom Facilities, Savannah Grove & Brooks McCall Park
 Invitation-to-Bid #38-08/09

Bid Opening Date: 3/31/2009
 Time: 11:15 AM
 Advertisd Date: Morn News 3/8/09
 Invitations to Bids Distributed: 12
 Bid Expiration Date: 5/19/2009

Pg 1 of 2

Name of Bidder	Base Bid	Bid Security	Meets Bid Requirements	Total Bid	Total Non-Local (+2%)
Charles Blanchard Const. N. Charleston, SC	\$97,910.00	Yes	Yes	\$97,910.00	\$99,868.20
Hanco of SC, Inc. Myrtle Beach, SC	\$98,800.00	Yes	No	\$98,800.00	\$100,776.00
Gamble & Stuckey Manning, SC	\$99,360.00	Yes	No	\$99,360.00	\$101,347.20
G & M Builders Lake City, SC	\$108,000.00	Yes	No	\$108,000.00	
CBL Constructors, Inc. Darlington, SC	\$114,400.00	Yes	Yes	\$114,400.00	\$116,688.00
Dempsey Construction Co. Hartsville, SC	\$119,644.00	Yes	Yes	\$119,644.00	\$122,036.88

Notes:
 2% Local Preference Florence County Code, Section 11-62

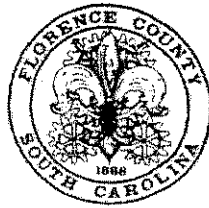
Dept: Florence County
 Restroom Facilities, Savannah Grove & Brooks McCall Park
 Invitation-to-Bid #38-08/09

Bid Opening Date: 3/31/2009
 Time: 11:15 AM
 Advertis Date: Morn News 3/8/09
 Invitations to Bids Distributed: 12
 Bid Expiration Date: 5/19/2009

Pg 2 of 2

Name of Bidder	Base Bid	Bid Security	Meets Bid Requirements	Total Bid	Total Non-Local (+2%)
Fields Construction Co. Florence, SC	\$131,994.00	Yes	Yes	\$131,994.00	
Carolina Construction, Inc. Cheraw, SC	\$140,000.00	Yes	No	\$140,000.00	\$142,800.00
Pendergraft Construction Lake City, SC	\$140,426.00	Yes	No	\$140,426.00	
M.A.R. Construction Co. Lexington, SC	\$148,584.00	Yes	No	\$148,584.00	\$151,555.68
Ascent Construction Co. Murrells Inlet, SC	\$171,000.00	Yes	Yes	\$171,000.00	\$174,420.00

Notes:
 2% Local Preference Florence County Code, Section 11-62



FLORENCE COUNTY

Recreation

Memorandum

To: Mazie Abraham, Interim Director of Procurement

From: Joe Eason, Parks and Recreation Director

Date: 04/02/09

Re: Award of Bid

I have reviewed the bids for the restroom buildings at Savannah Grove and Brooks McCall Community Park and recommend award to the low responsive bid of Charles Blanchard Construction Corporation of North Charleston, SC. Your assistance in processing this information for Council on behalf of our Department is greatly appreciated.

Florence County Council Meeting
April 16, 2009

AGENDA ITEM: Other Business
Infrastructure Project
Council Districts 3, 4, 5, and 9

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Approve the expenditure of up to \$15,000.00 from Council Districts Infrastructure funding allocations (from each district as indicated below) to assist Parks and Recreation with the purchase of stainless steel restroom fixtures for restroom facilities at Savannah Grove Community Park.

FUNDING SOURCE:

 X Infrastructure Road System Maintenance Utility

Requested by Councilmembers:

Amount: \$3,750 _____ \$3,750 _____

Signed: _____
Alphonso Bradley Mitchell Kirby

Amount: \$3,750 _____ \$3,750 _____

Signed: _____
Johnnie D. Rodgers, Jr. H. Morris Anderson

Date: _____

ATTACHMENTS:

None

I, Connie Y. Haselden, Clerk to County Council, certify this item was approved by the Florence County Council at the above-referenced meeting, at which a majority of members were present.

Connie Y. Haselden, Clerk to Council

FLORENCE COUNTY COUNCIL MEETING

April 16, 2009

AGENDA ITEM: Reports to Council
Bid Award

DEPARTMENT: Florence County Public Works
Procurement Department

ISSUE UNDER CONSIDERATION: Award Bid #40-08/09 for the resurfacing project at Pine Needles Fire Station to Newman Davis Construction Company, Sumter, SC in the amount of \$52,324.

POINTS TO CONSIDER:

- 1) Bid #40-08/09 was publicly offered.
- 2) Ten (10) bids were received; six (6) bids were compliant.
- 3) Newman Davis Construction Company, Sumter, SC was the lowest compliant bidder at \$52,324.
- 4) The Public Works Director recommends this award.
- 5) The bid expires May 19, 2009.
- 6) Approval of the bid includes authorization for the County Administrator to execute all associated documents to proceed.

FUNDING FACTORS:

- 1) \$52,324 = Total cost of resurfacing the Pine Needles Fire Station to be funded from Council District #9 Utility System Funds previously approved by Council.

OPTIONS:

- 1) *(Recommended)* Award Bid #40-08/09 for the resurfacing project at Pine Needles Fire Station to Newman Davis Construction Company, Sumter, SC in the amount of \$52,324. *(6 Compliant Bids Received)*
- 2) Decline.

ATTACHMENTS:

- 1) Bid Tabulation Sheet.
- 2) April 6, 2009 Recommendation Letter from Public Works Director.

Dept: Florence County Public Works Resurfacing Project, Pine Needles Fire Station Invitation-to-Bid #40-08/09		Bid Opening Date: Time: 3/31/2009 11:45 AM SCBO 3/16/09 12 5/19/2009		Pg. 1 of 2	
Name of Bidder	Base Bid	Bid Security	Meets Bid Requirements	Total Bid	Total Non-Local (+2%)
Newman Davis Const. Co. Sumter, SC	\$52,324.00	Yes	Yes	\$52,324.00	\$53,370.48
Palmetto Corp. of Conway Conway, SC	\$56,034.40	Yes	No	\$56,034.40	\$57,155.08
Weaver Co., Inc. Conway, SC	\$56,246.20	Yes	Yes	\$56,246.20	\$57,371.12
RWF Construction, LLC Effingham, SC	\$68,259.00	Yes	No	\$68,259.00	
Willis Construction, Inc. Darlington, SC	\$68,970.70	Yes	Yes	\$68,970.70	\$70,350.11

Notes:
2% Local Preference Florence County Code, Section 11-62

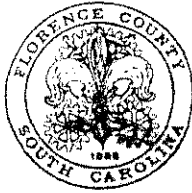
Dept: Florence County Public Works
 Resurfacing Project, Pine Needles Fire Station
 Invitation-to-Bid #40-08/09

Bid Opening Date: 3/31/2009
 Time: 11:45 AM
 Advertsed Date: Morn News 3/15/09
 Invitations to Bids Distributed: 12
 Bid Expiration Date: 5/19/2009

Pg. 2 of 2

Name of Bidder	Base Bid	Bid Security	Meets Bid Requirements	Total Bid	Total Non-Local (+2%)
Furr Grading & Paving Cheraw, SC	\$69,481.00	Yes	Yes	\$69,481.00	\$70,870.62
Boggs Paving, Inc. Monroe, NC	\$72,869.00	Yes	Yes	\$72,869.00	\$74,326.38
Industrial Paving Darlington, SC	\$75,180.00	Yes	No	\$75,180.00	\$76,683.60
Carraway Construction Sumter, SC	\$76,877.00	Yes	No	\$76,877.00	\$78,414.54
Henley's Construction Co. Cheraw, SC	\$82,770.00	Yes	Yes	\$82,770.00	\$84,425.40

Notes:
 2% Local Preference Florence County Code, Section 11-62



FLORENCE COUNTY
Public Works Department

Arthur C. Gregg, Jr.
Public Works Director

MEMORANDUM

TO: Mazie Abraham, Procurement Director
FROM: Arthur C. Gregg, Jr., Public Works Director *ACG*
DATE: April 6, 2009
RE: Recommendation on Awarding Bid #40-08/09

My recommendation on Bid #40-08/09, Pine Needles Fire Station is that it be awarded to Newman Davis Construction Co., Sumter, SC in the amount of \$52,324.00.

If you have any questions, please give me a call.

ACG,JR/ig

FLORENCE COUNTY COUNCIL MEETING

April 16, 2009

AGENDA ITEM: Reports to Council
Contract Extension

DEPARTMENT: Administration
Procurement Department

ISSUE UNDER CONSIDERATION:

Council is requested to approve an extension of the contract for the Wilson Road Sidewalk Project for the extension of the sidewalk from Oakland Avenue to Wilson High School in the amount of \$157,306 to RWF Construction, Effingham, SC and approve the associated engineering and survey costs.

POINTS TO CONSIDER:

- 1) Council accepted SCDOT C Funds in the amount of \$210,000 for the Wilson Road Sidewalk Project on November 15, 2007.
- 2) An Invitation for Bids was advertised and Council awarded the lowest compliant bidder, RWF Construction, Effingham, SC the bid on November 20, 2008 in the amount of \$154,458.
- 3) An estimate from RWF Construction, Effingham, SC for the extension of the contract to extend the sidewalk from Oakland Avenue to Wilson High School has been received in the amount of \$157,306.

FUNDING FACTORS:

- 1) \$157,306 = Total cost to extend the sidewalk from Oakland Avenue to Wilson High School to be funded in the amount of \$150,000 from FY 08 Bonds and any shortfall from Council District #7 Infrastructure Funds.

OPTIONS:

- 1) *(Recommended)* Approve an extension of the contract for the Wilson Road Sidewalk Project for extension of the sidewalk from Oakland Avenue to Wilson High School in the amount of \$157,306 to RWF Construction, Effingham, SC and approve the associated engineering and survey costs.
- 2) Decline.

ATTACHMENTS:

Estimate of additional work from RWF Construction Co.

Florence County Council Meeting
April 16, 2009

AGENDA ITEM: Other Business
Infrastructure Project
Council District 1

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Approve the expenditure of up to \$2,000.00 from Council District 1 Infrastructure funding allocation for stormwater piping in connection with a roadway at the Lake City Airport.

FUNDING SOURCE:

Infrastructure
 Road System Maintenance
 Utility

Signed: Verbally Approved

Requested by Councilmember: K. G. Rusty Smith, Jr.

Date: _____

ATTACHMENTS:

None

I, Connie Y. Haselden, Clerk to County Council, certify this item was approved by the Florence County Council at the above-referenced meeting, at which a majority of members were present.

Connie Y. Haselden, Clerk to Council

Florence County Council Meeting
April 16, 2009

AGENDA ITEM: Other Business
Infrastructure Project
Council District 4

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Approve the expenditure of up to \$7,000.00 from Council District 4 Infrastructure funding allocation to assist the Lynches River Athletic League with the purchase of hood system for the concession facility at Lynches River Athletic Park.

FUNDING SOURCE:

Infrastructure Road System Maintenance Utility

Requested by Councilmember:

Amount: \$7,000 _____

Signed: _____
Mitchell Kirby

Date: _____

ATTACHMENTS:

None

I, Connie Y. Haselden, Clerk to County Council, certify this item was approved by the Florence County Council at the above-referenced meeting, at which a majority of members were present.

Connie Y. Haselden, Clerk to Council