

K. G. "Rusty" Smith, Jr.  
District #1

Ken Ard  
District #2

Alphonso Bradley  
District #3

Mitchell Kirby  
District #4

Johnnie D. Rodgers, Jr.  
District #5

Russell W. Culberson  
District #6

Waymon Mumford  
District #7

James T. Schofield  
District #8

H. Morris Anderson  
District #9

**AGENDA**  
**FLORENCE COUNTY COUNCIL**  
**REGULAR MEETING**  
**COUNTY COUNCIL CHAMBERS, ROOM 803**  
**180 NORTH IRBY STREET**  
**FLORENCE, SOUTH CAROLINA**  
**THURSDAY, NOVEMBER 19, 2009**  
**9:00 A. M.**

- 
- I.    **CALL TO ORDER:**                           **K. G. RUSTY SMITH, JR., CHAIRMAN**
  
  - II.   **INVOCATION:**           **H. MORRIS ANDERSON, SECRETARY/CHAPLAIN**
  
  - III.  **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG:**  
   **WAYMON MUMFORD, VICE CHAIRMAN**
  
  - IV.   **WELCOME:**                               **K. G. RUSTY SMITH, JR., CHAIRMAN**

- V.    **MINUTES:**  
  
              **MINUTES OF THE OCTOBER 15, 2009 REGULAR MEETING**                            [1]  
              Council Is Requested To Approve The Minutes Of The October 15, 2009  
              Regular Meeting Of County Council.

- VI.   **PUBLIC HEARINGS:**   [11]  
          Council will hold public hearing on the following:

**ORDINANCE NO. 16-2009/10**  
An Ordinance To Adopt The Amendments To The Administrative Procedures  
For The Florence County Comprehensive Plan In Accordance With Title 6,  
Chapter 29, Section 520 Of The South Carolina Code Of Laws, 1976, As  
Amended.

**VII. APPEARANCES:**

- A. 2009 CHRISTMAS CARD CONTEST WINNER** [12]  
Council Will Recognize The Winner Of The 2009 Annual Christmas Card Contest.
- B. BUDDY BATEMAN, AT&T** [13]  
Mr. Bateman Requested To Appear Before Council On Behalf Of AT&T To Make A Presentation.
- C. DR. JULIA MIMS, CHAIR, LIBRARY BOARD OF TRUSTEES** [15]  
Dr. Julia Mims, Chair Of The Library Board Of Trustees Will Appear Before Council To Present Library Director Ray McBride With The South Carolina Library Association's South Carolina Librarian Of The Year Award.
- D. HOME BUILDERS ASSOCIATION (HBA) OF THE GREATER PEE DEE** [17]  
Darryl Hall, HBA Board President, Mark Nix, SC Executive Director of SC HBA, Or A Representative Requests The Opportunity To Speak Before The Florence County Council To Request That The Florence County Building Code Official Be Granted Discretionary Authority As Authorized In Chapter 1 Under The Administration Of The 2006 IRC To Modify Or Accept Alternative Materials, Design And Methods Of Construction Based On New Science And/Or Research.
- E. LINDA WITOUSKI** [19]  
Linda Witouski Requests An Appearance Before Council To Provide A Short Presentation Of The Economic Benefits Of AKC Dog Shows And To Invite Florence County Officials, Businesses And Residents To Be A Part Of The Process.

**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)

*June 18, 2009*

*Ordinance No.35-2008/09 (Revisions to Procurement Section of County Code)*

Public Services & County Planning

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

*January 17, 2008*                      *Zoning Ordinance Amendment (Was Ordinance No. 18-2007/08)*  
*February 5, 2009*                      *Voter Registration/Election Office Building*  
*October 15, 2009*                      *Ordinance No. 13-2009/10 (Abatement of Unsafe Structures)*

Justice & Public Safety

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

*April 16, 2009*                      *Ordinance No. 25-2008/09 (Ambulance Services)*

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:**

**A. RESOLUTION NO. 05-2009/2010**

[21]

A Resolution To Authorize Florence County To Participate In The South Carolina Procurement Card Program And To Establish Local Policies And Procedures.

- B. RESOLUTION NO. 10-2009/2010** [24]  
A Resolution To Amend The Florence County Personnel Policy Manual By Amending Section 4.8C, Cell Phones, Item (3) To Provide A Cell Phone Use Option For 'Business Use Only' With Reimbursement At The Established Rate For Any Occasional Unofficial Calls.

**X. ORDINANCES IN POSITION:**

**A. EMERGENCY ORDINANCE**

- EMERGENCY ORDINANCE NO. 01-2009/10** [26]  
An Emergency Ordinance For The Purpose Of Temporarily Suspending Sunday Work Prohibitions As Provided For In Title 53 Of The South Carolina Code Of Laws, From Sunday, November 22, 2009 Through Sunday, January 3, 2010 In Florence County, South Carolina, Maintaining Existing Restrictions On The Sale Of Alcohol.

**B. THIRD READING**

- 1. ORDINANCE NO. 07-2009/10** [28]  
An Ordinance To Adopt A New Land Use Element For The Florence County Comprehensive Plan In Accordance With Title 6, Chapter 29, Section 510 Of The South Carolina Code Of Laws, 1976, As Amended.  
(*Planning Commission approved 6 – 0.*)
- 2. ORDINANCE NO. 10-2009/10** [34]  
An Ordinance To Amend Florence County Code, Chapter 30, Zoning Ordinance, Section 30-28, Table I: Schedule Of Permitted And Conditional Uses And Off-Street Parking Requirements For Residential Districts And Section 30-30, Table III: Zoning Setbacks, To Add New Zoning Districts R-3A (Single Family Residential District) And R-5A (Multi-Family Residential District) With The Same Uses And Setbacks As The Current R-3 And R-5 Districts Except No Manufactured Housing Will Be Allowed In Either Of The New Districts.  
(*Planning Commission approved 8 – 0.*)
- 3. ORDINANCE NO. 14-2009/10** [45]  
An Ordinance To Rezone Property Owned By The Gospel Temple Inc., Located At 3987 West Palmetto Street, Florence County From RU-1, Rural Community District To PD, Planned Development District Shown On Florence County Tax Map No. 00076, Block 01, Parcel 001 Consisting Of 19.32 Acres.  
(*Planning Commission approved 9 – 0.*) (*Council District 4*)

4. **ORDINANCE NO. 15-2009/10** [57]  
An Ordinance To Zone Property Owned By James D. & Patsy F. McCutcheon Located At 755 E. Hampton St., Olanta To R-1, Single Family Residential District Shown On Florence County Tax Map No. 00045, Block 03, Parcel 116 Consisting Of 4 Acres.  
(*Planning Commission approved 9 – 0.*) (*Council District 5*)

**C. SECOND READING**

1. **ORDINANCE NO. 16-2009/10 (Public Hearing)** [69]  
An Ordinance To Adopt The Amendments To The Administrative Procedures For The Florence County Comprehensive Plan In Accordance With Title 6, Chapter 29, Section 520 Of The South Carolina Code Of Laws, 1976, As Amended.  
(*Planning Commission approved 8 – 0.*)

2. **ORDINANCE NO. 17-2009/10** [82]  
An Ordinance To Rezone Property Owned By JAK Ventures LLC, Located At Oakdale Terrace Blvd., Florence From R-4, Multi-Family Residential District To PD, Planned Development District Shown On Florence County Tax Map No. 00074, Block 01, Parcels 22, 199, 200, 201, 202, 203, 204, 205, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324 Consisting Of Approximately 7.4 Acres.  
(*Planning Commission approved 8 – 0.*) (*Council District 9*)

**D. INTRODUCTION**

1. **ORDINANCE NO. 18-2009/10** [94]  
An Ordinance To Rezone Property Owned By Randy Coker, Located At Devonshire Road, Lake City From R-2, Single-Family Residential District To PD, Planned Development District Shown On Florence County Map 00167, Block 31, Parcel 127 Consisting Of Approximately 3.47 Acres.  
(*Planning Commission approved 9 – 0.*) (*Council District 1*)

2. **ORDINANCE NO. 19-2009/10** [107]  
An Ordinance To Zone Property Owned By Florence County Located At 959 S. Pamplico Hwy., Pamplico To B-1, Limited Business District Shown On Florence County Tax Map No. 00377, Block 02, Parcel 061 Consisting Of 1.03 Acres.  
(*Planning Commission approved 9 – 0.*) (*Council District 2*)

**XI. APPOINTMENTS TO BOARDS & COMMISSIONS:**

**BOARDS AND COMMISSIONS LIST**

[118]

A List Of Current And Approaching Vacancies For Calendar Year 2009 On Boards And Commissions Was Previously Provided To Council.

**XII. REPORTS TO COUNCIL:**

**A. ADMINISTRATION**

**1. MONTHLY FINANCIAL REPORTS**

[119]

Monthly Financial Reports Were Provided To Council For Fiscal Year 2010 Through September 30, 2009 As An Item For The Record.

**2. FLORENCE REGIONAL ARTS ALLIANCE**

[125]

Approve The Temporary Use Of The Former Florence County Public Library By The Florence Regional Arts Alliance For ArtsFest 2010 And Authorize The County Administrator To Execute A Temporary Letter-Form, Lease Agreement, Subject To Review By The County Attorney.

**3. GRANT AWARD SOUTH CAROLINA DHEC**

[127]

Accept Additional Funding For Grant Award #21 wo 10 In The Amount Of \$2,000 As Approved By The South Carolina Department Of Health And Environmental Control (DHEC) Under The FY10 Used Oil Grant Program To Cover Contract Costs For Used Oil Filter Recycling, Public Education, And Professional Development For The Recycling Coordinator.

**B. EMERGENCY MANAGEMENT DEPARTMENT**

**1. GRANT AWARD SLED HS FFY09**

[129]

Accept A \$50,000 Grant Award From The South Carolina Law Enforcement Division (SLED) For Approved Homeland Security Equipment And Training To Be Used By The Florence County Emergency Management Department (EMD) To Assist With The Florence County Type III Incident Management Team Operations.

2. **GRANT AWARD SLED HS FFY09** [131]  
Accept A \$40,000 Grant Award From The South Carolina Law Enforcement Division (SLED) For Approved Homeland Security Equipment And Training To Be Used By The Florence County Emergency Management Department (EMD) To Assist With The Florence County WMD/COBRA Team Operations.

**C. FINANCE DEPARTMENT/SHERIFF OFFICE**

- ALLOCATION OF FUNDS FOR ADDITIONAL PATROL DEPUTY SLOTS** [133]  
Approve The Allocation Of \$106,975 From The General Fund Fund Balance For Five (5) Additional Patrol Deputy Slots Approved By County Council At Its Regular Meeting Of October 15, 2009.

**D. LIBRARY**

- SCSL 2010 FISCAL STABILIZATION FUNDS** [134]  
Accept FY2010 State Stabilization Funds From The South Carolina State Library (SCSL) In The Amount Of \$52,820 To Be Utilized To Purchase Computer Equipment, Replace Several Security Cameras In The Main Library And Purchase Books And Other Needed Resource Materials.

**E. PARKS & RECREATION DEPARTMENT**

- GRANT AWARD THE CONSERVATION FUND** [136]  
Accept A \$647 Kodak American Greenways Awards Program Grant Administered By The Conservation Fund In Partnership With Kodak And The National Geographic Society To Aid In The Creation Of The Carolina Fence Garden At Lynches River County Park (LRCP).

**F. PROCUREMENT DEPARTMENT**

- DECLARATION OF SURPLUS PROPERTY** [138]  
Declare Five (5) Vehicles And One (1) Van As Surplus Property For Disposal Through Public Internet Auction Via GovDeals.

**XIII. OTHER BUSINESS:**

**A. INFRASTRUCTURE**

**CITY OF FLORENCE**

[140]

Approve The Expenditure Of Up To \$21,175.00 From Council Districts 3 and 7 Infrastructure Funding Allocations (\$10,587.50 from each district) To Assist The City Of Florence In Paving A Walking/Fitness Path (Trail) Within Iola Jones Park.

**B. ROAD SYSTEM MAINTENANCE FEE (RSMF)**

**DOGWOOD STREET**

[143]

Approve The Expenditure Of Up To \$6,930.00 From Council District 5 RSMF Funding Allocation To Put Crushed Asphalt On 900 Feet Of Dogwood Street.

**C. UTILITY**

**MCIVER ROAD**

[144]

Approve The Expenditure Of Up To \$5,700.00 From Council District 7 Utility Funding Allocation For 256' of 24" RCP Pipe And 3 Cast Iron Drop Inlets To Be Installed In An Existing Sideline Ditch On McIver Road (Job #2).

**XIV. EXECUTIVE SESSION:**

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

- Contractual Matters - Economic Development
- Contractual Matter – RE: Lower Florence County Hospital District
- Contractual Matter – RE: Pending Real Property/Right-of-Way Transactions
- Personnel Matters – RE: Florence County Sheriff Office



**XV. INACTIVE AGENDA:**

**A. 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.

**B. ORDINANCE NO. 25-2008/09**

At its regular meeting of April 2, 2009 Council referred this Ordinance to the Committee on Justice & Public Safety: 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.

**C. ORDINANCE NO. 35-2008/09**

At its regular meeting of June 18, 2009, Council referred this Ordinance to the Committee on Administration & Finance: An Ordinance To Re-Establish And Revise Florence County Procurement Policies and Procedures As Chapter 25.5, Procurement, And To Delete All Conflicting Sections Of The Code; And Other Matters Relating Thereto.

**D. ORDINANCE NO. 13-2009/10**

[145]

At its regular meeting of October 15, 2009, Council referred this Ordinance to the Committee on Public Service & County Planning: An Ordinance To Establish Policies And Procedures Related To The Abatement Of Unsafe Structures As Florence County Code, Chapter 21, Nuisances, Article II, Unsafe Structure Abatement And Other Matters Related Thereto.

*(Planning Commission approved 6 – 0.)*

**XVI. ADJOURN:**

# FLORENCE COUNTY COUNCIL MEETING

November 19, 2009

**AGENDA ITEM:** Minutes

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

Council is requested to approve the minutes of the October 15, 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, OCTOBER 15, 2009, 6:00 P.M., NATIONAL BEAN  
MARKET MUSEUM, 111 HENRY STREET, LAKE CITY, 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  
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  
Dusty Owens, Emergency Management Director  
William H. Hoge, Planning Director  
Ryon Watkins, EMS Director  
Ray McBride, Library Director  
Sheriff Kenney Boone  
Barbara Coker, Sheriff Office  
Chuck Tomlinson, Morning News Staff Writer

**ABSENT:**

Johnnie D. Rodgers, Jr., Council Member (absent due to illness)

A notice of the regular meeting of the Florence County Council appeared in the October 14, 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, the Lower Florence County Public Service Building, the National Bean Market Museum and on the County's website ([www.florenceco.org](http://www.florenceco.org)).

Chairman Smith called the meeting to order. Secretary-Chaplain Anderson provided the invocation. The musical group "The Plaids" sang the National Anthem 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 September 17, 2009 regular meeting of County Council. Councilman Mumford seconded the motion, which was approved unanimously.

**PUBLIC HEARINGS:**

The Clerk published the title and the Chairman opened public hearing for the following:

**ORDINANCE NO. 11-2009/10**

An Ordinance To Amend The Agreement For Development Of A Joint County Industrial Park Dated As Of December 1, 1998 Between Florence County, South Carolina And Williamsburg County, South Carolina To Include Additional Properties In The County As Part Of The Multi-County Industrial Or Business Park.

**ORDINANCE NO. 12-2009/10**

An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax Agreement By And Between Florence County, South Carolina, And Project Element, With Respect To Certain Economic Development Property, Whereby Such Property Will Be Subject To Certain Payments In Lieu Of Taxes; To Provide For A Lease And Sale Of Land For The Project And Other Matters Related Thereto.

**APPEARANCES:**

**RESOLUTION OF RECOGNITION PRESENTED TO THE PLAIDS**

Councilman Mumford made a motion to approve a resolution of recognition to The Plaids in honor of their distinguished community service. Councilman Kirby seconded the motion, which was approved unanimously. The Clerk published the resolution in its entirety. Chairman Smith and Councilman Ard presented each member [*John Coleman (a DMD and an instructor at The Georgia School of Dentistry), Roger Kirby (Kirby Realty and minister of music at the Lake City First Baptist Church), Happy Pendergraft (a sales rep at King Cadillac), and Craig Shutte (Engineer at Nan Ya Plastics and Youth Minister at the Kingstree First Baptist Church), and accompanist Faith Godwin (Lake City High School Teacher and Director of the Lake City High School Ensemble)*] of The Plaids with a framed resolution.

**HOME BUILDERS ASSOCIATION (HBA) OF THE GREATER PEE DEE**

Darryl Hall, HBA Board President and Mark Nix, Executive Director of SC HBA requested to appear before Council to present information regarding residential building and developments in Florence County. The HBA requested Council submit a request for the local building code modification to the SC Building Codes Council to allow for the use of the 2008 USGS Seismic Map. The maps used by the SC Building Codes Council are based on the 2006 International Residential Code and those maps were updated through a study conducted by Clemson University in partnership with The Citadel. Planning & Building Director Bill Hoge provided a brief summary of the requested action.

**RESOLUTION NO. 09-2009/10**

Subsequent to the presentation by the Home Builders Association and Planning Director Bill Hoge, Councilman Kirby made a motion Council adopt a Resolution requesting the South Carolina Building Codes Council do a local modification accepting the 2008 Seismic Maps from The Citadel for Florence County to use. Councilman Anderson seconded the motion, which was approved unanimously.

**COMMITTEE REPORTS:**

There were no Committee Reports offered.

**RESOLUTIONS:**

**RESOLUTION NO. 05-2009/10 – DEFERRED TO NOVEMBER 19<sup>TH</sup> MEETING**

The Chairman stated Resolution No. 05-2009/10 would be deferred to the November 19<sup>th</sup> meeting: A Resolution To Authorize Florence County To Participate In The South Carolina Procurement Card Program, To Authorize Establishment Of Policies And Procedures Regulating The County's Participation In This Program, And To Address Other Matters Related Thereto.

**RESOLUTION NO. 08-2009/10**

The Chairman published the title of Resolution No. 08-2009/10: A Resolution Authorizing Submission Of A Joint Application With The City Of Lake City To The State Of South Carolina Community Development Block Grant (CDBG) Program Under The Ready To Go Public Facilities Grant Program For Water Line Extension Into The Glendale School Road Community. Councilman Kirby made a motion Council approve the Resolution as presented. Councilman Mumford seconded the motion, which was approved unanimously.

**ORDINANCES IN POSITION:**

**ORDINANCE NO. 05-2009/10 – THIRD READING**

The Clerk published the title of Ordinance No. 05-2009/10: An Ordinance To Amend Florence County Code, Chapter 30. Zoning Ordinance, Article IX, Applications For Change And/Or Relief, Section 30-297. Administrative Procedures, Action. Councilman Schofield made a motion Council approve third reading of the Ordinance. Councilman Anderson seconded the motion, which was approved unanimously.

**ORDINANCE NO. 06-2009/10 – THIRD READING**

The Clerk published the title of Ordinance No. 06-2009/10: An Ordinance To Amend Florence County Code, Chapter 30. Zoning Ordinance, Sections 30-91, 30-95, And 30-292 For Text Corrections; And Sections 30-294 And 30-295 For Minor Text Updates. Councilman Mumford made a motion Council approved third reading of the Ordinance. Councilman Anderson seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 08-2009/10 – THIRD READING**

The Clerk published the title of Ordinance No. 08-2009/10: An Ordinance To Amend Florence County Code, Chapter 9.5 Drainage And Stormwater Management Ordinance, Section 9.5-16 Regarding Requirements For Land Disturbing Activity And Section 9.5-72 Regarding Clarification Of Close Out Processes For Commercial And Residential Projects. Councilman Anderson made a motion Council approve third reading of the Ordinance. Councilman Schofield seconded the motion. Mr. Hoge provided a brief overview of the Ordinance. In response to a question from Chairman Smith regarding repercussions for non-compliance, Mr. Hoge stated the County and the citizens would be liable to the State and could face large fines for non-compliance. After some discussion, Council approved third reading of the Ordinance with a seven (7) to one (1) vote. Voting in the affirmative were Councilmen Culberson, Mumford, Smith, Anderson, Bradley, Schofield, and Ard. Voting against third reading of the Ordinance was Councilman Kirby.

### **RESOLUTION OF RECOGNITION PRESENTED TO LT. WAYNE HOWARD**

Councilman Culberson made a motion Council Approve A Resolution Of Recognition To Lt. Wayne Howard In Honor Of His Distinguished Community Service. Councilman Mumford seconded the motion, which was approved unanimously. The Clerk published the resolution in its entirety. Councilman Culberson presented Lt. Howard with a framed resolution.

### **PUBLIC HEARINGS:**

There being no signatures on the sign-in sheets for public hearing, the Chairman closed the Public Hearing for Ordinance No. 11-2009/10 and Ordinance No. 12-2009/10.

### **ORDINANCE NO. 11-2009/10 – THIRD READING**

The Clerk published the title of Ordinance No. 11-2009/10: An Ordinance To Amend The Agreement For Development Of A Joint County Industrial Park Dated As Of December 1, 1998 Between Florence County, South Carolina And Williamsburg County, South Carolina To Include Additional Properties In The County As Part Of The Multi-County Industrial Or Business Park. Councilman Culberson made a motion Council approve third reading of the Ordinance. Councilman Schofield seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 12-2009/10 – THIRD READING**

The Clerk published the title of Ordinance No. 12-2009/10: An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax Agreement By And Between Florence County, South Carolina, And MIT-RCF, LLC, With Respect To Certain Economic Development Property, Whereby Such Property Will Be Subject To Certain Payments In Lieu Of Taxes; To Provide For A Lease And Sale Of Land For The Project And Other Matters Related Thereto. Councilman Culberson made a motion Council approve third reading of the Ordinance. Councilman Anderson seconded the motion, which was approved unanimously.

**ORDINANCE NO. 07-2009/10 – SECOND READING**

The Clerk published the title of Ordinance No. 07-2009/10: An Ordinance To Adopt A New Land Use Element For The Florence County Comprehensive Plan In Accordance With Title 6, Chapter 29, Section 510 of the South Carolina Code Of Laws, 1976, As Amended. Councilman Schofield made a motion to approve second reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

**ORDINANCE NO. 10-2009/10 – SECOND READING**

The Clerk published the title of Ordinance No. 10-2009/10: An Ordinance To Amend Florence County Code, Chapter 30, Zoning Ordinance, Section 30-28, Table I: Schedule Of Permitted And Conditional Uses And Off-Street Parking Requirements For Residential Districts And Section 30-30, Table III: Zoning Setbacks, To Add New Zoning Districts R-3A (Single Family Residential District) And R-5A (Multi-Family Residential District) With The Same Uses And Setbacks As The Current R-3 And R-5 Districts Except No Manufactured Housing Will Be Allowed In Either Of The New Districts. Councilman Schofield made a motion Council approve second reading of the Ordinance. Councilman Bradley seconded the motion, which was approved unanimously.

**ORDINANCE NO. 13-2009/10 – SECOND READING**

The Clerk published the title of Ordinance No. 13-2009/10: An Ordinance To Establish Policies And Procedures Related To The Abatement Of Unsafe Structures As Florence County Code, Chapter 21, Nuisances, Article II, Unsafe Structure Abatement And Other Matters Related Thereto. Councilman Bradley made a motion Council approve second reading of the Ordinance. Councilman Culberson seconded the motion. Councilman Schofield stated that prior to third reading of the Ordinance, he would like for Council to consider inserting a requirement that the Sheriff Office be involved in the process. At the suggestion of the County Administrator and with consent of Council, Chairman Smith referred the Ordinance to the Committee on Public Service & County Planning for review prior to Council's consideration of third reading of the Ordinance. The motion for second reading was approved unanimously.

**ORDINANCE NO. 14-2009/10 – SECOND READING**

The Clerk published the title of Ordinance No. 14-2009/10: An Ordinance To Rezone Property Owned By The Gospel Temple Inc., Located At 3987 West Palmetto Street, Florence County From RU-1, Rural Community District To PD, Planned Development District Shown On Florence County Tax Map No. 00076, Block 01, Parcel 001 Consisting Of 19.32 Acres. Councilman Kirby made a motion Council approve second reading of the Ordinance. Councilman Mumford seconded the motion, which was approved unanimously.

### **UNITED STATES DEPARTMENT OF ENERGY GRANT**

Councilman Mumford made a motion Council Accept Grant Award #DE-SC0001852 In The Amount Of \$572,300 Under The Recovery Act (ARRA) Energy Efficiency Conservation Block Grant (EECBG) – Formula Grant Program From The United States Department Of Energy To Improve Energy Efficiency And Reduce Consumption In Six Main County Facilities: EMS Headquarters, Florence Public Service Building, Planning Building And Library Headquarters In Florence, Law Enforcement Center In Effingham And Lower Florence County Public Service Building In Lake City. Councilman Anderson seconded the motion, which was approved unanimously.

### **PEE DEE COMMERCE TOUCHSTONE ENERGY COMMERCE CENTER**

Councilman Mumford made a motion Council Authorize Re-Work Of Florence Harlee Boulevard Circle Located In The Pee Dee Commerce Touchstone Energy Commerce Center At An Estimated Cost Of \$103,000 To Be Funded From Previously Allocated Rural Development Act (RDA) Funds And A Grant From The North Eastern Strategic Alliance (NESA). Councilman Anderson seconded the motion, which was approved unanimously.

### **EMERGENCY MEDICAL SERVICES (EMS)**

#### **AWARD BID**

Councilman Culberson made a motion Council Authorize The Use Of Florida Association Of Counties Bid #08-08-0909 Awarded To Wheeled Coach Industries To Purchase Two (2) Ambulances At A Base Bid Of \$112,330 Each With Needed Options In The Amount Of \$5,482.28 Additional Per Ambulance From Peach State Ambulance, Inc., Tyrone, GA, The Authorized Regional Representative For Wheeled Coach Industries (Total Purchase Of \$235,624.56) As Funded And Approved In The FY10 Budget. Councilman Schofield seconded the motion, which was approved unanimously.

### **PARKS & RECREATION DEPARTMENT**

#### **GRANT AWARD PALMETTO PRIDE**

Councilman Anderson made a motion Council Accept A 2010 Tree Grant From Palmetto Pride To Provide 87 Trees For The Southern Forest Project At Lynches River County Park. Councilman Kirby seconded the motion, which was approved unanimously.

### **MEMORANDUM OF UNDERSTANDING – CITY OF FLORENCE**

Councilman Anderson made a motion Council Approve A Memorandum Of Understanding Between Florence County And The City Of Florence To Provide For Joint Use Of The County-Leased S & W Manufacturing Ball Fields. Councilman Mumford seconded the motion, which was approved unanimously.



**MEMORANDUM OF UNDERSTANDING – SC DNR**

Councilman Kirby made a motion Council Approve A Request By SC Department Of Natural Resources (DNR) To Revise A Memorandum Of Understanding (MOU) Between DNR And Florence County To Construct An Archery Range At Lynches River County Park. Councilman Culberson seconded the motion, which was approved unanimously.

**SHERIFF OFFICE**

**CONTRACT AWARD**

Councilman Mumford made a motion Council Accept Award Of An Annual Contract/Grant In The Amount Of \$4,500 From Circle Park To Florence County Sheriff Office For Services To Be Rendered As A Participant In The 12<sup>th</sup> Judicial Circuit Alcohol Enforcement Team. Councilman Anderson seconded the motion, which was approved unanimously.

**GRANT AWARD SOUTH CAROLINA DEPARTMENT OF HIGHWAY SAFETY**

Councilman Anderson made a motion Council Accept A South Carolina Department Of Highway Safety Grant In The Amount Of \$25,000 For Services Rendered As The Host Agency For The 12<sup>th</sup> Judicial Circuit Law Enforcement Network. Councilman Mumford seconded the motion, which was approved unanimously.

**GRANT AWARD SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY**

Councilman Mumford made a motion Council Accept Grant Award #1GS09183 In The Amount Of \$149,920 From The South Carolina Department Of Public Safety Under The Justice Assistance Grant Program To Provide Funding For Approved Law Enforcement Equipment For The Florence County Sheriff Office. Councilman Culberson seconded the motion, which was approved unanimously.

**GRANT AWARD UNITED STATES DEPARTMENT OF JUSTICE (USDOJ)**

Councilman Anderson made a motion Council Accept Technology Program Grant #2009CKWX0253 Under The Office Of Community Oriented Policing Services (COPS) From The United States Department Of Justice (USDOJ) In The Amount Of \$60,000 For Approved Communication Equipment. Councilman Bradley seconded the motion, which was approved unanimously.

**FIVE (5) PERMANENT PATROL SLOTS**

Councilman Anderson made a motion Council approve The Request From Florence County Sheriff Office To Authorize Five (5) Permanent Patrol Slots Effective Immediately To Be Filled And Interim Funding Through June 30, 2010, To Be Identified By The Sheriff Office In Conjunction With The County Administrator. Councilman Schofield seconded the motion, which was approved unanimously.

## **OTHER BUSINESS:**

### **INFRASTRUCTURE FUND**

#### **TOWN OF PAMPLICO**

Councilman Ard made a motion Council Approve The Expenditure Of Up To \$12,598.20 From Council District 2 Infrastructure Funding Allocation To Assist The Town Of Pamplico With The Purchase Of 5 Handheld Radios, Chargers, Extra Batteries, Etc. Councilman Kirby seconded the motion, which was approved unanimously.

#### **BACK SWAMP SCHOOL TRUST, INC.**

Councilman Mumford made a motion Council Approve The Expenditure Of Up To \$14,600.00 From Council Districts 3 and 7 Infrastructure Funding Allocations (\$7,300.00 From Each District) To Assist The Back Swamp School Trust, Inc. With Enhancements To The Historical Back Swamp School Building Located On Pocket Road (The Construction Of A Handicap Entrance And Enclosing The Area Under The Building As Required For Insurance Purposes). Councilman Bradley seconded the motion, which was approved unanimously.

### **UTILITY FUND**

#### **LENDALE SCHOOL ROAD COMMUNITY PROJECT**

Councilman Culberson made a motion Council Approve The Expenditure Of Up To \$24,285.50 From Council District 1 Utility Funding Allocation To Assist The City Of Lake City With The Required Matching Funds Under The SC CDBG Program For Water Line Extension Into The Lendale School Road Community. (Resolution No. 08-2009/10) Councilman Kirby seconded the motion, which was approved unanimously.

#### **OAKDALE III**

Councilman Anderson made a motion Council Approve The Expenditure Of Up To \$4,750.00 From Council District 9 Utility Funding Allocation To Clear A Ditch In A Public Drainage Easement Of Two Very Large, Dead Trees At Oakdale III. Councilman Mumford seconded the motion, which was approved unanimously.

#### **SENIOR CITIZENS**

Councilman Anderson made a motion Council Provide Up To \$1,500 To The City Of Florence And \$1,500 To The City Of Lake City To Support A "Thanksgiving Turkeys" Program For Seniors, To Come From Senior Center FY2010 Allocations Where Available. Councilman Mumford seconded the motion, which was approved unanimously.

#### **COUNCILMAN SCHOFIELD**

Councilman Schofield provided a brief explanation of the increase in tax notices recently received by residents.

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

**COUNCIL MEETING ADJOURNED AT 7:23 P.M.**

---

**H. MORRIS ANDERSON  
SECRETARY-CHAPLAIN**

---

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

DRAFT

# FLORENCE COUNTY COUNCIL MEETING

November 19, 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. 16-2009/10**

An Ordinance To Adopt The Amendments To The Administrative Procedures For The Florence County Comprehensive Plan In Accordance With Title 6, Chapter 29, Section 520 Of The South Carolina Code Of Laws, 1976, As Amended.

# FLORENCE COUNTY COUNCIL MEETING

November 19, 2009

**AGENDA ITEM:** Appearances Before Council  
2009 Christmas Card Contest Winner

**DEPARTMENT:** Administration

**ISSUE UNDER CONSIDERATION:**

Council will announce and recognize the winner of the 2009 Annual Christmas Card Contest.

# FLORENCE COUNTY COUNCIL MEETING

November 19, 2009

**AGENDA ITEM:** Appearances Before Council  
Buddy Bateman, AT&T

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

Mr. Bateman Requests To Appear Before Council On Behalf Of AT&T To Make A Presentation.

**ATTACHMENT:**

Copy of the Request

**Connie Haselden**

---

**From:** Bateman, William T [wb2563@att.com]  
**Sent:** Wednesday, November 04, 2009 4:54 PM  
**To:** Connie Haselden  
**Subject:** FW: Appearance Before Florence County Council

Mrs. Haselden:

I would like to appear before the Florence County Council, Florence, SC on behalf of AT&T on November 19, 2009 to make a presentation.

Please contact me if we need to discuss.

Thanks

**Buddy Bateman**  
**AT&T South Carolina**  
**803-401-2225 (O)**  
**803-318-0090 (C)**  
**buddy.bateman@att.com**



please think before you print  
[www.att.com/csr](http://www.att.com/csr)

# FLORENCE COUNTY COUNCIL MEETING

November 19, 2009

**AGENDA ITEM:** Appearances Before Council  
Dr. Julia Mims, Chairman  
Florence County Library Board of Trustees

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

Dr. Julia Mims, Chair of the Florence County Library Board of Trustees, Requests To Appear Before Council To Present Library Director Ray McBride With The South Carolina Library Association's 2009 South Carolina Librarian Of The Year Award.

**ATTACHMENT:**

Copy of the Request



November 5, 2009

Mr. K.G. Rusty Smith, Jr.  
Chairman  
Florence County Council

I would like to request permission to appear before Florence County Council at its November 19, 2009 meeting. The purpose of this appearance is to formally recognize Florence County Library System Director Ray McBride for being selected as the South Carolina Librarian of the Year for 2009 by the South Carolina Library Association.

Dr. Julia G. Mims  
Chair  
Florence County Library System Board of Trustees

# FLORENCE COUNTY COUNCIL MEETING

November 19, 2009

**AGENDA ITEM:** Appearances Before Council  
The Home Builders Association (HBA) of the Greater Pee Dee

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

Darryl Hall - HBA Board President, Mark Nix – SC Executive Director Of SC HBA Or A Representative Of The Home Builders Association Requests The Opportunity To Speak Before The Florence County Council To Request That The Florence County Building Code Official Be Granted Discretionary Authority As Authorized In Chapter 1 Under The Administration Of The 2006 IRC To Modify Or Accept Alternative Materials, Design And Methods Of Construction Based On New Science And/Or Research.

**ATTACHMENT:**

Copy of the Request

**Connie Haselden**

---

**From:** Cheryl Floyd [cfloyd@hbapeedee.com]  
**Sent:** Wednesday, October 28, 2009 12:01 PM  
**To:** 'Darryl Hall'; Connie Haselden  
**Cc:** 'Mark Nix'  
**Subject:** November Florence County Council Meeting

The Home Builders Association of the Greater Pee Dee request the opportunity to speak to Florence County Council at the November 19, 2009 Council Meeting.

**Darryl Hall, HBA Board President, Mark Nix, SC Executive Director of SC HBA or representative of said Person; will be requesting that the Florence County Building Code Official be granted discretionary authority as authorized in Chapter 1 under the administration of the 2006 IRC to modify or accept alternative materials, design and methods of construction based on new science and or research.**

Your due consideration will be greatly appreciated.

Connie, This meeting is in Florence at 9:00 AM Correct?

Cheryl Floyd  
Executive Director

# FLORENCE COUNTY COUNCIL MEETING

November 19, 2009

**AGENDA ITEM:** Appearances Before Council  
Linda Witouski

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

Linda Witouski Requests An Appearance Before Council To Provide A Short Presentation Of The Economic Benefits Of AKC Dog Shows And To Invite Florence County Officials, Businesses And Residents To Be A Part Of The Process.

**ATTACHMENT:**

Copy of the Request

11/6/09

Dear Ms. Haselden,

I'd like to be placed on the November 16, 2009 agenda for a short presentation of The Economic Benefits of AKC Dog Shows and to invite Florence County officials, businesses and residents to be a part of the process.

Best regards,

Linda D. Witouski

AKC SC Legislation Representative

Myrtle Beach Kennel Club Delegate

President - SC Federation of Dog Clubs

Cell - (570) 527-6135

# FLORENCE COUNTY COUNCIL MEETING

November 19, 2009

**AGENDA ITEM:** Resolution No. 05-2009/10

**DEPARTMENT:** Administration  
Finance

**ISSUE UNDER CONSIDERATION:**

**[A Resolution To Authorize Florence County To Participate In The South Carolina Procurement Card Program and To Establish Local Policies And Procedures.]**

**POINTS TO CONSIDER:**

1. Ordinance No. 01-2009/2010, the annual budget Ordinance for Florence County, requires specific authorization by resolution to permit the use of charge cards.
2. Florence County is currently exposed to a certain amount of financial risk by having open charge accounts at various vendors throughout the County, a necessity for many small purchases.
3. It is becoming increasingly difficult to do business with only purchase orders or cash, without having some form of charge ability; many vendors do not accept purchase orders for small purchases.
4. Participation in the Card Program will be limited to departments approved by resolution, in amounts approved.

**OPTIONS:**

1. *(Recommended)* Approve as presented
2. Provide An Alternate Directive

**ATTACHMENT:**

Resolution No. 05-2009-/2010

Sponsor(s)/Department : County Council  
Adopted: : November 19, 2009  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

## RESOLUTION NO. 5-2009/10

### COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

**(To Authorize Florence County To Participate In The South Carolina Procurement Card Program and To Establish Local Policies And Procedures.)**

#### WHEREAS:

1. Section 8f of Ordinance No. 01-2009/10, the annual budget Ordinance for Florence County, states in part, "Credit cards which obligate Florence County are not permitted unless specifically authorized by written resolution of County Council"; and
2. Florence County is currently exposed to a certain amount of financial risk by having open charge accounts at various vendors throughout the County, a necessity for many small purchases; and
3. It is becoming increasingly inefficient to do business without some form of credit card program: One such recent example of inefficiency being that the South Carolina Law Enforcement Division (SLED) no longer extends credit for the cost of employment background checks, but requires credit card payment. Since the County currently does not conduct business using credit cards, payment has to be made with a check in advance, which delays the County's hiring process by as much as an additional three weeks; and
4. The per-transaction processing cost of a typical purchase order system such as Florence County's is estimated to be in excess of \$75 per purchase, whereas the same per-transaction processing cost for the SC Procurement Card Program is less than \$25 per purchase (inclusive of all documentation, issuance, tracking, partial payout, reconciliation, and closure); and
5. The SC Procurement Card Program contains control mechanisms not available on commercial credit cards, in that the County can program each card with dollar and transaction limits per day/month, restrict use by vendor type, electronically monitor transactions in real time, cancel cards instantly via the Internet, and benefit from coverage of any fraudulent transactions with \$100,000 per cardholder liability insurance by VISA; and
6. The SC Procurement Card Program has been in existence for approximately ten years, is currently being used by about fifty local governments, including eleven counties, and has handled over 1,000,000 transactions in 2008, totaling more than \$244,000,000.

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

1. Florence County is hereby authorized to participate in the South Carolina Procurement Card Program, and the County Administrator is directed to execute the necessary documentation to proceed.
2. Regular monitoring of the County's participation in the Program will include detailed reviews of each monthly statement at all levels, including heads of participating departments.

3. The County Administrator will manage the County's participation in the Program:
  - a. Requiring that each card be used solely for official, authorized use, reconciled timely, and fully accounted for at all times.
  - b. Providing monthly reports to County Council detailing the dollar volume and number of transactions for each card authorized in the Program.
  - c. Notifying the Council immediately of any event of fraud or misuse.
  - d. Terminating or suspending any user, department, or all County participation as necessary.
  
4. Below is a listing of the positions to which cards will be issued as participants in the Program and a daily spending limit and a total monthly spending limit for each position. County Council may amend this list to add additional positions to the Program, or to increase existing spending limits, upon the recommendation of the County Administrator.

<b>Department</b>	<b>Daily Limit</b>	<b>Monthly Limit</b>
<b><i>Public Works Department (153-441-431)</i></b>		
Urban Supervisor	\$2,500	\$2,500
<b><i>Recreation Department (010-471-451)</i></b>		
Facilities Superintendent	\$ 200	\$1,000
Program Superintendent	\$ 500	\$2,000
Parks Superintendent	\$ 200	\$1,000
<b><i>Sheriff's Office (010-421-421)</i></b>		
Maintenance Supervisor	\$2,500	\$6,000
Fiscal Technician	\$1,000	\$2,000
Lieutenant/Security	\$1,000	\$1,000
<b><i>Human Resources Department (010-411-412)</i></b>		
Director	\$ 200	\$ 550
Human Resources Coordinator	\$ 200	\$ 550
<b><i>Clerk to Council (010-411-402)</i></b>	<b>\$1,500</b>	<b>\$1,500</b>
<b><i>Facilities Management (010-411-420)</i></b>		
Facilities Manager	\$ 500	\$1,500
Facilities Coordinator	\$ 100	\$ 500
Buildings & Grounds Superintendent	\$ 100	\$ 500
<b><i>Emergency Management (010-421-422)</i></b>		
Emergency Preparedness Coordinator	\$1,000	\$1,000
Technical Hazards Coordinator	\$1,000	\$1,000
Radio Technician	\$1,000	\$1,000
<b><i>Information Technology (010-411-427)</i></b>		
Information Tech. Director	\$2,500	\$2,500

ATTEST:

\_\_\_\_\_  
 Connie Y. Haselden, Council Clerk

SIGNED:

\_\_\_\_\_  
 K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:



# FLORENCE COUNTY COUNCIL MEETING

November 19, 2009

**AGENDA ITEM:** Resolution No. 10-2009/10

**DEPARTMENT:** Finance  
Human Resources

**ISSUE UNDER CONSIDERATION:**

[A Resolution To Amend The Florence County Personnel Policy Manual By Amending Section 4.8C, Cell Phones, Item (3) To Provide A Cell Phone Use Option For 'Business Use Only' With Reimbursement At The Established Rate For Any Occasional Unofficial Calls.]

**POINTS TO CONSIDER:**

1. There are a few users of County issued cell phones who use more than five hundred (500) business minutes per month and also use their County issued cell phone for the occasional personal call.
2. The current County cell phone policy creates an inequity by not only inherently requiring these users to elect "Personal Use", thereby having \$5.00 withheld monthly from their paycheck, but also having them reimburse for all personal calls.
3. This amendment to the policy would allow these users to elect "Business Use" and reimburse for all personal/unofficial use at the established rates.

**OPTIONS:**

1. *(Recommended)* Approve Resolution No. 10-2009/10
2. Provide An Alternate Directive

**ATTACHMENT:**

Resolution No. 10-2009/10

Sponsor(s)/Department : Finance/Human Resources  
Adopted: : November 19, 2009  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 10-2009/10**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

**(To Amend The Florence County Personnel Policy Manual By Amending Section 4.8C, Cell Phones, Item (3) To Provide A Cell Phone Use Option For 'Business Use Only' With Reimbursement At The Established Rate For Any Occasional Unofficial Calls.)**

**WHEREAS:**

1. A few users of County issued cell phones use more than five hundred (500) business minutes per month and also use their County issued cell phone for occasional unofficial calls, to avoid having to carry two cell phones daily; and
2. The current policy creates an inequity for these users by inherently requiring them to elect "Personal Use" since they use their County issued cell occasionally for personal use, thereby having \$5.00 per month deducted from their paycheck as well as requiring reimbursement for all personal calls above 500 minutes; and
3. The reimbursement rates under County cell phone policy are initially established as follows and will remain in effect until modified by the annual budget ordinance:

Personal Use	\$5.00 per month
Monthly personal minutes above 500	\$0.10 per minute
Monthly text messages above 250	\$0.10 per text

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

The Florence County Personnel Policy Manual, Section 4.8C, Cell Phones, item (3) thereunder, is hereby amended to add the following language at the end of the existing wording in 4.8C(3):

**Employees who regularly use more than 500 business minutes per month on their official County cell phone and who also use the phone for occasional unofficial or personal calls may elect "Business Use" and only reimburse for personal calls and text messages at the established rates.**

ATTEST:

SIGNED:

\_\_\_\_\_  
Connie Y. Haselden, Council Clerk

\_\_\_\_\_  
K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

# FLORENCE COUNTY COUNCIL MEETING

November 19, 2009

**AGENDA ITEM:** Emergency Ordinance No. 01-2009/10

**DEPARTMENT:** County Council

## **ISSUE UNDER CONSIDERATION:**

(An Emergency Ordinance For The Purpose Of Temporarily Suspending Sunday Work Prohibitions As Provided For In Title 53 Of The South Carolina Code Of Laws, From Sunday, November 22, 2009 Through Sunday, January 3, 2010 In Florence County, South Carolina, Maintaining Existing Restrictions On The Sale Of Alcohol.)

## **POINTS TO CONSIDER:**

1. Section 53-1-160(a) of the South Carolina Code of Laws, 1976, as amended, permits a county governing body to suspend the application of the Sunday work prohibitions within the County.
2. The temporary suspension of the Sunday work prohibitions could enhance the pro business atmosphere in Florence County and provide economic benefit for the residents of Florence County.
3. The temporary suspension is subject to all other provisions in the state code as it relates to a conscientious objector and other relevant issues, and does not in any way repeal or modify the existing time or date restrictions regarding the sale of alcohol.

## **OPTIONS:**

1. Approve Emergency Ordinance No. 01-2009/10.
2. Provide an alternate directive.

## **ATTACHMENTS:**

Emergency Ordinance No. 01-2009/10.

EMERGENCY ORDINANCE NO. 01-2009/10

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE  
COUNTY

(An Emergency Ordinance For The Purpose Of Temporarily Suspending Sunday Work Prohibitions As Provided For In Title 53 Of The South Carolina Code Of Laws, From Sunday, November 22, 2009, Through Sunday, January 3, 2010 In Florence County, South Carolina, Maintaining Existing Restrictions On The Sale Of Alcohol.)

WHEREAS:

1. Section 53-1-160 of the Code of Laws of the State of South Carolina, authorizes the county governing body to suspend by ordinance the application of the Sunday work prohibitions provided in Chapter 1 of Title 53; and
2. Florence County Council has determined that it is in the interest of Florence County to enact a limited, temporary suspension of the Sunday work prohibitions effective for the upcoming holiday season only, in support of regional retail businesses in Florence County; and
3. This ordinance does not permit Sunday alcohol sales.

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

The Sunday work prohibitions provided in Chapter 1 of Title 53 of the South Carolina Code of Laws, as amended, are suspended temporarily effective Sunday, November 22, 2009 through Sunday, January 3, 2010 in Florence County, South Carolina. This suspension is subject to all other applicable provisions Title 53, Code of Laws of South Carolina, 1976, as amended, as relates to protections afforded to a conscientious objector to Sunday work and other relevant issues, and does not in any way repeal or modify the existing time or date restrictions regarding the sale of alcohol.

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:

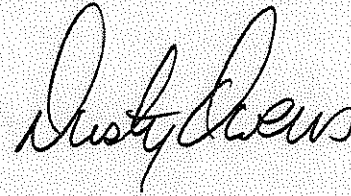
Effective Date: November 22, 2009

# FLORENCE COUNTY COUNCIL MEETING

Thursday, November 19, 2009

**AGENDA ITEM:** Ordinance No. 07-2009/10  
Third Reading

**DEPARTMENT:** Planning and Building Inspections



## **ISSUE UNDER CONSIDERATION:**

[An Ordinance To Adopt A New Land Use Element For The Florence County Comprehensive Plan In Accordance With Title 6, Chapter 29, Section 510 Of The South Carolina Code Of Laws, 1976, As Amended.] (*Planning Commission approved 6-0: All Council Districts*)

## **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. The original passage date of the Land Use Element was March 4, 1999.
4. Passage of this element will fulfill state law requirements, and provide goals to incorporate the analysis and future strategy of several previously adopted elements and emphasize sustainability and prudence as the priority objective for growth. To maintain a healthy community while providing quality services for our residents, businesses and visitors, a diversity of land uses should be provided.

## **OPTIONS:**

1. (*Recommended*) Approve as presented.
2. Provide an Alternative Directive

## **ATTACHMENTS:**

**Copies of the following are attached:**

1. Ordinance No. 07-2009/10
2. Resolution for PC#2009-25
3. Executive Summary of The Land Use Plan Development
4. Staff Report for PC#2009-25
5. Land Use Element (Enclosed Separately)

Sponsor(s)	: Planning Commission	
Planning Commission Consideration	: July 28, 2009 [Approved 6-0] I, _____,	
Planning Commission Public Hearing	: July 28, 2009	Council Clerk, certify that this
Planning Commission Recommendation:	July 28, 2009	Ordinance was advertised for
First Reading/Introduction	: August 20, 2009	Public Hearing on _____.
Committee Referral	: N/A	
Second Reading	: October 15, 2009	
County Council Public Hearing	: September 17, 2009	
Third Reading	: November 19, 2009	
Effective Date	: Immediately	

**ORDINANCE NO. 07-2009/10**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

**[An Ordinance To Adopt A New Land Use Element For The Florence County Comprehensive Plan In Accordance With Title 6, Chapter 29, Section 510 Of The South Carolina Code Of Laws, 1976, As Amended.]**

**WHEREAS:**

1. South Carolina Code §6-29-510 requires a new Florence County Comprehensive Plan be developed every ten years; and
2. The original passage date of the Land Use Element was March 4, 1999; and
3. Passage of this element will fulfill state law requirements, and provide goals to incorporate the analysis and future strategy of several previously adopted elements and emphasize sustainability and prudence as the priority objective for growth. To maintain a healthy community while providing quality services for our residents, businesses and visitors, a diversity of land uses should be provided.

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

1. The Florence County Comprehensive Plan Land Use Element attached hereto and incorporated by reference, is hereby adopted and implemented, and supersedes all other versions of this Element which were adopted previously.
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

**RESOLUTION FOR PC#2009-25  
FLORENCE COUNTY PLANNING COMMISSION**

**(A Resolution Recommending The Updated Land Use Element Of The Comprehensive Plan)**

**WHEREAS:**

1. According to state law, a new Florence County Comprehensive Plan must be developed every ten years; and
2. The seventh element to be adopted according to the ten-year schedule is the Land Use Element; and
3. The Planning Commission advertised for and held workshops on May 21, 2009 and June 9, 2009; and
4. The Planning Commission advertised for and held a Land Use Night School for public input on July 16, 2009; and
5. Following the passage of this resolution by the majority of the entire membership of the Planning Commission, the Land Use Element 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 update to the Florence County Comprehensive Plan Land Use Element as presented by the Planning Commission.

ATTEST:

Angela C. Thomas  
Angela Thomas, Secretary

SIGNED:

Peter M. Kistler  
Chairman

COMMISSION VOTE: 6-0

OPPOSED: None

ABSENT: C. Cunha

T. Greene

D. Hobbs

J. Lane

D. Lockhart

## **Executive Summary of the Land Use Plan Development**

*August 25, 2009*

The Local Government Comprehensive Planning Enabling Act of 1994 provides for the Comprehensive Plan and the Land Use element. This law prescribes a ten year update cycle with reviews completed at least every five years. The original Future Land Use plan was completed for Florence County in 1999. This proposed plan, together with updates to eight other elements that began in 2007, represents the County's first update.

The preparation of the Florence County Land Use Element began over two years ago with input from all municipalities and Florence County residents. In addition to meeting with municipal administration and staff, County staff presented background and proposed maps to the public, oftentimes during municipal Council meetings. Every municipality in the County was visited. Further, the proposed plan was presented to other jurisdictions, Florence County Economic Development, Pee Dee Realtors Association, Pee Dee Home Builders Association, and the Pee Dee Council of Governments for their information and feedback.

To further increase the depth of public outreach, County staff employed a wide range of interactive, personal and electronic media. Interactive maps which enabled patrons to choose areas to discuss around the County were distributed throughout the library system. County staff compiled interactive web pages where visitors could review the land use map and document and leave comments. Email correspondence and one-on-one meetings with participating stakeholders also played significant roles in finalizing the document. Overall, more than 2,800 people participated in our 21 public meetings, 10 planning meetings and websites.

The Florence County Planning Commission was an integral part of shaping the current Land Use document. The Planning Commission held two workshops, a public meeting and two public hearings for this document. All citizen requests for changes were addressed including designation of a 'Flood Hazard District' based strictly on the 100-year FEMA flood zone designation. The final public hearing, which also resulted in a positive and unanimous recommendation to the County Council, included very favorable comments from those residents speaking. Also present at the hearing were citizens that previously opposed some aspects of the plan, but were instrumental in the final draft contents.

This Element describes a variety of actions, concerns and land uses to ensure a growing and healthy community while providing quality services for residents, businesses and visitors. These land uses include a variety of residential densities along with commercial, industrial, schools, parks, a hazard district (Flood Hazard District) and other community components. The goal of this element is to categorize land uses in a geographic manner to promote increased quality of life for Florence County residents while promoting industrial growth and preserving the County's natural resources.



This element includes a Future Land Use Map and finishes with 21 goals that will keep Florence County at the forefront of growth in South Carolina and the Southeast United States.

The Land Use element is the seventh element to be presented to the County Council. Two more elements will follow shortly: the Transportation and Priority Investment elements. Both of these State directed elements are new to the Comprehensive Plan for this update cycle.

The Florence County Comprehensive Plan is a community vision for a strong and vibrant Florence County and the Florence County Planning Commission has recommended approval of this latest Element based on their extensive involvement.

**STAFF REPORT  
TO THE  
FLORENCE COUNTY PLANNING COMMISSION  
July 28, 2009  
PC#2009-25**

**Subject:** Adoption of a Resolution recommending the updated **Land Use Element** of 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 seventh element to be adopted in accordance with this calendar to meet the ten-year requirement is the Land Use Element. The Planning Commission advertised for and held workshops on May 21, 2009 and June 9, 2009 to discuss this issue.

**Element Information:**

The Land Use Element examines the characteristics of the existing land uses, recent development activity and projections for future growth. This element incorporates the analyses and future strategies of many existing elements of the Florence County Comprehensive Plan.

**Florence County Planning Commission Action: June 23, 2009:**

Planning Commission deferred action until a land use training session could be held with public input. A Land Use Night School was advertised and held on July 16, 2009.

**Florence County Planning Commission Action: July 28, 2009:**

The six Planning Commission members present voted unanimously to adopt a resolution recommending that County Council adopt the Land Use Element with staff edits.

**Attachments:**

**Copies of the following are attached:**

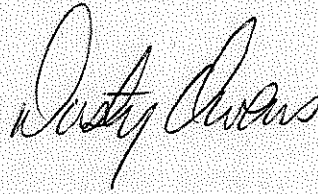
1. Proposed Land Use Element
2. Resolution of Recommendation

# FLORENCE COUNTY COUNCIL MEETING

Thursday, November 19, 2009

**AGENDA ITEM:** Ordinance No. 10-2009/10  
Third Reading

**DEPARTMENT:** Planning and Building Inspections



**ISSUE UNDER CONSIDERATION:**

[An Ordinance To Amend Florence County Code, Chapter 30, Zoning Ordinance, Section 30-28, Table I: Schedule Of Permitted And Conditional Uses And Off-street Parking Requirements For Residential Districts And Section 30-30, Table III: Zoning Setbacks, To Add New Zoning Districts R-3A (Single Family Residential District) and R-5A (Multi-family Residential District) With The Same Uses And Setbacks As The Current R-3 and R-5 Districts Except No Manufactured Housing Will Be Allowed In Either Of The New Districts.] *(Planning Commission approved 8-0: All Council Districts)*

**POINTS TO CONSIDER:**

1. Council District(s): All Florence County Council Districts.
2. The amendment to Section 30-28, Table I: Schedule of parking and conditional uses and off-street parking requirements for residential districts will keep all the current uses in the R-3 district except manufactured housing in the new R-3A single-family residential district.
3. The amendment to Section 30-28, Table I: Schedule of parking and conditional uses and off-street parking requirements for residential districts will keep all the current uses in the R-5 district except manufactured housing in the new R-5A multi-family residential district.
4. The new R-3A and R-5A districts will be available for use in all jurisdictions where the Florence County Zoning Ordinance (Chapter 30 of the Florence County Code) is used.
5. The new R-3A and R-5A districts will retain the same requirements as R-3 and R-5 in Section 30-30, Table III: Zoning Setbacks.
6. The new R-3A district may be requested for areas in Johnsonville currently zoned R-3 and for the unzoned area of West Sumter Street.
7. The Planning Commission and Planning Department staff have developed the amendments to the ordinance to meet the request by County Council within the allotted twelve (12) months.

**OPTIONS:**

1. *(Recommended)* Approve as Presented.
2. Provide An Alternate Directive.

**ATTACHMENTS:**

**Copies of the following are attached:**

1. Ordinance No.10-2009/10, w/markup shown.
2. Ordinance No. 10-2009/10 w/final format.

Sponsor(s)	: Planning Commission	I, _____,
Planning Commission Consideration	: September 22, 2009	Council Clerk certify that this
Planning Commission Public Hearing	: September 22, 2009	Ordinance was advertised for
Planning Commission Recommendation	: September 22, 2009 [Approved 8-0]	Public Hearing on _____.
First Reading/Introduction	: August 20, 2009	
Committee Referral	: N/A	
Second Reading	: October 15, 2009	
Third Reading	: November 19, 2009	
Effective Date	: Immediately	

**ORDINANCE NO. 10-2009/10**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

**[An Ordinance To Amend Florence County Code, Chapter 30, Zoning Ordinance, Section 30-28, Table I: Schedule Of Permitted And Conditional Uses And Off-street Parking Requirements For Residential Districts And Section 30-30, Table III: Zoning Setbacks, To Add New Zoning Districts R-3A (Single-Family Residential District) And R-5A (Multi-Family Residential District) With The Same Uses And Setbacks As The Current R-3 And R-5 Districts Except No Manufactured Housing Will Be Allowed In Either Of The New Districts.]**

**WHEREAS:**

1. Florence County has enacted a Comprehensive Plan and Zoning Ordinance to guide land use throughout the County; and
2. The West Sumter Street Community is very concerned about the growth and character of their neighborhood, and the zoning of their property; and
3. There is a need for zoning districts that allow small lots with no manufactured housing.

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

1. New zoning Districts R-3A and R-5A are created that have all the same permitted and conditionally allowed uses and setbacks as R-3 and R-5 respectively excluding manufactured housing.
2. Florence County Code, Chapter 30, Zoning Ordinance, Section 30-28, Table I: Schedule Of Permitted And Conditional Uses And Off-street Parking Requirements For Residential Districts is hereby amended in its entirety to read as follows:

*[CONTINUED ON NEXT PAGE]*

Sec. 30-28. Table I: Schedule of permitted and conditional uses and off-street parking requirements for residential districts.

	NAICS	R-1	R-2	R-3	<u>R-3A</u>	R-4	R-5	<u>R-5A</u>	Off-Street Parking Requirements
Residential uses									
Site built dwellings									
Single-family detached	81411	P	P	P	<u>P</u>	P	P	<u>P</u>	None
Duplex	81411	N	N	N	<u>N</u>	P	P	<u>P</u>	2.0 spaces per unit
Townhouse (section 30-91)	81411	N	N	C	<u>C</u>	C	C	<u>C</u>	2.0 spaces per unit
Patio home (section 30-92)	81411	N	N	C	<u>C</u>	C	C	<u>C</u>	2.0 spaces per unit
Triplex	81411	N	N	N	<u>N</u>	N (1)	P	<u>P</u>	2.0 spaces per unit
Quadrplex	81411	N	N	N	<u>N</u>	N (1)	P	<u>P</u>	1.5 spaces per unit
Multi-family	81411	N	N	N	<u>N</u>	N(1)	P	<u>P</u>	1.5 spaces per unit
Rooming & boarding houses	72131	N	N	N	<u>N</u>	N	P	<u>P</u>	1.0 spaces per bedroom
Bed & breakfast inns (section 30-93)	721191	N	N	C	<u>C</u>	C	C	<u>C</u>	1.0 spaces per bedroom
Manufactured dwellings (footnote)									
Residential designed (section 30-94)	81411	N	N	C	<u>CN</u>	N	C	<u>CN</u>	None
Standard designed (section 30-94)	81411	N	N	N	<u>N</u>	N	N	<u>N</u>	None
Mobile home (section 30-94)	81411	N	N	N	<u>N</u>	N	N	<u>N</u>	2.0 spaces per unit
Modular home	<del>81411</del>	P	P	P	<u>P</u>	P	P	<u>P</u>	None
Manufactured home park (section 30-97)	<del>81411</del>	N	N	N	<u>N</u>	N	C	<u>C</u>	2.0 spaces per unit
Accessory uses (section 30-246)									
Bathhouses, cabanas	NA	P	P	P	<u>P</u>	P	P	<u>P</u>	None
Domestic animal shelters	NA	P	P	P	<u>P</u>	P	P	<u>P</u>	None
Child day care services	6244	P	P	P	<u>P</u>	P	P	<u>P</u>	None
Satellite dishes/antennas	NA	P	P	P	<u>P</u>	P	P	<u>P</u>	None
Accessory apartment (section 30-97)	NA	C	C	C	<u>C</u>	C	C	<u>C</u>	None
Coin operated laundries & dry cleaners	81231	N	N	N	<u>N</u>	N	N	<u>N</u>	None
Non-commercial greenhouse	NA	P	P	P	<u>P</u>	P	P	<u>P</u>	None
Private garage & carport	NA	P	P	P	<u>P</u>	P	P	<u>P</u>	None
Storage building	NA	P	P	P	<u>P</u>	P	P	<u>P</u>	None

Swimming pool, tennis courts	NA	P	P	P	<u>P</u>	P	P	<u>P</u>	None
Auxiliary shed, work shop	NA	P	P	P	<u>P</u>	P	P	<u>P</u>	None
Home occupation (section 30-98)	NA	C	C	C	<u>C</u>	C	C	<u>C</u>	None
Horticulture, gardening	NA	P	P	P	<u>P</u>	P	P	<u>P</u>	None
Signs--See article V									None
Support uses									
Recreational									
Public parks, playgrounds, & community centers	71394	P	P	P	<u>P</u>	P	P	<u>P</u>	1.0 per 250 GFA activity buildings, 1% land area to parks
Golf courses, public & private	71391	P	P	P	<u>P</u>	P	<u>P</u>	<u>P</u>	5.0 spaces for each hole
Swimming & tennis clubs	71394	P	P	P	<u>P</u>	P	P	<u>P</u>	1.0 space for each 200 s.f. GFA
Educational									
Elementary schools	6111	P	P	P	<u>P</u>	P	P	<u>P</u>	2.0 spaces per classroom, plus 5.0 admin. spaces
Secondary schools	6111	P	P	P	<u>P</u>	P	P	<u>P</u>	5.0 spaces per classroom, plus 10 admin. spaces
Information									
Libraries	519120	N	N	N	<u>N</u>	P	P	<u>P</u>	1.0 space per 350 s.f. GFA
Social									
Nursing & residential care facilities	623	N	N	N	<u>N</u>	P	P	<u>P</u>	0.4 per bed, plus 1.0 space per 500 s.f. GFA
Day care services	62441	N	N	N	<u>N</u>	P	P	<u>P</u>	1.0 space per 200 s.f. GFA
Religious organizations	81311	P	P	P	<u>P</u>	P	P	<u>P</u>	0.3 spaces per seat, main seating
Utilities									
Communication transmission only, except towers/antennas	5133	P	P	P	<u>P</u>	P	P	<u>P</u>	None
Communication towers & antennas	51332	N	N	N	<u>N</u>	N	N	<u>N</u>	None
Electric, gas, transmission only	221121	P	P	P	<u>P</u>	P	P	<u>P</u>	None
Sewerage treatment facilities	22132	P	P	P	<u>P</u>	P	P	<u>P</u>	None

Water supply & irrigation systems	22131	P	P	P	<u>P</u>	P	P	<u>P</u>	None
Public order & safety	9221	P	P	P	<u>P</u>	P	P	<u>P</u>	1.0 space per 350 s.f. GFA
Fire protection	92216	P	P	P	<u>P</u>	P	P	<u>P</u>	4.0 spaces per bay
Temporary uses									
Temporary uses (section 30-99)		C	C	C	<u>C</u>	C	C	<u>C</u>	By individual review

3. Florence County Code, Chapter 30, Zoning Ordinance, Section 30-30, Table III: Zoning Setbacks, is hereby amended in its entirety to read as follows:

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				
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-3A	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
R-5A	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 foot for each two feet in height over 35 feet for buildings outside of the B-4 district; further provided that approval of buildings over 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 shall be 20' if parking is established either in the side or rear of the property.

N/A - Not Applicable

4. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
5. 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



Sponsor(s) : Planning Commission  
 Planning Commission Consideration : September 22, 2009  
 Planning Commission Public Hearing : September 22, 2009  
 Planning Commission Recommendation : September 22, 2009[Approved 8-0]  
 First Reading/Introduction : August 20, 2009  
 Committee Referral : N/A  
 Second Reading : October 15, 2009  
 Third Reading : November 19, 2009  
 Effective Date : Immediately

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

**ORDINANCE NO. 10-2009/10**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

[An Ordinance To Amend Florence County Code, Chapter 30, Zoning Ordinance, Section 30-28, Table I: Schedule Of Permitted And Conditional Uses And Off-street Parking Requirements For Residential Districts And Section 30-30, Table III: Zoning Setbacks, To Add New Zoning Districts R-3A (Single-Family Residential District) And R-5A (Multi-Family Residential District) With The Same Uses And Setbacks As The Current R-3 And R-5 Districts Except No Manufactured Housing Will Be Allowed In Either Of The New Districts.]

**WHEREAS:**

1. Florence County has enacted a Comprehensive Plan and Zoning Ordinance to guide land use throughout the County; and
2. The West Sumter Street Community is very concerned about the growth and character of their neighborhood, and the zoning of their property; and
3. There is a need for zoning districts that allow small lots with no manufactured housing.

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

1. New zoning Districts R-3A and R-5A are created that have all the same permitted and conditionally allowed uses and setbacks as R-3 and R-5 respectively excluding manufactured housing.
2. Florence County Code, Chapter 30, Zoning Ordinance, Section 30-28, Table I: Schedule Of Permitted And Conditional Uses And Off-street Parking Requirements For Residential Districts is hereby amended in its entirety to read as follows:

*[CONTINUED ON NEXT PAGE]*

Sec. 30-28. Table I: Schedule of permitted and conditional uses and off-street parking requirements for residential districts.

	NAICS	R-1	R-2	R-3	R-3A	R-4	R-5	R-5A	Off-Street Parking Requirements
Residential uses									
Site built dwellings									
Single-family detached	81411	P	P	P	P	P	P	P	None
Duplex	81411	N	N	N	N	P	P	P	2.0 spaces per unit
Townhouse (section 30-91)	81411	N	N	C	C	C	C	C	2.0 spaces per unit
Patio home (section 30-92)	81411	N	N	C	C	C	C	C	2.0 spaces per unit
Triplex	81411	N	N	N	N	N (1)	P	P	2.0 spaces per unit
Quadraplex	81411	N	N	N	N	N (1)	P	P	1.5 spaces per unit
Multi-family	81411	N	N	N	N	N (1)	P	P	1.5 spaces per unit
Rooming & boarding houses	72131	N	N	N	N	N	P	P	1.0 spaces per bedroom
Bed & breakfast inns (section 30-93)	721191	N	N	C	C	C	C	C	1.0 spaces per bedroom
Manufactured dwellings (footnote)									
Residential designed (section 30-94)	81411	N	N	C	N	N	C	N	None
Standard designed (section 30-94)	81411	N	N	N	N	N	N	N	None
Mobile home (section 30-94)	81411	N	N	N	N	N	N	N	2.0 spaces per unit
Modular home	81411	P	P	P	P	P	P	P	None
Manufactured home park (section 30-97)	81411	N	N	N	N	N	C	C	2.0 spaces per unit
Accessory uses (section 30-246)									
Bathhouses, cabanas	NA	P	P	P	P	P	P	P	None
Domestic animal shelters	NA	P	P	P	P	P	P	P	None
Child day care services	6244	P	P	P	P	P	P	P	None
Satellite dishes/antennas	NA	P	P	P	P	P	P	P	None
Accessory apartment (section 30-97)	NA	C	C	C	C	C	C	C	None
Coin operated laundries & dry cleaners	81231	N	N	N	N	N	N	N	None
Non-commercial greenhouse	NA	P	P	P	P	P	P	P	None
Private garage & carport	NA	P	P	P	P	P	P	P	None
Storage building	NA	P	P	P	P	P	P	P	None

Swimming pool, tennis courts	NA	P	P	P	P	P	P	P	None
Auxiliary shed, work shop	NA	P	P	P	P	P	P	P	None
Home occupation (section 30-98)	NA	C	C	C	C	C	C	C	None
Horticulture, gardening	NA	P	P	P	P	P	P	P	None
Signs--See article V									None
Support uses									
Recreational									
Public parks, playgrounds, & community centers	71394	P	P	P	P	P	P	P	1.0 per 250 GFA activity buildings, 1% land area to parks
Golf courses, public & private	71391	P	P	P	P	P	P	P	5.0 spaces for each hole
Swimming & tennis clubs	71394	P	P	P	P	P	P	P	1.0 space for each 200 s.f. GFA
Educational									
Elementary schools	6111	P	P	P	P	P	P	P	2.0 spaces per classroom, plus 5.0 admin. spaces
Secondary schools	6111	P	P	P	P	P	P	P	5.0 spaces per classroom, plus 10 admin. spaces
Information									
Libraries	519120	N	N	N	N	P	P	P	1.0 space per 350 s.f. GFA
Social									
Nursing & residential care facilities	623	N	N	N	N	P	P	P	0.4 per bed, plus 1.0 space per 500 s.f. GFA
Day care services	62441	N	N	N	N	P	P	P	1.0 space per 200 s.f. GFA
Religious organizations	81311	P	P	P	P	P	P	P	0.3 spaces per seat, main seating
Utilities									
Communication transmission only, except towers/antennas	5133	P	P	P	P	P	P	P	None
Communication towers & antennas	51332	N	N	N	N	N	N	N	None
Electric, gas, transmission only	221121	P	P	P	P	P	P	P	None
Sewerage treatment facilities	22132	P	P	P	P	P	P	P	None

Water supply & irrigation systems	22131	P	P	P	P	P	P	P	None
Public order & safety	9221	P	P	P	P	P	P	P	1.0 space per 350 s.f. GFA
Fire protection	92216	P	P	P	P	P	P	P	4.0 spaces per bay
Temporary uses									
Temporary uses (section 30-99)		C	C	C	C	C	C	C	By individual review

3. Florence County Code, Chapter 30, Zoning Ordinance, Section 30-30, Table III: Zoning Setbacks, is hereby amended in its entirety to read as follows:

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				
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-3A	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
R-5A	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(o)(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 foot for each two feet in height over 35 feet for buildings outside of the B-4 district; further provided that approval of buildings over 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 shall be 20' if parking is established either in the side or rear of the property.
- N/A - Not Applicable

4. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
5. 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

# FLORENCE COUNTY COUNCIL MEETING

Thursday, November 19, 2009

**AGENDA ITEM:** Ordinance No. 14-2009/10  
Third Reading

**DEPARTMENT:** Planning and Building Inspections



## **ISSUE UNDER CONSIDERATION:**

[An Ordinance To Rezone Property Owned By The Gospel Temple Inc., Located At 3987 West Palmetto Street, Florence County From RU-1, Rural Community District To PD, Planned Development District Shown On Florence County Tax Map No. 00076, Block 01, Parcel 001 Consisting of 19.32 Acres.] *(Planning Commission approved 9-0: Council District 4)*

## **POINTS TO CONSIDER:**

1. The property is located in Council District 4.
2. The subject property is currently being used for a church.
3. The property is currently zoned RU-1, Rural Community District.
4. The applicant wishes to rezone the property to a PD, Planned Development District.
5. The applicant wishes to continue use as a church and church uses.
6. The property is surrounded by vacant land and commercial lots.
7. The property is presently designated as Existing Residential area and does comply with the current Comprehensive Plan.
8. The subject property according to the Future Land Use Map is designated as an Existing Residential area.
9. Therefore, the applicant's request to rezone this property to PD will comply with the Future Comprehensive Plan Land Use Map.

## **OPTIONS:**

1. *(Recommended)* Approve as Presented.
2. Provide An Alternate Directive.

## **ATTACHMENTS:**

**Copies of the following are attached:**

1. Ordinance No. 14-2009/10
2. Staff report for PC#2009-30
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 : August 25, 2009  
 Planning Commission Public Hearing : August 25, 2009  
 Planning Commission Recommendation : August 25, 2009 [Approved 9-0]  
 First Reading/Introduction : September 17, 2009  
 Committee Referral : N/A  
 Second Reading : October 15, 2009  
 Third Reading : November 19, 2009  
 Effective Date : Immediately

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

**ORDINANCE NO. 14-2009/10**

**[An Ordinance To Rezone Property Owned By The Gospel Temple Inc., Located At 3987 West Palmetto Street, Florence County From RU-1, Rural Community District To PD, Planned Development District Shown On Florence County Tax Map No. 00076, Block 01, Parcel 001 Consisting of 19.32 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 August 25, 2009.

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

1. Property located at 3987 West Palmetto Street bearing Tax Map 00076, Block 01, Parcel 001 is hereby rezoned to PD, Planned Development District.

I. The Planned Development rezoning shall be with the following conditions:

Allowed Uses (NAICS):

- Church (813110)
- Day Care (624410)
- Community Centers (71394)

Setback Requirements:

- Minimum 25 Feet Front Setback
- Minimum 5 Feet Side Setback
- Minimum 25 Feet Rear Setback

Signs

All signs to be compliant with B-3, General Commercial zoning district.

Site Plan

A church building and sign are currently the only structures on property. When additional structures are added, an amendment to this ordinance will be required.

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  
August 25, 2009  
PC#2009-30  
ORDINANCE NO.14-2009/10**

**Subject:** Rezoning request to PD, Planned Development District from RU-1, Rural Community District.

**Location:** Property located at 3987 West Palmetto St.  
Florence County

**Tax Map Number:** 00076, Block 01, Parcel 001

**Council District(s):** 4, County Council

**Owner of Record:** The Gospel Temple Inc.

**Applicant:** Tim Howell

**Land Area:** Approximately 19.32 acres

**Existing Land Use and Zoning:**

The subject property is currently occupied by a church and is accessed from West Palmetto Street. The property is currently zoned RU-1, Rural Community District.

**Proposed Land Use and Zoning:**

The applicant proposes to zone the subject property to PD, Planned Development to facilitate a land use of a church and church related uses.

**Surrounding Land Use and Zoning:**

North: Undeveloped property / RU-1, Florence County  
South: Residential / unzoned, Florence County  
East: Undeveloped and Business / B-3 and RU-1, Florence County  
West: Undeveloped and Business / B-3 and RU-1, Florence County

**Florence County Comprehensive Plan:**

The subject property currently has a land use designation of Existing Residential. The applicant has requested to rezone this property as a PD. This request complies with the Comprehensive Plan.

**Staff Analysis:**

Access and Circulation- Emergency access to the property will be by way of West Palmetto Street.

Water and Sewer Availability- These services will be 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 applicant is requesting to change the zoning of the property from RU-1, Rural Community District to PD, Planned Development District.

Traffic Review- The proposed change in zoning should have little effect on the traffic flow.

**Technical Review Committee Meeting Action: August 10, 2009**

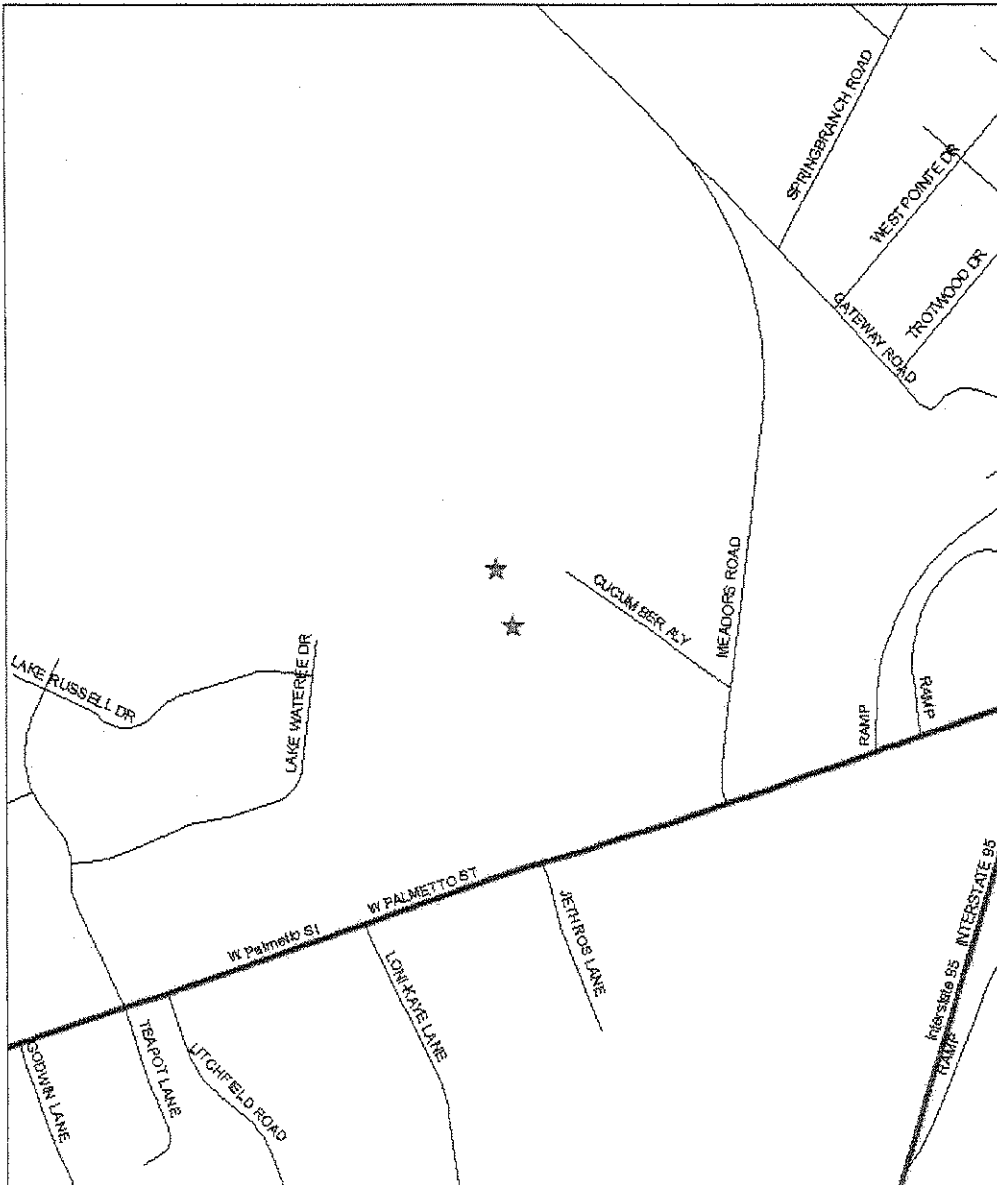
The Technical Review Committee recommended approval of the PD, Planned Development zoning ordinance.

**Florence County Planning Commission: August 25, 2009**

The nine Planning Commission members present approved the rezoning request unanimously based on the request being in compliance with the Commercial Growth Preservation designation of the Future Land Use Map of the Comprehensive Plan at the meeting held on August 25, 2009.

**Florence County Planning Commission Recommendation:**

The Planning Commission recommends approval of the rezoning request by Florence County Council based on its compliance with the Future Land Use Map of the Comprehensive Plan.

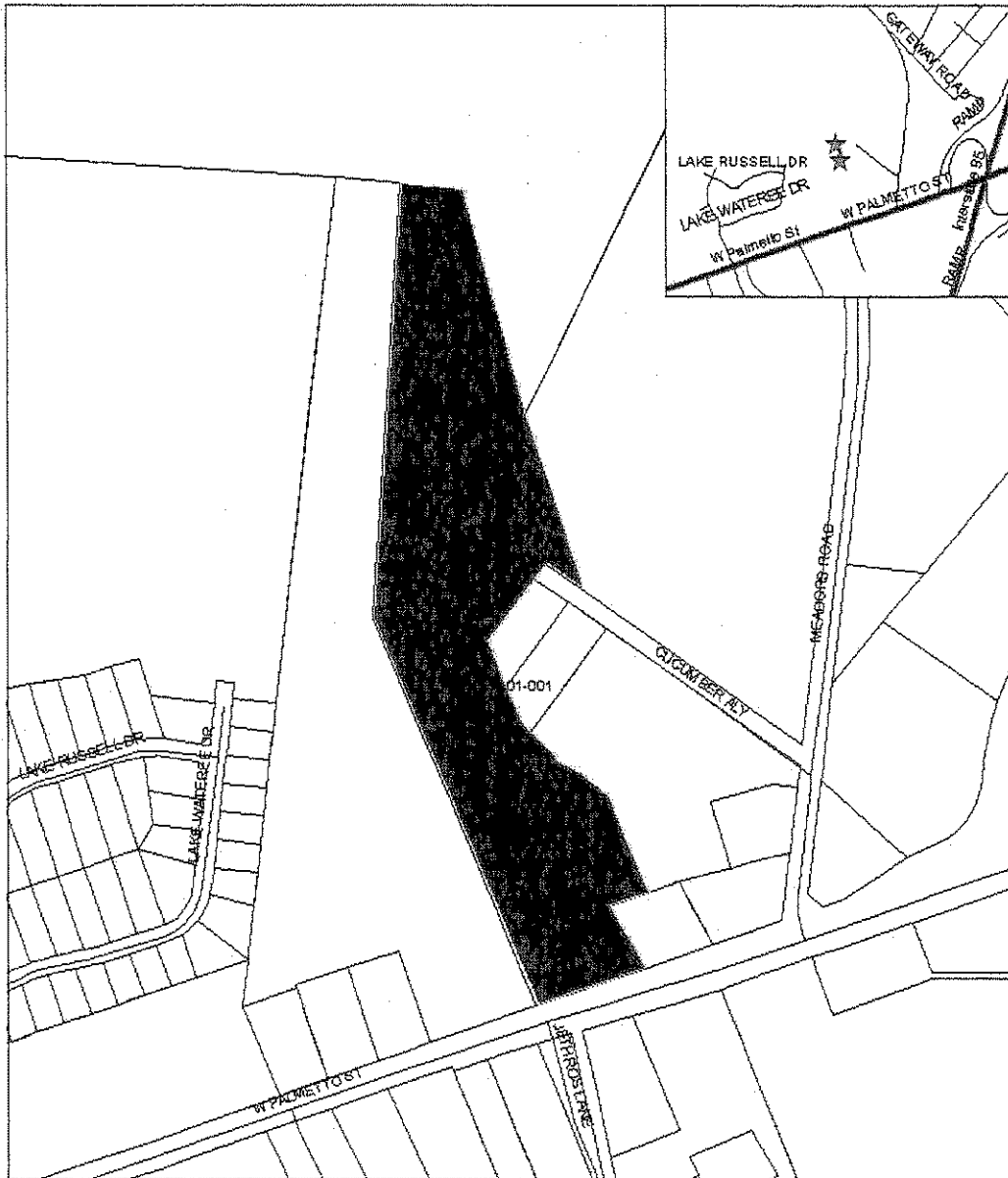


0 100 200 400 Feet

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



**COUNTY COUNCIL DISTRICT(S): 4**  
**PC#2009-30**



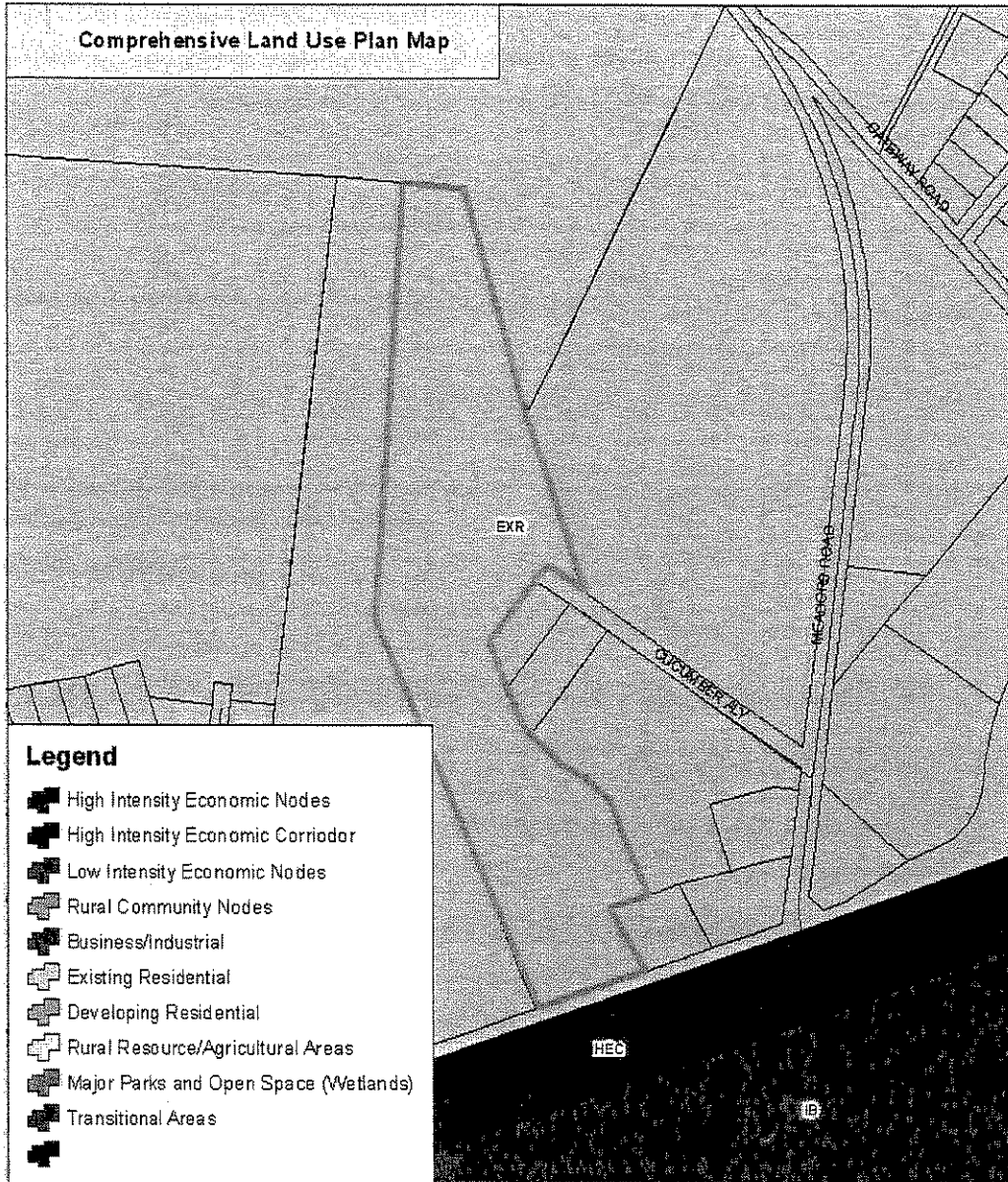
0 250 500 1,000 Feet



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

COUNTY COUNCIL DISTRICT(S): 4  
 PC#2009-30

**Comprehensive Land Use Plan Map**

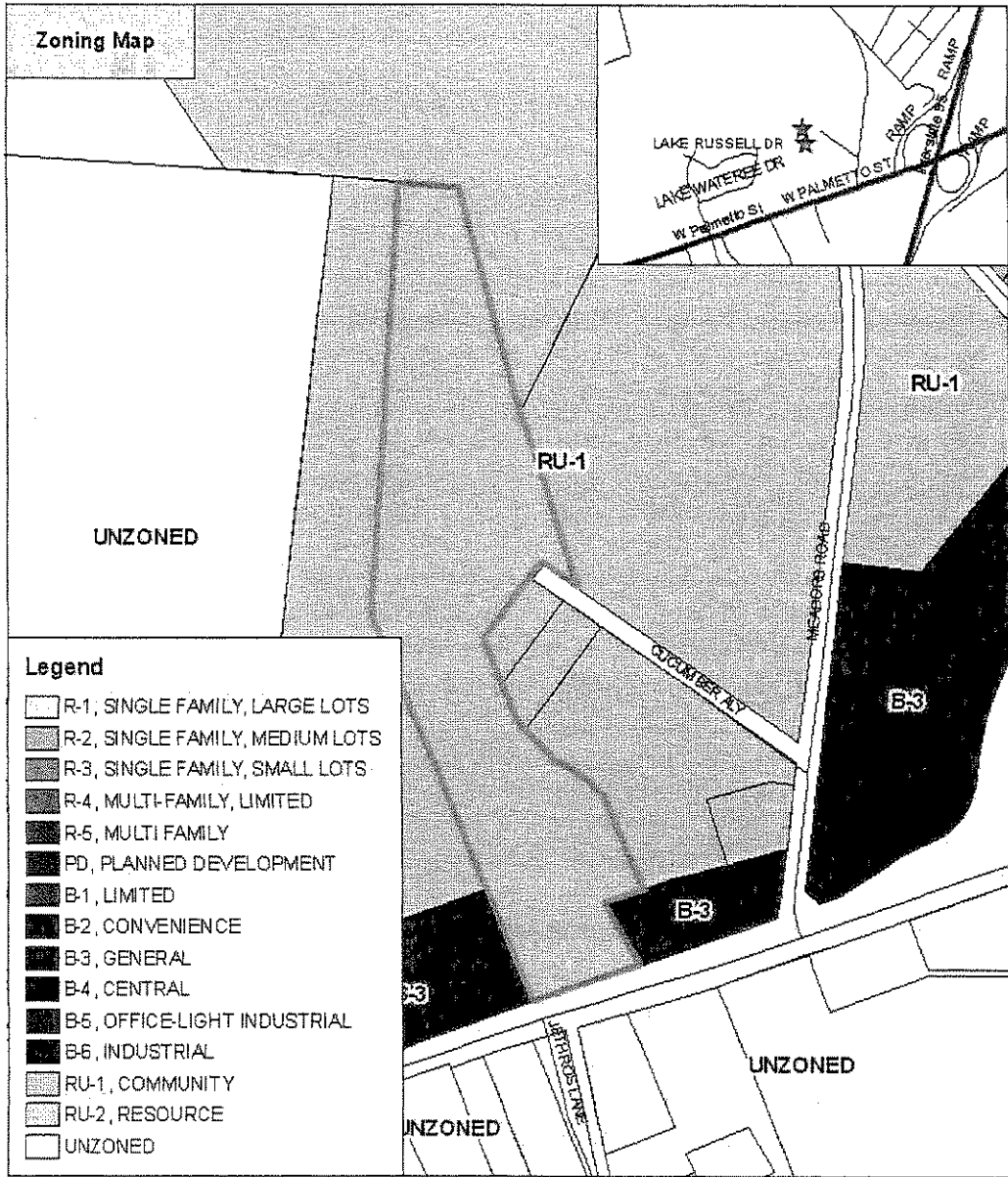


0 270 540 1,080 Feet

N

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

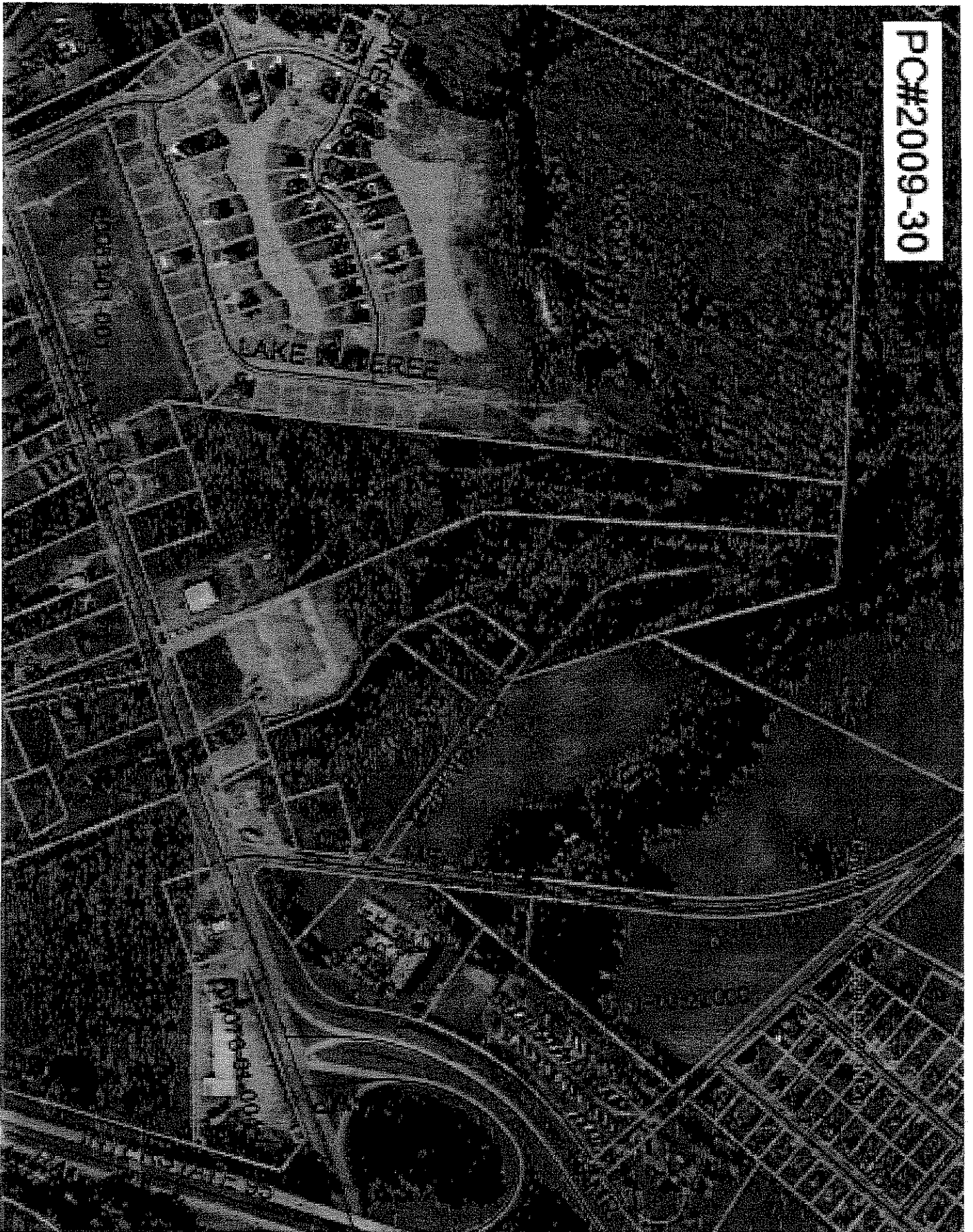
**COUNTY COUNCIL DISTRICT(S): 4**  
**PC#2009-30**



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

COUNTY COUNCIL DISTRICT(S): 4  
 PC#2009-30

PC#2009-30



# Comprehensive Plan Attachment:

## Residential Areas Existing Residential

Existing residential areas represent one of the most important resources in the county. As such, the retention and protection of such areas are paramount.

### Objective

The objective of this designation is to identify and protect the character and present use of residential resources (existing neighborhoods and subdivisions) and to prohibit development which would compromise or infringe on the prevailing character or continued use of such resources for residential purposes. Also, this designation is designed to promote in-filling of such areas with like uses as an efficient means of meeting future housing demands, and limiting sprawl.

### Strategy

The following strategies are designed to implement the objective of this classification.

- ✓ Identify and map such areas.
- ✓ Structure and apply zoning and development regulations aimed at protecting the use and integrity of such areas.
- ✓ Monitor existing subdivisions for sign of change of use and/or deteriorating conditions, and take appropriate action to stabilize and/or revitalize such areas for continued residential use.

### Plan Compliance Matrix

PLAN MAP OBJECTIVES (Summary)	USE IN ACCORD WITH PLAN MAP OBJECTIVES	USES AT VARIANCE WITH PLAN MAP OBJECTIVES
Protect and sustain existing residential areas, including property values and amenities	<ul style="list-style-type: none"> <li>❖ Single-family detached, site built dwellings</li> <li>❖ Manufactured housing compatible with design characteristics, safety, and habitability standards required of site built housing</li> <li>❖ Institutional uses in support of and compatible with residential uses, e.g. schools, churches, parks, and recreation facilities</li> </ul>	<ul style="list-style-type: none"> <li>❖ Most non-residential uses, including commercial, industrial, and business uses</li> <li>❖ Multi-family residential uses</li> <li>❖ Mobile and Manufactured homes not meeting standards for inclusion with single-family site built dwellings</li> </ul>



## ZONING ORDINANCE ATTACHMENT

### PD, Planned Development District

The intent of the Planned Development District is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance public health, safety, morals, and general welfare.

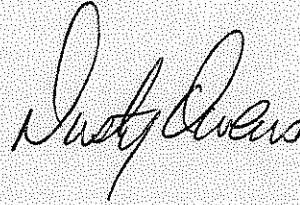
Within the PD, regulations adapted to unified planning and development are intended to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots or tracts, promote economical and efficient land use, provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment.

In view of the substantial public advantage of “planned development”, it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly in large undeveloped tracts.

**FLORENCE COUNTY COUNCIL MEETING**  
**Thursday, November 19, 2009**

**AGENDA ITEM:** Ordinance No.15-2009/10  
Third Reading

**DEPARTMENT:** Planning and Building Inspections



**ISSUE UNDER CONSIDERATION:**

[An Ordinance To Zone Property Owned By James D. & Patsy F. McCutcheon Located At 755 E. Hampton St., Olanta To R-1, Single-Family Residential District Shown on Florence County Tax Map No. 00045, Block 03, Parcel 116 Consisting Of 4 Acres.] (Planning Commission approved 9-0; Council District 5)

**POINTS TO CONSIDER:**

1. The property is located in Council District 5.
2. The property is currently unzoned.
3. The subject property is currently being used as residential and wooded area.
4. The property is surrounded by single-family residential and wooded area.
5. The applicant wishes to zone the property to R-1, Single-Family Residential District.
6. On July 7, 2009, the Town of Olanta annexed the property into its town limits without a Public Hearing by the Planning Commission and without a specific zoning designation.
7. The property is presently designated as a Developing Residential area and a Rural Resource area which does comply with the current Comprehensive Plan.
8. Therefore, the applicant's request to zone this property to R-1 will comply with the Comprehensive Plan Land Use Map.

**OPTIONS:**

1. (*Recommended*) Approve as Presented.
2. Provide An Alternate Directive.

**ATTACHMENTS:**

**Copies of the following are attached:**

1. Ordinance No. 15-2009/10
2. Staff report for PC#2009-31
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	I, _____,
Planning Commission Consideration	: August 25, 2009	Council Clerk, certify that this
Planning Commission Public Hearing	: August 25, 2009	Ordinance was advertised for
Planning Commission Recommendation	: August 25, 2009 [Approved 9-0]	Public Hearing on _____.
First Reading/Introduction	: September 17, 2009	
Committee Referral	: N/A	
Second Reading	: October 15, 2009	
Third Reading	: November 19, 2009	
Effective Date	: Immediately	

**ORDINANCE NO. 15-2009/10**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

**[An Ordinance To Zone Property Owned By James D. & Patsy F. McCutcheon Located At 755 E. Hampton St., Olanta To R-1, Single-Family Residential District Shown On Florence County Tax Map No. 00045, Block 03, Parcel 116 Consisting Of 4 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 August 25, 2009.

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

1. Property located at 755 E. Hampton St. bearing Tax Map 00045, Block 03, Parcel 116 is hereby zoned to R-1, Single-Family Residential District.
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  
AUGUST 25, 2009  
PC#2009-31  
ORDINANCE NO. 15-2009/10**

**Subject:** Zoning request to R-1, Single-Family Residential District

**Location:** Property is located 755 E. Hampton St., Town of Olanta

**Tax Map Number:** 00045, Block 3, Parcel 116

**Council District(s):** 5; County Council

**Owner of Record:** James D. & Patsy F. McCutcheon

**Applicant:** James D. & Patsy F. McCutcheon

**Land Area:** 4 acres

**Existing Land Use and Zoning**

The property is currently unzoned and located in Town of Olanta. The property is a mixture of a single-family residential home and wooded area.

**Proposed Land Use and Zoning:**

The proposal is to zone the subject property to R-1, Single-Family Residential District. The proposed use is to continue as residential.

**Surrounding Land Uses and Zoning:**

**North:** Wooded area/UZ/Town of Olanta

**South:** Single-family residential/Wooded area/ UZ/Town of Olanta

**East:** Wooded area/UZ/Town of Olanta

**West:** Wooded area/UZ/Town of Olanta

**Florence County Comprehensive Plan:**

The northern portion of the subject property is located in a Rural Resource area and the southern portion is located in a Developing Residential area according to the current Comprehensive Plan. While the applicant has requested to zone this property to R-1, this does comply with the current Comprehensive Plan.

**Staff Analysis:**

**Access and Circulation-** Present access to the property are by way of E. Hampton Street.

**Water and Sewer Availability-** The water services are provided by the Town of Olanta. No public sewer at this time.

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

Background- On July 7, 2009 – the Town of Olanta annexed the property into its Town Limits without a Public Hearing by the Planning Commission and without a specific zoning designation. The request is to zone the subject property to R-1, Single-Family Residential District.

**Staff Recommendation:**

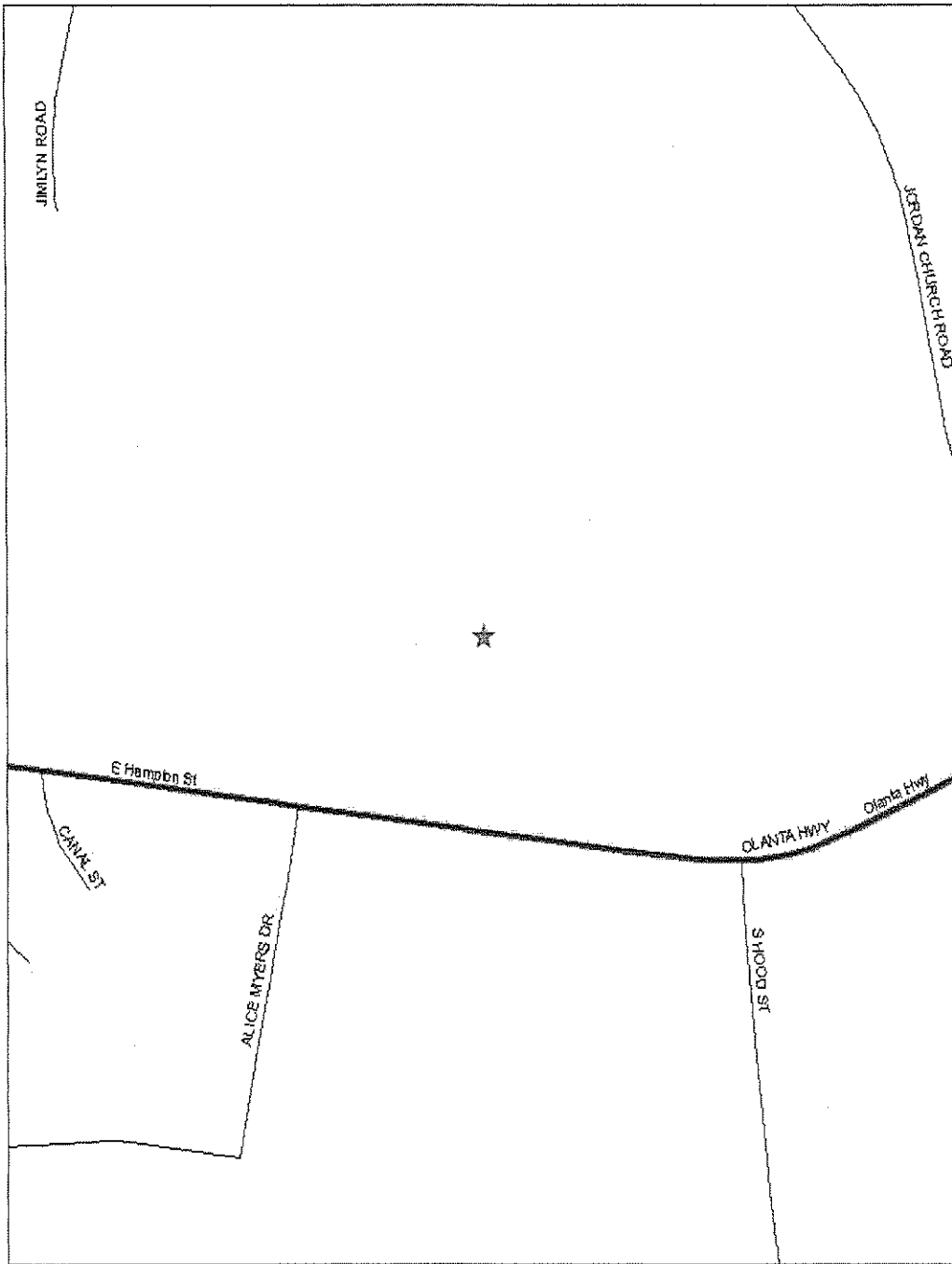
Staff recommends approval of the zoning request to R-1, Single-Family Residential District based on its compliance with the Comprehensive Plan Land Use Map.

**Florence County Planning Commission Action: August 25, 2009**

The nine Planning Commission members present approved the zoning request unanimously at the meeting held on August 25, 2009

**Florence County Planning Commission Recommendation:**

The Planning Commission recommends approval of this request by the Florence County Council due to the rezoning being in compliance with the Comprehensive Plan Land Use Map.



0 100 200 400 Feet

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



**COUNTY COUNCIL DISTRICT(S): 5**  
**PC#2009-31**

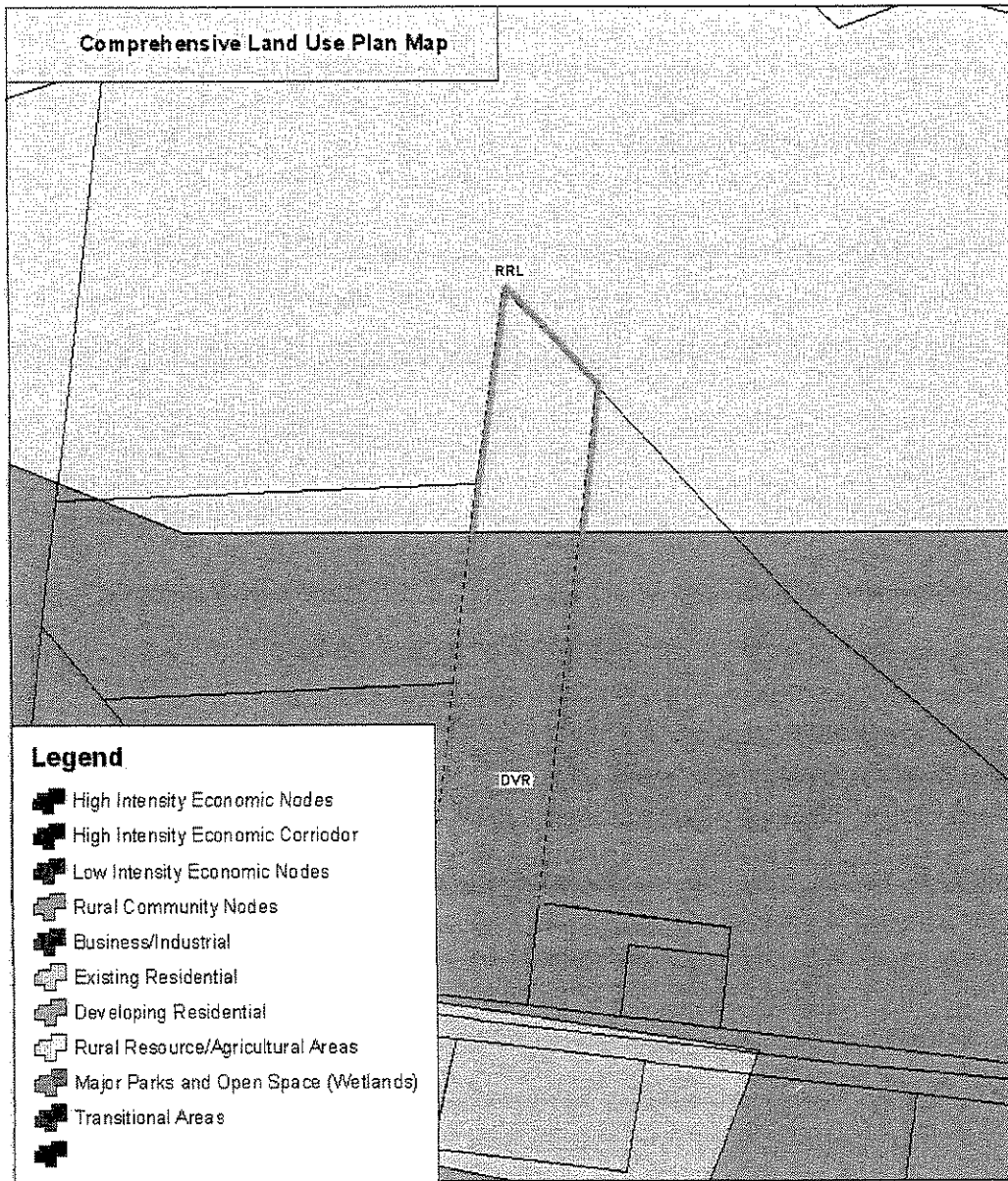


0 160 320 640 Feet



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

**COUNTY COUNCIL DISTRICT(S): 5**  
**PC#2009-31**



- Legend**
- High Intensity Economic Nodes
  - High Intensity Economic Corridor
  - Low Intensity Economic Nodes
  - Rural Community Nodes
  - Business/Industrial
  - Existing Residential
  - Developing Residential
  - Rural Resource/Agricultural Areas
  - Major Parks and Open Space (Wetlands)
  - Transitional Areas

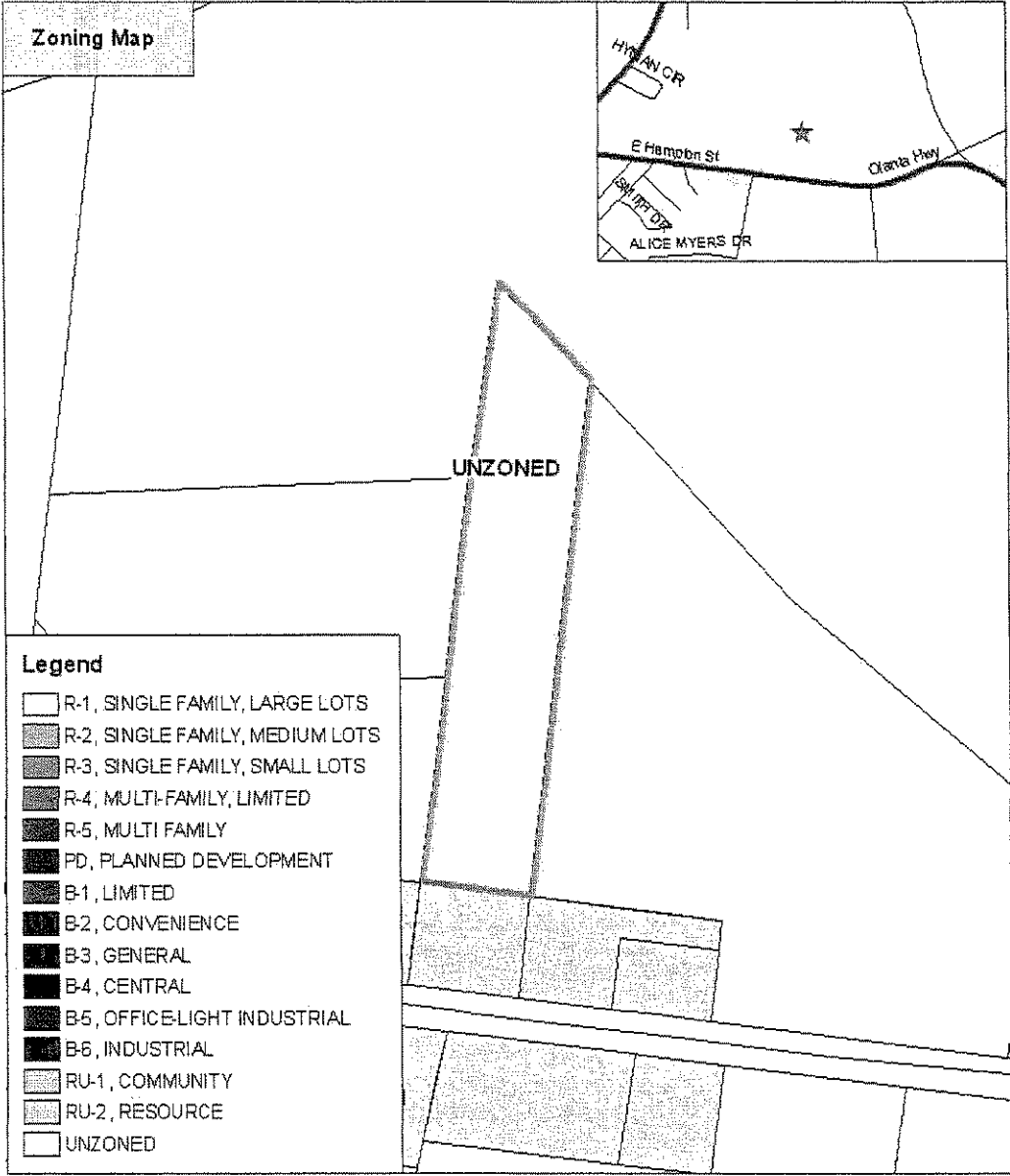
0 175 350 700 Feet



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

**COUNTY COUNCIL DISTRICT(S): 5**  
**PC#2009-31**





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

COUNTY COUNCIL DISTRICT(S): 5  
 PC#2009-31

PC#2009-31



# 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"> <li>❖ Residential uses, including single-family, multi-family, townhouses, patio homes, manufactured homes.</li> <li>❖ Institutional uses in support of and compatible with residential development, e.g. school, churches, recreation facilities</li> </ul>	<ul style="list-style-type: none"> <li>❖ Non-residential uses, including commercial, industrial, and business uses</li> </ul>

# Comprehensive Plan Attachment:

## Rural Resource / Agricultural Areas

Most areas shown on the Plan Map generally are outside the path of projected development, characteristically rural and predominately undeveloped or in agricultural use at this time. Moreover, few changes to these areas are anticipated during the life of this Plan, provided urban sprawl is kept in check. The retention of open lands, woodlands, and wetlands which make up a large part of this area, are essential for clean air, water, wildlife, many natural cycles, and a balanced environment among other things. Even more essential from an economic perspective are the agricultural lands and farming operations in this area. These areas also provide a **rural environment** preferred by many people over subdivisions and higher density urban or community settings.

### Objective

The objective of this classification is to conserve rural characteristics and resources, particularly agricultural, and maintain a balanced rural-urban environment.

### Strategy

Strategies designed to implement this objective include:

- ✓ Setting an urban growth boundary which would limit urban intrusions into such areas.
- ✓ Monitoring and mitigating proposed changes which would alter or compromise the rural character of such area.
- ✓ Amending subdivision regulations to encourage cluster development with open space-agricultural land set aside as an alternative to large lot development.
- ✓ Prohibit through zoning high intensity development from the area.

### Plan Compliance Matrix

PLAN MAP OBJECTIVES (Summary)	USE IN ACCORD WITH PLAN MAP OBJECTIVES	USES AT VARIANCE WITH PLAN MAP OBJECTIVES
Conserve rural characteristics and resources and maintain a balanced rural-urban environment	<ul style="list-style-type: none"> <li>❖ Single-family site built and manufactured dwellings</li> <li>❖ Agricultural uses</li> <li>❖ Small scale retail uses</li> <li>❖ Agricultural related industrial uses</li> <li>❖ Institutional uses</li> </ul>	<ul style="list-style-type: none"> <li>❖ High density residential uses</li> <li>❖ Big Box retail</li> <li>❖ Uses generally in conflict with rural values and characteristics</li> </ul>

## ZONING ORDINANCE ATTACHMENT

### **R-1, R-2, and R-3 Single-Family Residential Districts**

Aside from differences in lot sizes and densities, these districts are intended to foster, sustain, and protect areas in which the principal use of land is for single-family dwellings and related support uses.

**FLORENCE COUNTY COUNCIL MEETING**  
**Thursday, November 19, 2009**

**AGENDA ITEM:** Ordinance No. 16-2009/10  
Second Reading

**DEPARTMENT:** Planning and Building Inspections



**ISSUE UNDER CONSIDERATION:**

[An Ordinance To Adopt The Amendments To The Administrative Procedures For The Florence County Comprehensive Plan In Accordance With Title 6, Chapter 29, Section 520 Of The South Carolina Code Of Laws, 1976, As Amended.] (*Planning Commission approved 8-0: All Council Districts*)

**POINTS TO CONSIDER:**

1. Council District(s): All Florence County Council Districts
2. In accordance with the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (Chapter 29 of Title 6 of the South Carolina Code, Section 520), a copy of the recommended plan or element of it must be transmitted to the appropriate governing authorities and to all other legislative and administrative agencies affected by the plan.
3. Staff continues to review and currently proposes updates to amend sections of the Administrative Procedures of the Comprehensive Plan as adopted by County Council on May 7, 2009.
4. 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 as presented.
2. Provide an Alternative Directive.

**ATTACHMENTS:**

**Copies of the following are attached:**

1. Ordinance No.16-2009/10, w/markup shown
2. Resolution for PC#2009-34
3. Staff Report for PC#2009-34
4. Amended Administrative Procedures Element

Sponsor(s)	:Planning Commission	
Planning Commission Consideration	:September 22, 2009	Approved [8-0] I, _____,
Planning Commission Public Hearing	:September 22, 2009	Council Clerk, certify that this
Planning Commission Recommendation	:September 22, 2009	Ordinance was advertised for
First Reading/Introduction	:October 15, 2009	Public Hearing on_____.
Committee Referral	:N/A	
Second Reading	:November 19, 2009	
County Council Public Hearing	:November 19, 2009	
Third Reading	:December 10, 2009	
Effective Date	:Immediately	

**ORDINANCE NO. 16-2009/10**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

**[An Ordinance To Adopt The Amendments To The Administrative Procedures For The Florence County Comprehensive Plan In Accordance With Title 6, Chapter 29, Section 520 Of The South Carolina Code Of Laws, 1976, As Amended.]**

**WHEREAS:**

1. Florence County Council adopted the Administrative Procedures for the Comprehensive Plan on May 7, 2009; and
2. The amendments to the Administrative Procedures were received during public input for the Land Use Element and Planning Commission agreed since the Administrative Procedures had been adopted by County Council that the amended document must be brought back for review.

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

1. The Florence County Comprehensive Plan Amendments to the Administrative Procedures attached hereto and incorporated by reference, is hereby adopted and implemented, and supersedes all other versions.
2. The paragraph in Section "The Procedures For Adopting Plan or Amendments", sub-section "Declaration of Policy" is hereby amended in its entirety to read as follows:

**The Procedures For Adopting Plan or Amendments, sub-section 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.

3. The "Zoning Or Rezoning Request Not Compliant To Comprehensive Plan" section is hereby amended in its entirety to read as follows:

**Zoning or Rezoning Request Not Compliant To Comprehensive Plan:**

If a zoning or rezoning action application does not comply with the approved Comprehensive Plan, the Planning Department staff must recommend denial to the Planning Commission inform the applicant. Further the applicant shall be given the opportunity to apply for an

amendment to the Comprehensive Plan (for example, the land use map). County staff will present the Comprehensive Plan amendment to the Planning Commission with a recommendation based on substantiate and objective factors.

A zoning or rezoning application may run concurrently on the Planning Commission and subsequent County Council agendas with a Comprehensive Plan amendment application as long as the Comprehensive Plan amendment is presented and decided by the respective Commission or Council prior to the zoning or rezoning item. In the event an applicant refuses to apply and seek to amend the Comprehensive Plan, the staff must recommend denial to the Florence County Planning Commission.

~~If a zoning or rezoning action does not comply with the approved is counter to County Comprehensive Plan, staff must recommend denial to the Planning Commission. The Planning Commission 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.~~

4. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
5. 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:



**RESOLUTION FOR PC#2009-34**  
**FLORENCE COUNTY PLANNING COMMISSION**

**(A Resolution Recommending An Amendment To The Administrative Procedures For The Comprehensive Plan)**

**WHEREAS:**

1. The Planning Commission recommended the Administrative Procedures for the Comprehensive Plan to County Council on September 22, 2009; and
2. County Council adopted the Administrative Procedures for the Comprehensive Plan on May 7, 2009; and,
3. At this time, staff proposes amendments to portions of the following sections of the Administrative Procedures:
  - The Procedures For Adopting Plan or Amendments, sub-section Declaration of Policy;
  - The Zoning or Rezoning Request Not Compliant To Comprehensive Plan; and
4. Following the passage of this resolution by the majority of the entire membership of the Planning Commission, the Amendments to 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 Amendments to the Administrative Procedures for the Florence County Comprehensive Plan as presented by the Planning Commission.

ATTEST:

Angela Thomas  
Angela Thomas, Secretary

SIGNED:

M. K. Lockhart  
Chairman

COMMISSION VOTE: approved 8-0

OPPOSED: 0

ABSENT: T. Greene  
B. Lockhart  
K. Lowery

**STAFF REPORT  
TO THE  
FLORENCE COUNTY PLANNING COMMISSION  
September 22, 2009  
PC#2009-34  
Ordinance No. 16-2009/10**

**SUBJECT:** Request for an amendment to the Administrative Procedures for the Comprehensive Plan.

**APPLICANT:** Florence County Planning Department Staff

**STAFF ANALYSIS:**

In accordance with the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (Chapter 29 of Title 6 of the South Carolina Code, Section 520), recommendation of the plan or any element, amendment, extension, or addition must be by resolution of the planning commission, carried by the affirmative votes of at least a majority of the entire membership.

Staff continues to review and currently proposes the following updates to amend sections of the Administrative Procedures of the Comprehensive Plan as adopted by County Council on May 7, 2009.

The sections to be amended are the "Procedures For Adopting Plan or Amendments", sub-section "Declaration of Policy" and the "Zoning or Rezoning Request Not Compliant To Comprehensive Plan."

- I. Procedure For Adopting Plan Or Amendments; 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.

**II. Zoning or Rezoning Request Not Compliant To Comprehensive Plan:**

If a zoning or rezoning application does not comply with the approved Comprehensive Plan, the Planning Department staff must recommend denial to the Planning Commission inform the applicant. Further the applicant shall be given the opportunity to apply for an amendment to the Comprehensive Plan (for example, the land use map). County staff will present the Comprehensive Plan amendment to the Planning Commission with a recommendation based on substantiate and objective factors.

A zoning or rezoning application may run concurrently on the Planning Commission and subsequent County Council agendas with a Comprehensive Plan amendment application as long as the Comprehensive Plan amendment is presented and decided by the respective Commission or Council

prior to the zoning or rezoning item. In the event an applicant refuses to apply and seek to amend the Comprehensive Plan, the staff must recommend denial to the Florence County Planning Commission.

If a zoning or rezoning action ~~does not comply with the approved~~ is counter to County Comprehensive Plan, ~~staff must recommend denial to the Planning Commission.~~ The Planning Commission 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.

**Florence County Planning Commission Action: September 22, 2009**

The eight Planning Commission members present voted unanimously to adopt a resolution recommending the amendments to the Administrative Procedures.

**Florence County Council Meeting:**

Currently scheduled for appearance on the agenda for the meeting of October 15, 2009 at 6:00PM, National Bean Market Museum, 111 Henry Street, Lake City, SC 29560.

**Attachments:**

**A copy of the following is attached:**

1. Proposed Amended Administrative Procedures
2. Resolution

ADMINISTRATIVE  
PROCEDURES  
AMENDMENTS



FLORENCE COUNTY  
COMPREHENSIVE PLAN

## TABLE OF CONTENTS

TABLE OF CONTENTS .....	2
FOREWORD.....	3
PERIODIC REVISION SCHEDULE.....	4
PROCEDURE FOR ADOPTING PLAN OR AMENDMENTS.....	4
PUBLIC HEARING AND NOTICE .....	5
ZONING OR REZONING REQUEST NOT COMPLIANT TO COMPREHENSIVE PLAN.....	5
CHANGE TO COMPREHENSIVE PLAN .....	6
RESUBMISSION OF DENIED APPLICATION .....	6
REVIEW OF PUBLIC PROJECT .....	6
APPENDIX.....	7
PROCEDURES ADOPTION DATE .....	7

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. However, if the proposed amendment affects 10 or more parcels, then the posting of the property and notice to adjoining property owners is not required.

- 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 application does not comply with the approved Comprehensive Plan, the Planning Department staff must inform the applicant. Further, the applicant shall be given the opportunity to apply for an amendment to the Comprehensive Plan (for example, the land use map). County staff will present the Comprehensive Plan amendment to the Planning Commission with a recommendation based on substantiate and objective factors.

A zoning or rezoning application may run concurrently on the Planning Commission and subsequent County Council agendas with a Comprehensive plan amendment application as long as the Comprehensive Plan amendment is presented and decided by the respective Commission or Council prior to the zoning or rezoning item. In the event an applicant refuses to apply and seek to amend the Comprehensive Plan, the staff must recommend denial to the Florence County Planning Commission.



~~If a zoning or rezoning action does not comply with the approved Comprehensive Plan, staff must recommend denial to the Planning Commission. If a zoning or rezoning is counter to County Comprehensive Plan, the Planning Commission 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.....May 7, 2009 Ordinance No. 23-2008/09

DRAFT

**FLORENCE COUNTY COUNCIL MEETING**  
**Thursday, November 19, 2009**

**AGENDA ITEM:** Ordinance No. 17-2009/10  
Second Reading

**DEPARTMENT:** Planning and Building Inspections



**ISSUE UNDER CONSIDERATION:**

[An Ordinance To Rezone Property Owned By JAK Ventures LLC, Located At Oakdale Terrace Blvd., Florence From R-4, Multi-Family Residential District To PD, Planned Development District Shown On Florence County Map No. 00074, Block 01, Parcels 22, 199, 200, 201, 202, 203, 204, 205, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324 Consisting Of Approx. 7.4 Acres.] *(Planning Commission approved 8-0: Council District 9)*

**POINTS TO CONSIDER:**

1. The property is located in Council District 9.
2. The subject property is currently being used as a Townhome development.
3. The property is currently zoned R-4, Multi-Family Residential District.
4. The applicant wishes to rezone the property to a PD, Planned Development District.
5. The applicant wishes to continue use as a Townhome Development with recreational area.
6. The property is surrounded by vacant land and residential lots.
7. The property is presently designated as Existing Residential area and does comply with the current Comprehensive Plan.
8. The subject property according to the Future Land Use Map is designated as an Existing Residential area.
9. Therefore, the applicant's request to rezone this property to PD will comply with the Future Comprehensive Plan Land Use Map.

**OPTIONS:**

1. *(Recommended)* Approve as Presented.
2. Provide An Alternate Directive.

**ATTACHMENTS:**

**Copies of the following are attached:**

1. Ordinance No.17-2009/10
2. Staff report for PC#2009-35
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	: September 22, 2009	I, _____,
Planning Commission Public Hearing	: September 22, 2009	Council Clerk, certify that this
Planning Commission Recommendation	: September 22, 2009 [Approved 8-0]	Ordinance was advertised for
First Reading/Introduction	: October 15, 2009	Public Hearing on _____.
Committee Referral	: N/A	
Second Reading	: November 19, 2009	
Third Reading	: December 10, 2009	
Effective Date	: Immediately	

**ORDINANCE NO. 17-2009/10**

**[An Ordinance To Rezone Property Owned By JAK Ventures LLC, Located At Oakdale Terrace Blvd., Florence From R-4, Multi-Family Residential District To PD, Planned Development District Shown On Florence County Map No. 00074, Block 01, Parcels 22, 199, 200, 201, 202, 203, 204, 205, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324 Consisting Of Approx. 7.4 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 September 22, 2009.

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

1. Property located at Oakdale Terrace Blvd. bearing Tax Map 00074, Block 01, Parcel 22, 199, 200, 201, 202, 203, 204, 205, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324 is hereby rezoned to PD, Planned Development District.
- I. The Planned Development rezoning shall be with the following conditions:

Allowed Uses (NAICS):

Townhomes (81411)  
Recreation (71394)

Setback Requirements:

Minimum 15 Feet Front Setback  
Minimum 0 and 5 Feet Side Setback  
Minimum 20 Feet Rear Setback  
Minimum Corner Lot 0 Side Setback and 0 Front Setback

Signs

All signs to be compliant with R-4, Multi-Family Residential District.

Additional Information:

No fences will be allowed at rear of lots adjoining the pond.

No accessory structures allowed.

Home occupations allowed except for home day care services.

Oakdale Terrace Boulevard will be a private road and the Home Owners Association will be responsible for all maintenance and upkeep of the road.

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  
September 22, 2009  
PC#2009-35  
ORDINANCE NO. 17-2009/10**

**Subject:** Rezoning request to PD, Planned Development District from R-4, Multi-Family Residential District.

**Location:** Property located at Oakdale Terrace Blvd.  
Florence County

**Tax Map Number:** Map 00074, Block 01, Parcel 22, 199, 200, 201, 202, 203, 204, 205, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324

**Council District(s):** 9, County Council

**Owner of Record:** JAK Ventures LLC.

**Applicant:** Aubrey Richardson

**Land Area:** Approximately 7.4 acres

**Existing Land Use and Zoning:**

The subject property currently has multi-family units and vacant lots accessed from Oakdale Terrace Blvd. The property is currently zoned R-4, Multi-Family Residential District.

**Proposed Land Use and Zoning:**

The applicant proposes to zone the subject property to PD, Planned Development to facilitate individual townhome lots with access easements for a recreation around the pond.

**Surrounding Land Use and Zoning:**

North: Residential / R-4, Florence County  
South: Residential / R-1, Florence County  
East: Undeveloped and Church / PD, Florence County  
West: Undeveloped / R-4, Florence County

**Florence County Comprehensive Plan:**

The subject property currently has a land use designation of Existing Residential. The applicant has requested to re-zone this property as a PD. This request complies with the Comprehensive Plan.

**Staff Analysis:**

**Access and Circulation-** Emergency access to the property will be by way of Oakdale Terrace Blvd

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

Adjacent Waterways/Bodies of Water/Flood Zone- There is a pond at the center of the property. The property is not located in a flood zone.

Background- The applicant is requesting to change the zoning of the property from R-4, Multi-Family Residential District to PD, Planned Development District.

Traffic Review- The proposed change in zoning should have little effect on the traffic flow.

**Technical Review Committee Meeting Action: September 8, 2009**

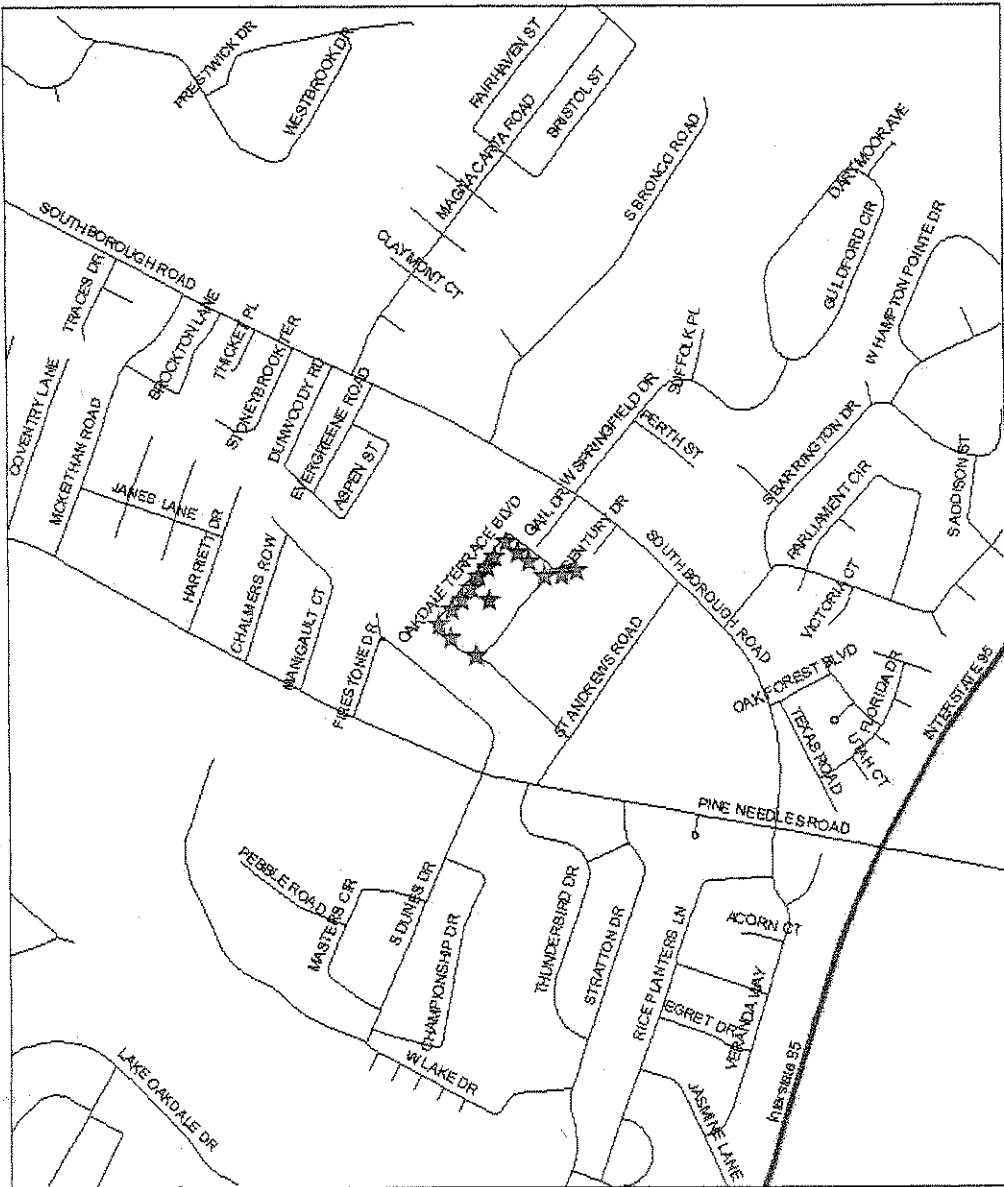
The Technical Review Committee recommended approval of the PD, Planned Development zoning ordinance.

**Florence County Planning Commission: September 22, 2009**

The eight Planning Commission members present approved the rezoning request unanimously based on the request being in compliance with the existing residential designation of the Future Land Use Map of Comprehensive Plan at the meeting held on September 22, 2009.

**Florence County Planning Commission Recommendation:**

The Planning Commission recommends approval of the rezoning request by Florence County Council based on its compliance with the Future Land Use Map of Comprehensive Plan.



09090960 Feet

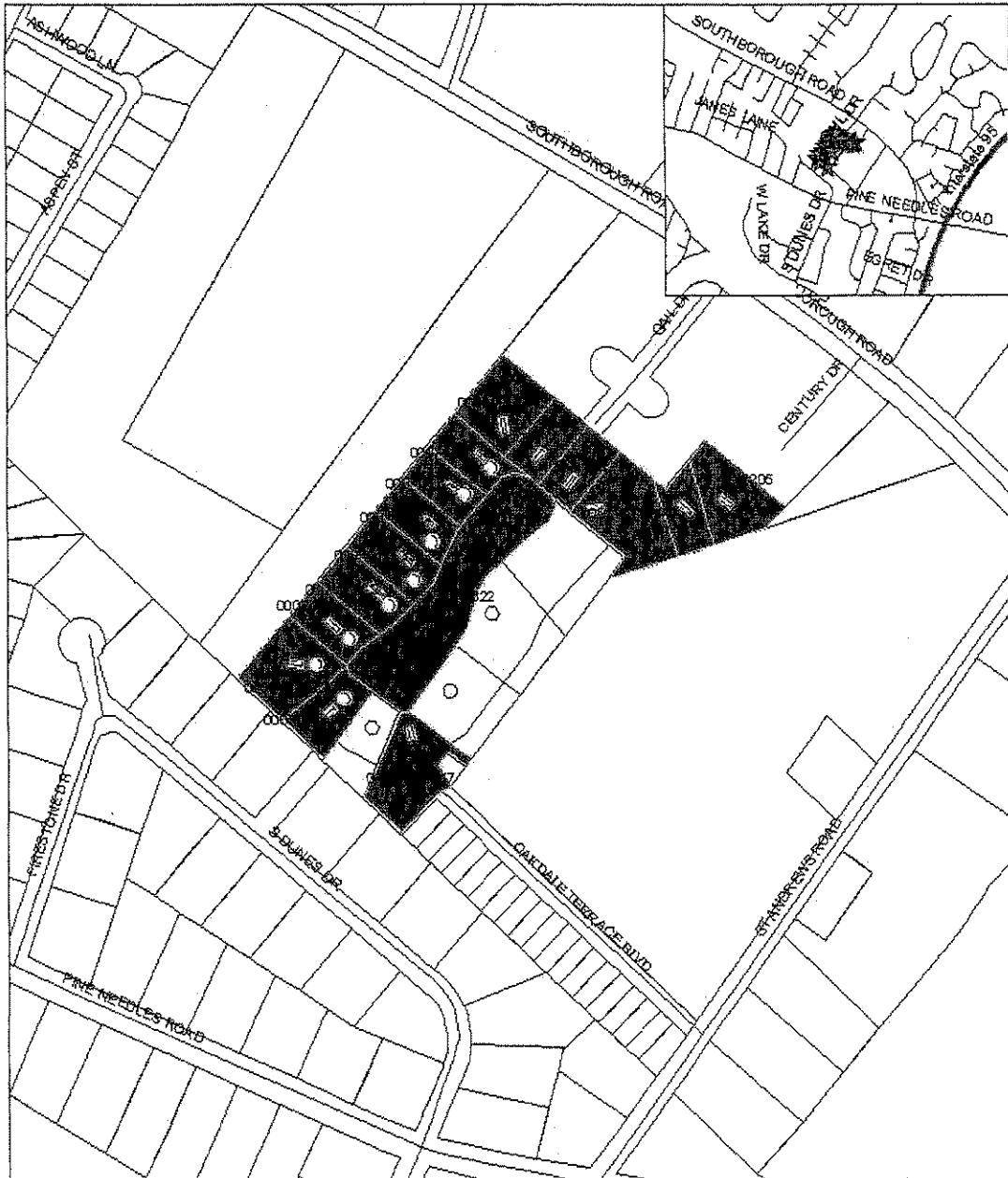


Map Prepared by: RWE  
 Copyright 2007: Florence County/Municipal Planning  
 & Building Inspections Department  
 Geographic Information Systems  
 2007

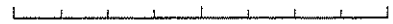


**COUNTY COUNCIL DISTRICT(S): 9**  
**PC#2009-35**





0 190 380 760 Feet



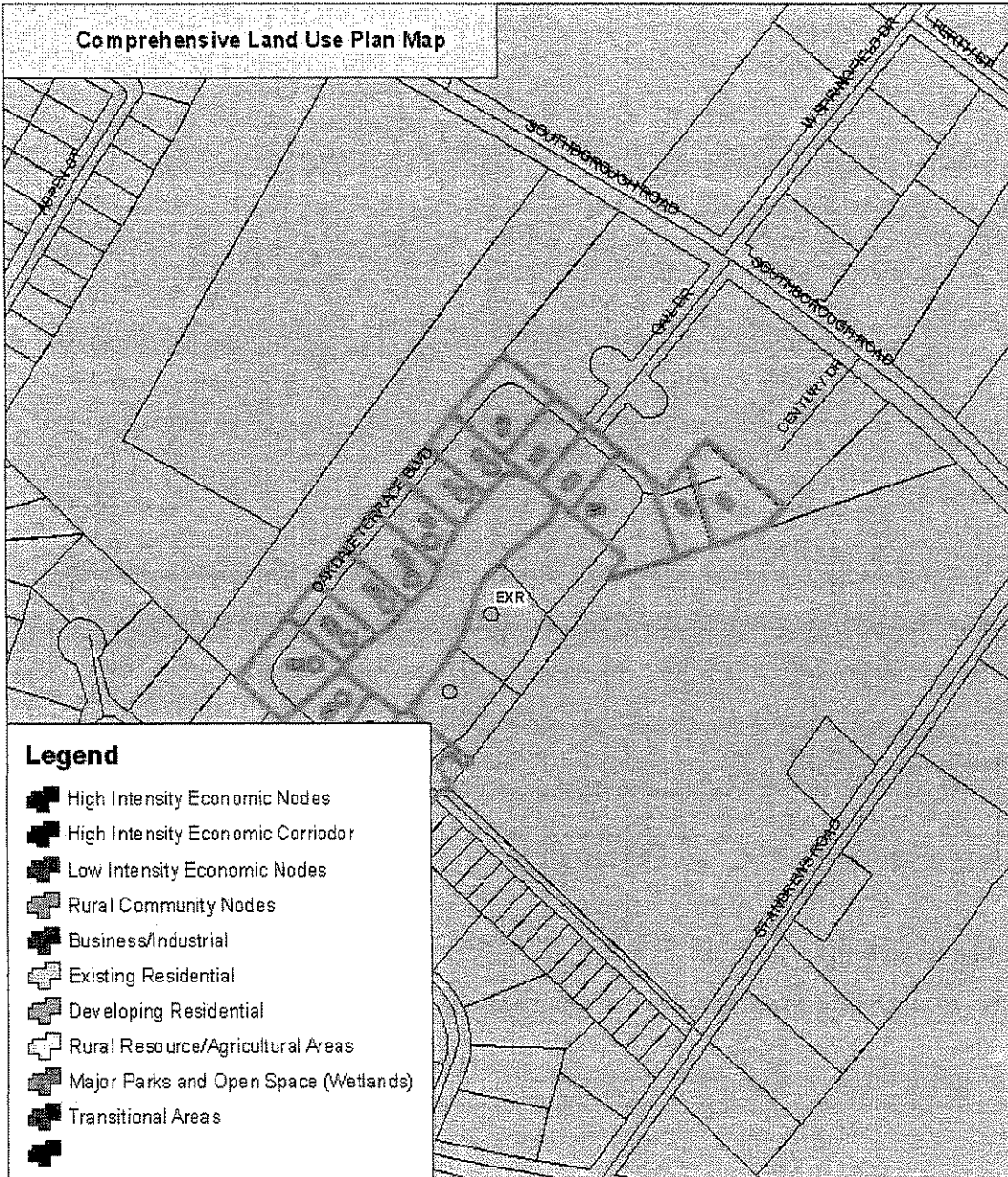
N



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

COUNTY COUNCIL DISTRICT(S): 9  
 PC#2009-35

**Comprehensive Land Use Plan Map**



**Legend**

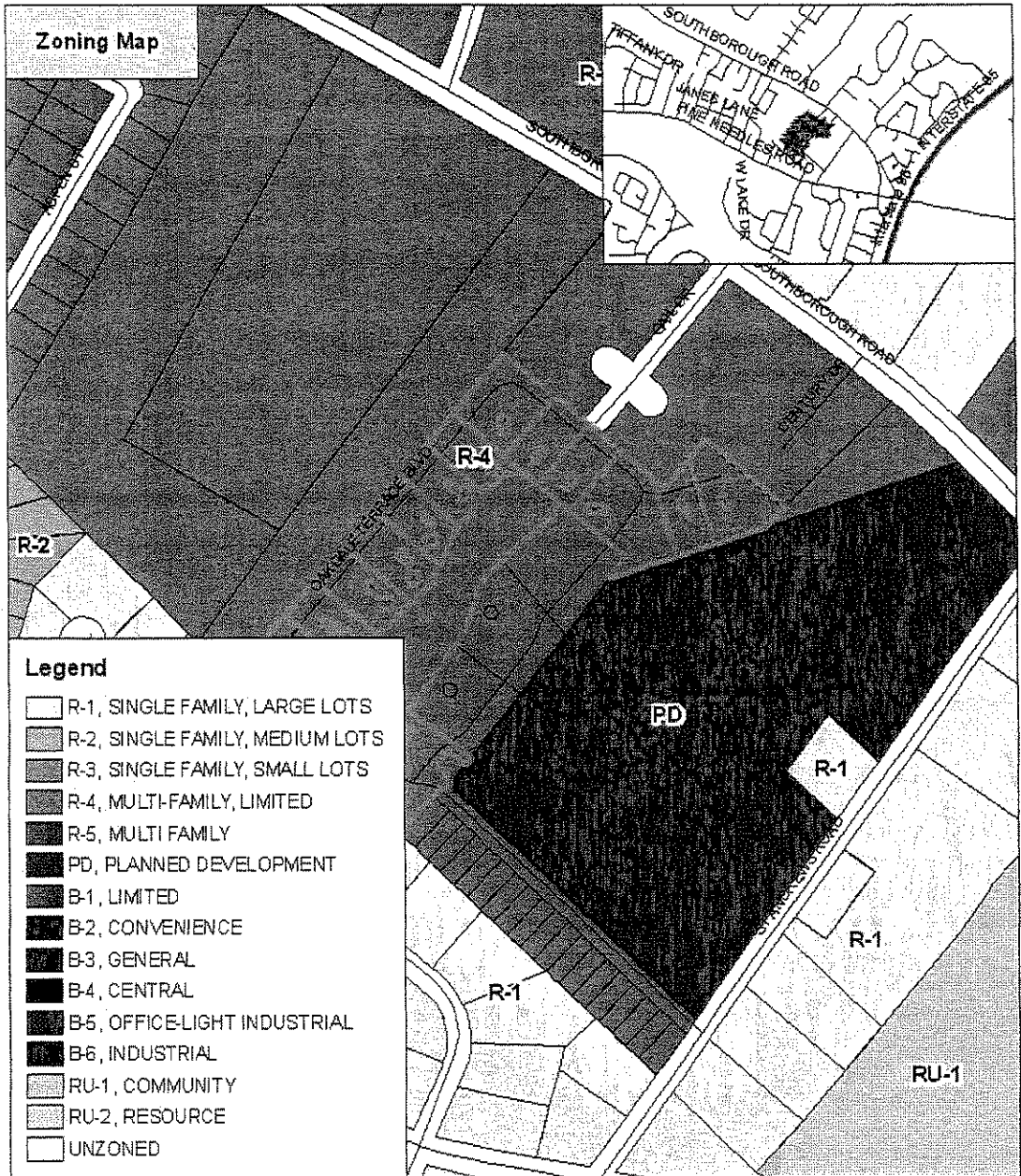
- High Intensity Economic Nodes
- High Intensity Economic Corridor
- Low Intensity Economic Nodes
- Rural Community Nodes
- Business/Industrial
- Existing Residential
- Developing Residential
- Rural Resource/Agricultural Areas
- Major Parks and Open Space (Wetlands)
- Transitional Areas
- 

0 210 420 840 Feet



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

**COUNTY COUNCIL DISTRICT(S): 9**  
**PC#2009-35**



0 195 390 780 Feet

N

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

COUNTY COUNCIL DISTRICT(S): 9  
 PC#2009-35

Florence County 2008 Orthophotography Map



0 140 280 560 Feet



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

COUNTY COUNCIL DISTRICT(S): 9  
PC#2009-35

# Comprehensive Plan Attachment:

## Residential Areas Existing Residential

Existing residential areas represent one of the most important resources in the county. As such, the retention and protection of such areas are paramount.

### Objective

The objective of this designation is to identify and protect the character and present use of residential resources (existing neighborhoods and subdivisions) and to prohibit development which would compromise or infringe on the prevailing character or continued use of such resources for residential purposes. Also, this designation is designed to promote in-filling of such areas with like uses as an efficient means of meeting future housing demands, and limiting sprawl.

### Strategy

The following strategies are designed to implement the objective of this classification.

- ✓ Identify and map such areas.
- ✓ Structure and apply zoning and development regulations aimed at protecting the use and integrity of such areas.
- ✓ Monitor existing subdivisions for sign of change of use and/or deteriorating conditions, and take appropriate action to stabilize and/or revitalize such areas for continued residential use.

### Plan Compliance Matrix

PLAN MAP OBJECTIVES (Summary)	USE IN ACCORD WITH PLAN MAP OBJECTIVES	USES AT VARIANCE WITH PLAN MAP OBJECTIVES
Protect and sustain existing residential areas, including property values and amenities	<ul style="list-style-type: none"> <li>❖ Single-family detached, site built dwellings</li> <li>❖ Manufactured housing compatible with design characteristics, safety, and habitability standards required of site built housing</li> <li>❖ Institutional uses in support of and compatible with residential uses, e.g. schools, churches, parks, and recreation facilities</li> </ul>	<ul style="list-style-type: none"> <li>❖ Most non-residential uses, including commercial, industrial, and business uses</li> <li>❖ Multi-family residential uses</li> <li>❖ Mobile and Manufactured homes not meeting standards for inclusion with single-family site built dwellings</li> </ul>

**CHAPTER 30- ZONING ORDINANCE**  
**ATTACHMENT**

**PD, Planned Development District**

The intent of the Planned Development District is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance public health, safety, morals, and general welfare.

Within the PD, regulations adapted to unified planning and development are intended to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots or tracts, promote economical and efficient land use, provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment.

In view of the substantial public advantage of “planned development”, it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly in large undeveloped tracts.

**FLORENCE COUNTY COUNCIL MEETING**  
**Thursday, November 19, 2009**

**AGENDA ITEM:** Ordinance No.18-2009/10  
Introduction

**DEPARTMENT:** Planning and Building Inspections



**ISSUE UNDER CONSIDERATION:**

[An Ordinance To Rezone Property Owned By Randy Coker, Located At Devonshire Rd., Lake City From R-2, Single-Family Residential District To PD, Planned Development District Shown On Florence County Map 00167, Block 31, Parcel 127 Consisting of Approx. 3.47 Acres.]  
(Planning Commission approved 9-0; Council District 1.)

**POINTS TO CONSIDER:**

1. The property is located in Council District 1.
2. The subject property is currently undeveloped land.
3. The property is currently zoned R-2, Single-Family Residential District.
4. The applicant wishes to rezone the property to a PD, Planned Development District.
5. The applicant wishes to develop residential lots and an agricultural storage building.
6. The property is surrounded by vacant land and residential lots.
7. The property is presently designated as Existing Residential and Industrial Business area and does comply with the current Comprehensive Plan.
8. The subject property according to the Future Land Use Map is designated as Existing Residential and Industrial Business area.
9. Therefore, the applicant's request to rezone this property to PD Planned Development will comply with the Future Comprehensive Plan Land Use Map.

**OPTIONS:**

1. (*Recommended*) Approve as Presented.
2. Provide An Alternate Directive.

**ATTACHMENTS:**

**Copies of the following are attached:**

1. Ordinance No.18-2009/10
2. Staff report for PC#2009-37
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	: October 27, 2009	I, _____,
Planning Commission Public Hearing	: October 27, 2009	Council Clerk, certify that this
Planning Commission Recommendation	: October 27, 2009 [Approved 9-0]	Ordinance was advertised for
First Reading/Introduction	: November 19, 2009	Public Hearing on _____.
Committee Referral	: N/A	
Second Reading	: December 10, 2009	
Third Reading	:	
Effective Date	: Immediately	

**ORDINANCE NO. 18-2009/10**

**[An Ordinance To Rezone Property Owned By Randy Coker Located At Devonshire Rd., Lake City From R-2, Single-Family Residential District To PD, Planned Development District Shown On Florence County Map 00167, Block 31, Parcel 127 Consisting of Approx. 3.47 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 August 25, 2009.

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

1. Property located at Devonshire Road bearing Tax Map 00167, Block 31, Parcel 127 is hereby rezoned to PD, Planned Development District.
  - I. The Planned Development rezoning shall be with the following conditions:

Allowed Uses (NAICS):

Residential Homes (81411)  
Agriculture Warehouse and Storage (493)

Building Setback Requirements:

Front 25 feet  
Side 8 feet  
Rear 25 feet

Signs:

To be in compliance with R-2 Zoning

Additional Information:

Home occupations allowed except for home day care services.  
No accessory structures allowed on residential lots.



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 PLANNING COMMISSION  
October 27, 2009  
PC#2009-37  
ORDINANCE NO. 18-2009/10**

**Subject:** Rezoning request to PD, Planned Development District from R-2, Single-Family Residential District.

**Location:** Property located at Devonshire Road  
Florence County

**Tax Map Number:** Map 00167, Block 31, Parcel 127

**Council District(s):** 1, County Council

**Owner of Record:** Randy Coker

**Applicant:** Randy Coker

**Land Area:** Approximately 3.47 acres

**Existing Land Use and Zoning:**

The subject property is currently undeveloped. The property is currently zoned R-2, Single-Family Residential District.

**Proposed Land Use and Zoning:**

The applicant proposes to zone the subject property to PD, Planned Development to facilitate single family lots and agriculture support uses.

**Surrounding Land Use and Zoning:**

North: Undeveloped / R-1, Florence County  
South: Undeveloped / R-1, Florence County  
East: Residential / R-1, Florence County  
West: Undeveloped / R-1, Florence County

**Florence County Comprehensive Plan:**

The subject property currently has a land use designation of Existing Residential and Industrial Business, with the majority of the property being Existing Residential. The applicant has requested to re-zone this property as a PD. This request complies with the Comprehensive Plan.

**Staff Analysis:**

Access and Circulation- Emergency access to the property will be by way of Devonshire Road.

Water and Sewer Availability- These services will be provided by the Lake City water Department.

Adjacent Waterways/Bodies of Water/Flood Zone- The property is not located in a flood zone.

Background- The applicant is requesting to change the zoning of the property from R-2, Single-Family Residential District to PD, Planned Development District.

Traffic Review- The proposed change in zoning should have little effect on the traffic flow.

**Technical Review Committee Meeting Action: October 12, 2009**

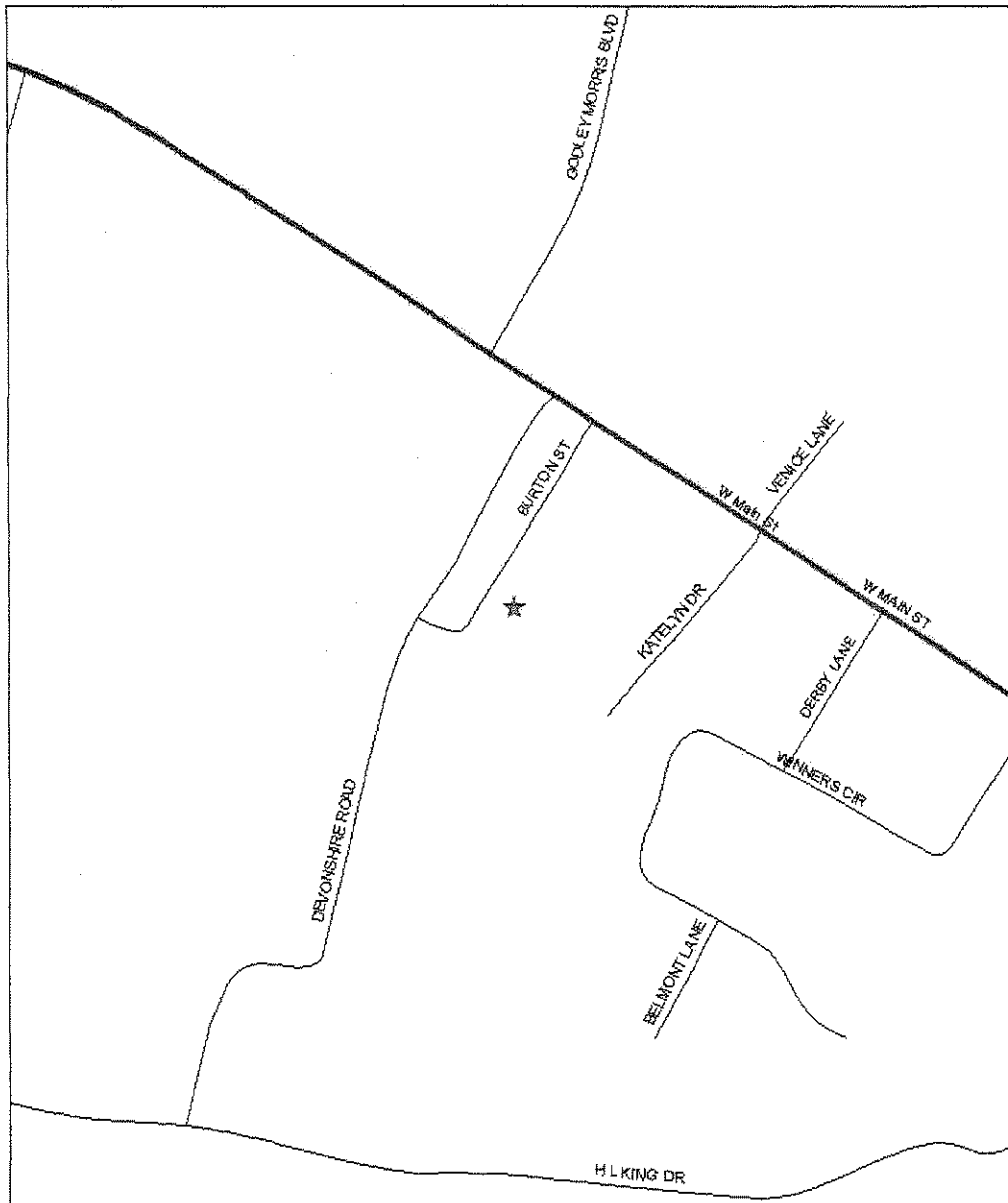
The Technical Review Committee recommended approval of the PD, Planned Development zoning ordinance.

**Florence County Planning Commission: October 27, 2009**

The nine Planning Commission members present approved the rezoning request unanimously based on the request being in compliance with the Future Land Use Map of Comprehensive Plan.

**Florence County Planning Commission Recommendation:**

The Planning Commission recommends approval of the rezoning request by Florence County Council based on its compliance with the Future Land Use Map of Comprehensive Plan.

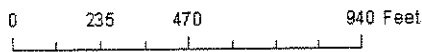
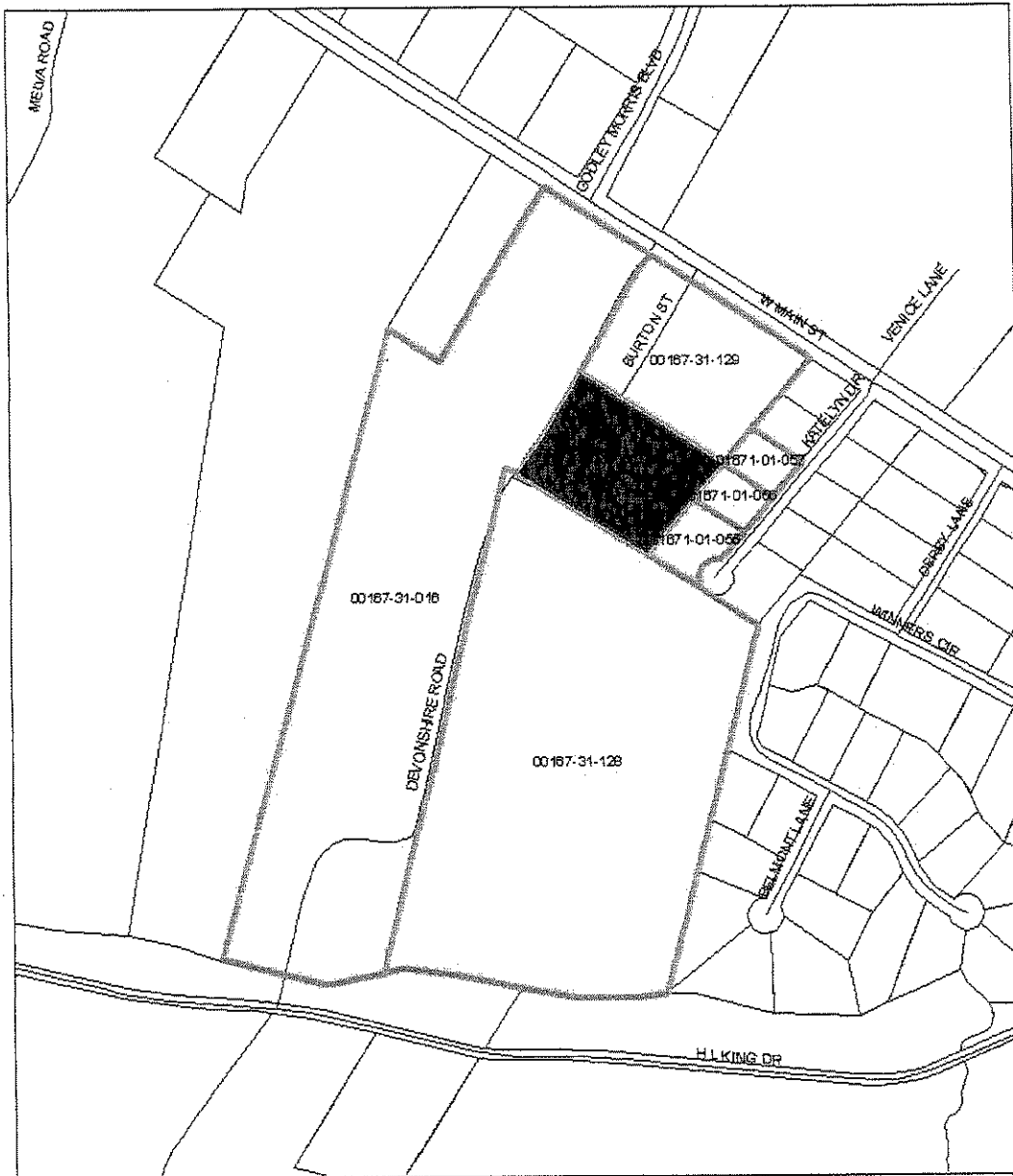


0450 180 Feet

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



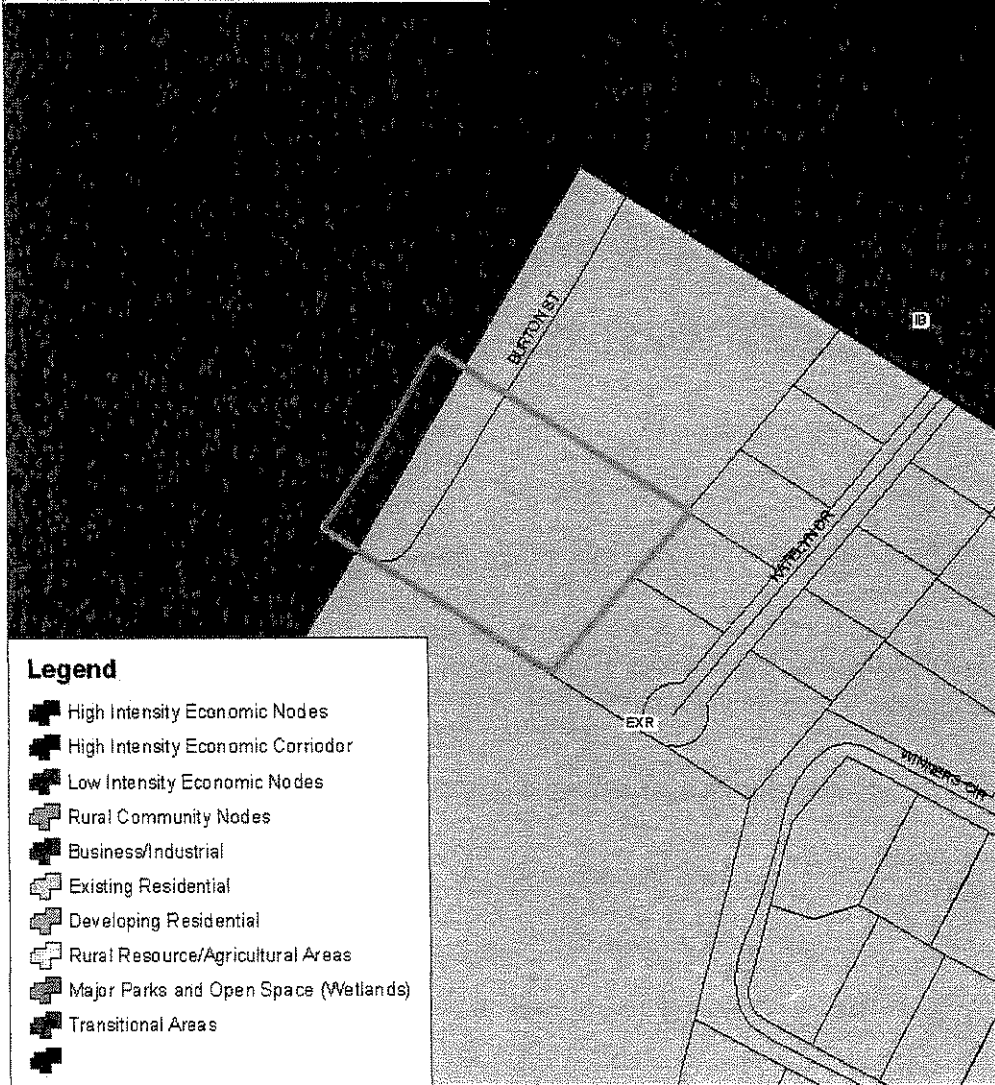
**COUNTY COUNCIL DISTRICT(S): 1**  
**PC#2009-37**



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

**COUNTY COUNCIL DISTRICT(S): 1**  
**PC#2009-37**

**Comprehensive Land Use Plan Map**



**Legend**

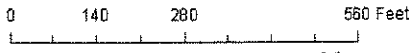
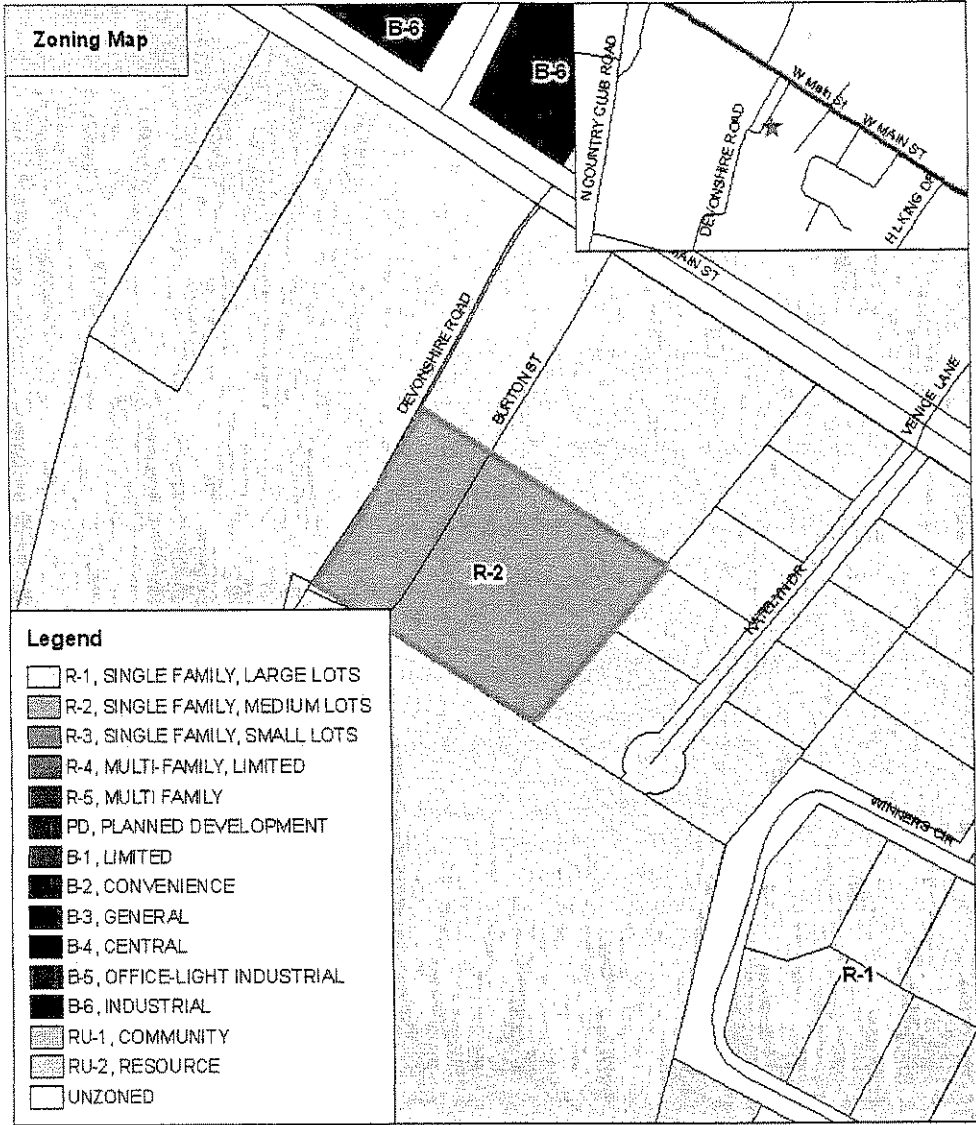
- High Intensity Economic Nodes
- High Intensity Economic Corridor
- Low Intensity Economic Nodes
- Rural Community Nodes
- Business/Industrial
- Existing Residential
- Developing Residential
- Rural Resource/Agricultural Areas
- Major Parks and Open Space (Wetlands)
- Transitional Areas
- 

0 150 300 600 Feet



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

**COUNTY COUNCIL DISTRICT(S): 1**  
**PC#2009-37**



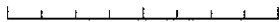
Map Prepared by: RWE  
 Copyright 2007: Florence County/Municipal Planning  
 & Building Inspections Department  
 Geographic Information Systems  
 2007

**COUNTY COUNCIL DISTRICT(S): 1**  
**PC#2009-37**

Florence County 2008 Orthophotography Map



0 100 200 400 Feet



N



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

COUNTY COUNCIL DISTRICT(S): 1  
PC#2009-37



# Comprehensive Plan Attachment:

## Residential Areas Existing Residential

Existing residential areas represent one of the most important resources in the county. As such, the retention and protection of such areas are paramount.

### Objective

The objective of this designation is to identify and protect the character and present use of residential resources (existing neighborhoods and subdivisions) and to prohibit development which would compromise or infringe on the prevailing character or continued use of such resources for residential purposes. Also, this designation is designed to promote in-filling of such areas with like uses as an efficient means of meeting future housing demands, and limiting sprawl.

### Strategy

The following strategies are designed to implement the objective of this classification.

- ✓ Identify and map such areas.
- ✓ Structure and apply zoning and development regulations aimed at protecting the use and integrity of such areas.
- ✓ Monitor existing subdivisions for sign of change of use and/or deteriorating conditions, and take appropriate action to stabilize and/or revitalize such areas for continued residential use.

### Plan Compliance Matrix

PLAN MAP OBJECTIVES (Summary)	USE IN ACCORD WITH PLAN MAP OBJECTIVES	USES AT VARIANCE WITH PLAN MAP OBJECTIVES
Protect and sustain existing residential areas, including property values and amenities	<ul style="list-style-type: none"> <li>❖ Single-family detached, site built dwellings</li> <li>❖ Manufactured housing compatible with design characteristics, safety, and habitability standards required of site built housing</li> <li>❖ Institutional uses in support of and compatible with residential uses, e.g. schools, churches, parks, and recreation facilities</li> </ul>	<ul style="list-style-type: none"> <li>❖ Most non-residential uses, including commercial, industrial, and business uses</li> <li>❖ Multi-family residential uses</li> <li>❖ Mobile and Manufactured homes not meeting standards for inclusion with single-family site built dwellings</li> </ul>

# Economic Activity Areas Industrial-Business Areas

## Objective

The objective of the Industrial–Business designation is twofold, (1) to create industrial and business development opportunities and (2) to protect existing industrial and business interests from incompatible development.

Areas so designated have been determined to be suitable to such development based on soil conditions, access, and infrastructure (existing or planned).

## Strategy

- ✓ Identify and map areas with industrial and business potential, and take appropriate action to reserve such areas for future development.
- ✓ Promote the development of industrial and office parks within such areas.
- ✓ Facilitate such areas for industrial and business development.
- ✓ Reduce through zoning, site design, and/or buffer requirements potential conflicts between business/ industrial uses (existing and future) and residential uses.

## Plan Compliance Matrix

PLAN MAP OBJECTIVES (Summary)	USE IN ACCORD WITH PLAN MAP OBJECTIVES	USES AT VARIANCE WITH PLAN MAP OBJECTIVES
Create industrial and business development opportunities, and protect industrial and business interests from incompatible development	<ul style="list-style-type: none"> <li>❖ Industrial and business uses</li> <li>❖ Institutional uses</li> <li>❖ Wholesale and warehousing uses</li> <li>❖ Big box retail</li> <li>❖ Mixed-use planned development</li> <li>❖ Existing residential and infill of existing subdivisions</li> </ul>	<ul style="list-style-type: none"> <li>❖ New residential subdivisions</li> </ul>

## CHAPTER 30-ZONING ORDINANCE ATTACHMENT

### PD, Planned Development District

The intent of the Planned Development District is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance public health, safety, morals, and general welfare.

Within the PD, regulations adapted to unified planning and development are intended to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots or tracts, promote economical and efficient land use, provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment.

In view of the substantial public advantage of “planned development”, it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly in large undeveloped tracts.

**FLORENCE COUNTY COUNCIL MEETING**  
**Thursday, November 19, 2009**

**AGENDA ITEM:** Ordinance No.19-2009/10  
Introduction

**DEPARTMENT:** Planning and Building Inspections



**ISSUE UNDER CONSIDERATION:**

[An Ordinance To Zone Property Owned By Florence County Located At 959 S. Pamplico Hwy., Pamplico To B-1, Limited Business District Shown On Florence County Tax Map No. 00377, Block 02, Parcel 061 Consisting Of 1.03 Acres.] (*Planning Commission approved 9-0; Council District 2.*)

**POINTS TO CONSIDER:**

1. The property is located in Council District 2.
2. The subject property is currently vacant and unzoned in the Town of Pamplico.
3. The applicant wishes to zone the property to B-1, Limited Business District.
4. On August 17, 2009, the Town of Pamplico annexed the property into its town limits without a Public Hearing by the Planning Commission and without a specific zoning designation.
5. The property is surrounded by vacant lots, commercial uses and residential homes.
6. The property is presently designated as a Rural Resource area.
7. Therefore, the applicant's request to zone this property to B-1 will comply with the Comprehensive Plan Land Use Map.

**OPTIONS:**

1. (*Recommended*) Approve as Presented.
2. Provide An Alternate Directive.

**ATTACHMENTS:**

**Copies of the following are attached:**

1. Ordinance No. 19-2009/10
2. Staff report for PC#2009-38
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	I, _____,
Planning Commission Consideration	: October 27, 2009	Council Clerk, certify that this
Planning Commission Public Hearing	: October 27, 2009	Ordinance was advertised for
Planning Commission Recommendation	: October 27, 2009 [Approved 9-0]	Public Hearing on _____.
First Reading/Introduction	: November 19, 2009	
Committee Referral	: N/A	
Second Reading	: December 10, 2009	
Third Reading	:	
Effective Date	: Immediately	

**ORDINANCE NO. 19-2009/10**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

**[An Ordinance To Zone Property Owned By Florence County Located At 959 S. Pamplico Hwy., Pamplico To B-1, Limited Business District Shown On Florence County Tax Map No. 00377, Block 02, Parcel 061 Consisting Of 1.03 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 October 27, 2009.

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

1. Property located at 959 S. Pamplico Hwy. bearing Tax Map 00377, Block 02, Parcel 061 is hereby zoned to B-1, Limited Business District.
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  
October 27, 2009  
PC#2009-38  
Ordinance 19-2009/10**

**Subject:** Zoning request to B-1, Limited Business District

**Location:** Property located at 959 S. Pamplico Hwy., Pamplico S.C.

**Tax Map Numbers:** 00377, Block 02, Parcel 061

**Council District(s):** 2; County Council

**Owner of Record:** Florence County

**Applicant:** Florence County

**Land Area:** 1.3 Acres

**Existing Land Use and Zoning**

The property is currently vacant and unzoned in the Town of Pamplico.

**Proposed Land Use and Zoning:**

The proposal is to zone the subject property to B-1, Limited Business District.

**Surrounding Land Uses and Zoning:**

**North:** Commercial/B-3/Town of Pamplico

**South:** Vacant/Unzoned/Town of Pamplico

**East:** Vacant/Unzoned/Town of Pamplico

**West:** Single-family residential/R-1/Town of Pamplico

**Florence County Comprehensive Plan:**

The subject property is located in a Rural Resource area according to the existing Comprehensive Plan Land Use Map. The applicant has requested to zone this property to B-1, Limited Business District. This request does comply with the existing Comprehensive Plan.

**Staff Analysis:**

**Access and Circulation-** Present access to the property is by way of Pamplico Hwy.

**Water and Sewer Availability-** The water and sewer services are provided by the Town of Pamplico.

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

**Background-** On August 17, 2009 the Town of Pamplico annexed this property into the Town of Pamplico without a Public Hearing by the Planning Commission. The request is to zone the subject property to B-1, Limited Business District by Florence County.

**Florence County Planning Commission Action: October 27, 2009**

The nine Planning Commission members present approved the zoning request unanimously at the meeting held on October 27, 2009.

**Florence County Planning Commission Recommendation:**

The Planning Commission recommends approval of this request by the Florence County Council due to the zoning being in compliance with the Comprehensive Plan Land Use Map.



04590 180 Feet

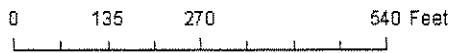


Map Prepared by: RWE  
 Copyright 2007: Florence County/Municipal Planning  
 & Building Inspections Department  
 Geographic Information Systems  
 2007



**COUNTY COUNCIL DISTRICT(S): 2**  
**PC#2009-38**





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

**COUNTY COUNCIL DISTRICT(S): 2**  
**PC#2009-38**

Comprehensive Land Use Plan Map



**Legend**

- High Intensity Economic Nodes
- High Intensity Economic Corridor
- Low Intensity Economic Nodes
- Rural Community Nodes
- Business/Industrial
- Existing Residential
- Developing Residential
- Rural Resource/Agricultural Areas
- Major Parks and Open Space (Wetlands)
- Transitional Areas
- 

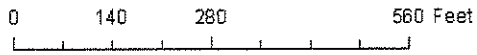
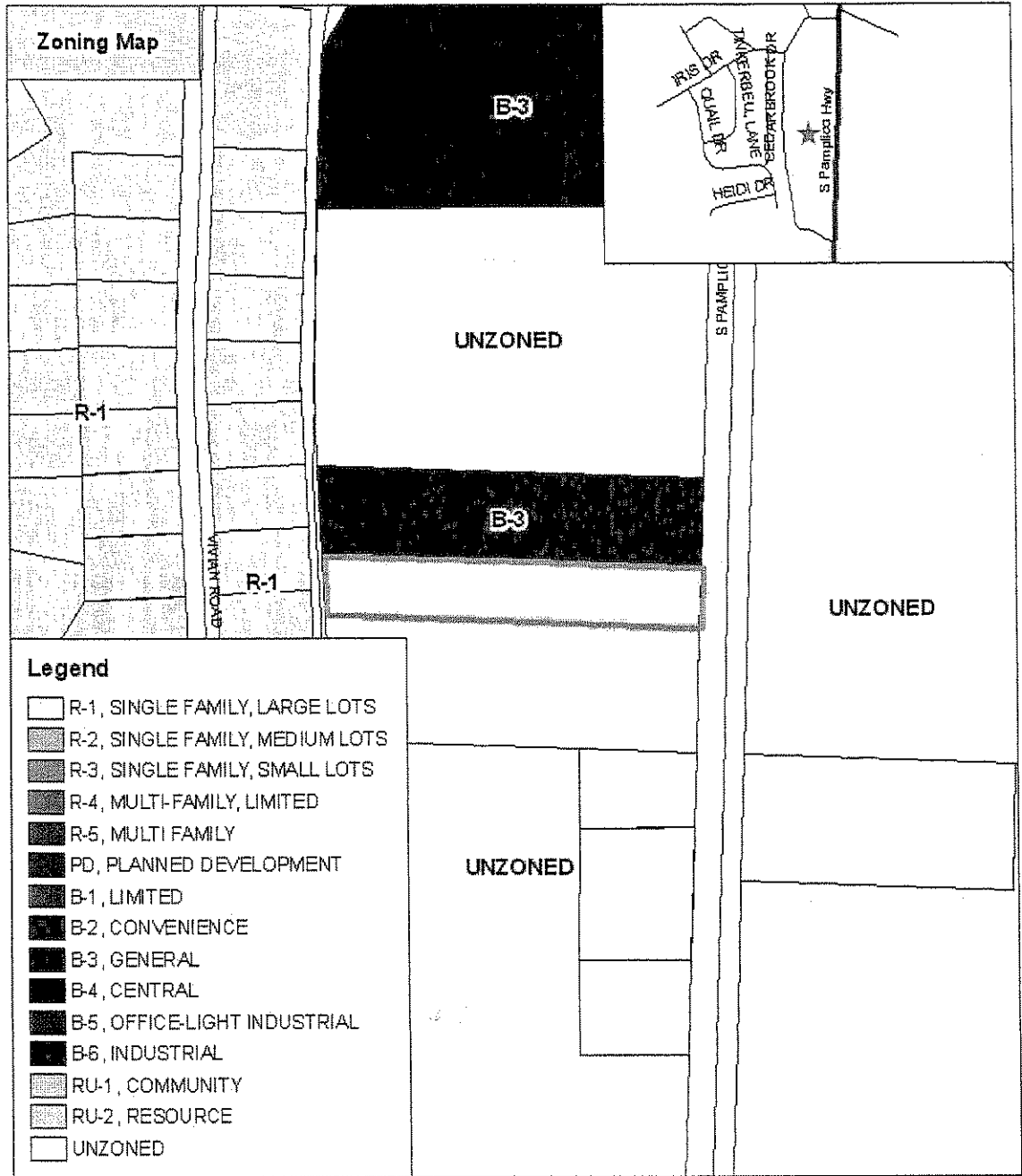
0 150 300 600 Feet

N



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

COUNTY COUNCIL DISTRICT(S): 2  
PC#2009-38



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

**COUNTY COUNCIL DISTRICT(S): 2**  
**PC#2009-38**

Florence County 2008 Orthophotography Map



0 100 200 400 Feet

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



COUNTY COUNCIL DISTRICT(S): 2  
PC#2009-38

# Comprehensive Plan Attachment:

## Rural Resource / Agricultural Areas

Most areas shown on the Plan Map generally are outside the path of projected development, characteristically rural and predominately undeveloped or in agricultural use at this time. Moreover, few changes to these areas are anticipated during the life of this Plan, provided urban sprawl is kept in check. The retention of open lands, woodlands, and wetlands which make up a large part of this area, are essential for clean air, water, wildlife, many natural cycles, and a balanced environment among other things. Even more essential from an economic perspective are the agricultural lands and farming operations in this area. These areas also provide a **rural environment** preferred by many people over subdivisions and higher density urban or community settings.

### Objective

The objective of this classification is to conserve rural characteristics and resources, particularly agricultural, and maintain a balanced rural-urban environment.

### Strategy

Strategies designed to implement this objective include:

- ✓ Setting an urban growth boundary which would limit urban intrusions into such areas.
- ✓ Monitoring and mitigating proposed changes which would alter or compromise the rural character of such area.
- ✓ Amending subdivision regulations to encourage cluster development with open space-agricultural land set aside as an alternative to large lot development.
- ✓ Prohibit through zoning high intensity development from the area.

### Plan Compliance Matrix

PLAN MAP OBJECTIVES (Summary)	USE IN ACCORD WITH PLAN MAP OBJECTIVES	USES AT VARIANCE WITH PLAN MAP OBJECTIVES
<p>Conserve rural characteristics and resources and maintain a balanced rural-urban environment</p>	<ul style="list-style-type: none"> <li>❖ Single-family site built and manufactured dwellings</li> <li>❖ Agricultural uses</li> <li>❖ Small scale retail uses</li> <li>❖ Agricultural related industrial uses</li> <li>❖ Institutional uses</li> </ul>	<ul style="list-style-type: none"> <li>❖ High density residential uses</li> <li>❖ Big Box retail</li> <li>❖ Uses generally in conflict with rural values and characteristics</li> </ul>

## CHAPTER 30-ZONING ORDINANCE ATTACHMENT

### **B-1, Limited Business District**

This district is intended to accommodate office, institutional, and residential uses in areas whose character is changing, or where such a mix of uses is appropriate. It is designed principally for use along major streets dominated by older houses in transition.

# FLORENCE COUNTY COUNCIL MEETING

November 19, 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

November 19, 2009

**AGENDA ITEM:** Reports to Council  
Monthly Financial Reports

**DEPARTMENT:** Administration

**ISSUE UNDER CONSIDERATION:**

Monthly financial reports are provided to Council for fiscal year 2010 through September 30, 2009 as an item for the record.

**ATTACHMENTS:**

Copies of the monthly financial reports.



**FLORENCE COUNTY GOVERNMENT  
GENERAL FUND  
REVENUE & EXPENDITURE REPORT FY10  
7/1/09 TO 9/30/09**

	BUDGETED REVENUE	YEAR-TO-DATE ACTUAL REVENUE	REMAINING BALANCE	PCT
<b>REVENUES</b>				
Taxes	32,031,860	18,167,908	13,863,952	43.28%
Licenses & Permits	1,522,800	161,863	1,360,937	89.37%
Fines & Fees	3,485,600	807,577	2,678,023	76.83%
Intergovernmental	7,162,442	108,287	7,054,155	98.49%
Sales and Other Functional	5,180,350	1,150,727	4,029,623	77.79%
Miscellaneous	1,362,250	51,133	1,311,117	96.25%
Operating Transfers	(3,141,056)	-	(3,141,056)	100.00%
Use of Fund Balance	1,740,000	-	1,740,000	100.00%
<b>TOTAL</b>	<b>49,344,246</b>	<b>20,447,496</b>	<b>28,896,750</b>	<b>58.56%</b>

	BUDGETED EXPENDITURE	YEAR-TO-DATE ACTUAL EXPENDITURE	REMAINING BALANCE	PCT	
<b>EXPENDITURES</b>					
10-411-401-000	County Council	324,782	60,546	264,236	81.36%
10-411-401-100	County Associations	22,921	-	22,921	100.00%
10-411-402-000	Administrator	628,254	150,136	478,118	76.10%
10-411-403-100	Clerk of Court	955,483	235,854	719,629	75.32%
10-411-403-200	General Sessions Court	172,252	12,085	160,167	92.98%
10-411-403-300	Family Court	657,880	146,109	511,771	77.79%
10-411-403-400	Master in Equity	53,352	11,765	41,587	77.95%
10-411-404-000	Solicitor	968,098	227,016	741,082	76.55%
10-411-405-000	Judge of Probate	511,408	108,313	403,095	78.82%
10-411-406-000	Public Defender	683,764	154,172	529,592	77.45%
10-411-406-100	Public Defender - Marion County	54,862	12,162	42,700	77.83%
10-411-407-100	Magistrates - Florence	1,358,849	288,841	1,070,008	78.74%
10-411-407-200	Magistrates-Timmonsville	221,989	48,649	173,340	78.08%
10-411-407-300	Magistrates - Olanta	76,425	2,494	73,931	96.74%
10-411-407-400	Magistrates - Johnsonville	111,747	25,675	86,072	77.02%
10-411-407-500	Magistrates - Pamplico	150,273	32,191	118,082	78.58%
10-411-407-600	Magistrates - Lake City	215,673	47,644	168,029	77.91%
10-411-407-700	Magistrates - LEC	9,450	1,038	8,412	89.02%
10-411-407-800	Magistrates - LEC	2,750	-	2,750	100.00%
10-411-407-900	Magistrates - LEC	2,750	1,059	1,691	61.50%
10-411-409-000	Legal Services	84,150	8,864	75,286	89.47%
10-411-410-100	Voter Registration	440,098	101,695	338,403	76.89%
10-411-410-200	Elections	40,000	-	40,000	100.00%
10-411-411-000	Finance	710,870	158,927	551,943	77.64%
10-411-411-900	County Audit	59,400	1,500	57,900	97.47%
10-411-412-000	Human Resources	240,594	47,349	193,245	80.32%
10-411-412-900	Non-Department Fringe	1,031,179	285,425	745,754	72.32%
10-411-413-100	Procurement & Facilities	214,230	32,625	181,605	84.77%
10-411-413-200	Central Maintenance	1,051,232	264,382	786,851	74.85%
10-411-414-200	GIS	383,744	69,967	313,777	81.77%

**FLORENCE COUNTY GOVERNMENT  
GENERAL FUND  
REVENUE & EXPENDITURE REPORT FY10  
7/1/09 TO 9/30/09**

10-411-414-900	General Phone System	8,910	1,758	7,152	80.27%
10-411-415-100	Treasurer	830,013	154,775	675,238	81.35%
10-411-415-200	Delinquent Tax	381,880	60,495	321,385	84.16%
10-411-416-000	Auditor	481,640	101,236	380,404	78.98%
10-411-417-000	Tax Assessor	1,237,707	259,047	978,660	79.07%
10-411-418-100	Planning and Engineering	1,101,144	376,574	724,570	65.80%
10-411-418-200	Building Department	948,234	168,518	779,716	82.23%
10-411-419-000	Complex	1,247,869	256,891	990,978	79.41%
10-411-420-000	Buildings and Grounds	906,594	173,251	733,343	80.89%
10-411-427-000	Information Technology	1,280,888	379,874	901,014	70.34%
10-411-446-000	Veteran's Affairs	153,066	32,928	120,138	78.49%
10-411-480-210	Florence Senior Center	178,653	39,225	139,428	78.04%
10-411-480-220	Lake City Senior Center	158,400	-	158,400	100.00%
10-411-485-130	Pee Dee CAA	9,900	-	9,900	100.00%
10-411-485-290	Senior Citizens' Association	9,900	-	9,900	100.00%
10-411-485-410	Airport Commission	75,457	-	75,457	100.00%
10-411-485-420	PDRTA	14,850	-	14,850	100.00%
10-411-485-510	Soil & Water Conservation	3,779	-	3,779	100.00%
10-411-485-520	County Agent	4,950	-	4,950	100.00%
10-411-485-610	Stadium Commission	5,049	2,525	2,525	50.00%
10-411-485-850	Humane Society	4,950	-	4,950	100.00%
10-411-485-910	Pee Dee COG	75,457	18,864	56,593	75.00%
10-411-485-990	Legislative Delegation Office	4,950	-	4,950	100.00%
10-411-488-000	Contingency Fund	510,516	136,977	373,539	73.17%
10-411-489-100	Employee Tort Insurance	214,900	213,909	991	0.46%
10-411-489-200	Employee Blanket Bond	842	825	17	2.06%
10-421-421-110	Sheriff's Department	7,992,156	2,217,775	5,774,381	72.25%
10-421-421-190	Sheriff's Special Projects	32,000	32,000	-	0.00%
10-421-421-200	County Jail	6,503,255	1,321,063	5,182,192	79.69%
10-421-422-100	Emergency Preparedness	285,548	55,972	229,576	80.40%
10-421-422-200	Central Dispatch	1,797,708	386,177	1,411,531	78.52%
10-421-422-300	County Radio System	336,504	66,346	270,158	80.28%
10-421-481-950	Rural Fire Departments	14,850	1,130	13,720	92.39%
10-451-423-000	EMS	4,214,054	779,240	3,434,814	81.51%
10-451-424-100	Rescue Squad - Timmonsville	183,788	6,844	176,944	96.28%
10-451-424-300	Rescue Squad - Olanta	37,005	-	37,005	100.00%
10-451-424-400	Rescue Squad - Hannah-Salem	74,250	619	73,631	99.17%
10-451-424-500	Rescue Squad - Johnsonville	51,183	13,526	37,657	73.57%
10-451-424-600	Rescue Squad - Pamplico	38,023	3,275	34,748	91.39%
10-451-424-700	Rescue Squad - Windy Hill	8,791	-	8,791	100.00%
10-451-424-800	Rescue Squad - J'ville Fire	20,276	-	20,276	100.00%
10-451-424-991	Rescue Squad - LC Rural Fire	5,247	-	5,247	100.00%
10-451-424-992	Rescue Squad - Coward Fire	2,027	-	2,027	100.00%
10-451-424-993	Rescue Squad - Scranton Fire	2,027	-	2,027	100.00%
10-451-424-994	Rescue Squad - Howe Springs Fire	2,027	-	2,027	100.00%
10-451-424-995	Rescue Squad - West Florence	11,880	-	11,880	100.00%
10-451-425-000	Coroner	263,858	50,798	213,060	80.75%
10-451-425-100	Pauper's Funerals	6,930	2,000	4,930	71.14%
10-451-441-000	Health Department	85,140	20,801	64,339	75.57%

**FLORENCE COUNTY GOVERNMENT  
GENERAL FUND  
REVENUE & EXPENDITURE REPORT FY10  
7/1/09 TO 9/30/09**

10-451-442-000	Environmental Services	711,559	132,721	578,838	81.35%
10-451-485-310	DSN Board	4,901	-	4,901	100.00%
10-451-485-320	Mental Health Association	2,970	-	2,970	100.00%
10-451-485-330	PD Mental Health Center	4,901	-	4,901	100.00%
10-451-485-720	PD Speech and Hearing	2,970	-	2,970	100.00%
10-461-485-110	MIAP Administration	402,714	175,410	227,304	56.44%
10-461-485-120	DSS	51,163	17,129	34,034	66.52%
10-461-485-810	PD Coalition	9,900	-	9,900	100.00%
10-471-451-100	Recreation	1,038,013	374,857	663,156	63.89%
10-471-451-400	Lynches River Park	376,367	107,494	268,873	71.44%
10-471-451-201	Tourism	284,065	67,518	216,547	76.23%
10-471-455-000	County Library	3,591,064	813,431	2,777,633	77.35%
10-471-485-620	Museum Commission	9,900	-	9,900	100.00%
10-481-485-710	Literacy Council	4,901	-	4,901	100.00%

TOTAL	49,752,872	11,560,280	38,192,592	76.76%
-------	------------	------------	------------	--------

Ideal Remaining % = 75.00%

**FLORENCE COUNTY  
BUDGET REPORT - OTHER FUNDS  
CURRENT PERIOD: 7/1/2009 TO 9/30/2009**

	BUDGETED EXPENDITURE	YEAR TO DATE CURRENT	REMAINING BALANCE	PCT	BUDGETED REVENUE	YEAR TO DATE CURRENT	REMAINING BALANCE	PCT
45 County Debt Service Fund	3,769,173	305,924	3,463,249	91.88%	3,769,173	3,469,901	299,272	7.94%
112 Economic Development Partnership Fund	455,400	118,642	336,758	73.95%	455,400	47,030	408,370	89.67%
123 Local Accommodations Tax Fund	2,752,153	499,691	2,252,462	81.84%	2,752,153	233,102	2,519,051	91.53%
124 Local Hospitality Tax Fund	694,271	33,376	660,895	95.19%	694,271	216,760	477,511	68.78%
131 District Utility Allocation Fund	2,668,150	42,905	2,625,245	98.39%	2,668,150	-	2,668,150	100.00%
132 District Infrastructure Allocation Fund	1,771,836	68,446	1,703,390	96.14%	1,771,836	-	1,771,836	100.00%
151 Law Library Fund	89,100	3,248	85,852	96.35%	89,100	10,359	78,741	88.37%
153 Road System Maintenance Fee Fund	3,337,117	558,432	2,778,685	83.27%	3,337,117	712,892	2,624,225	78.64%
154 Victim/Witness Assistance Fund	364,568	72,790	291,778	80.03%	364,568	40,935	323,633	88.77%
421 Landfill Fund	4,344,219	763,480	3,580,739	82.43%	4,344,219	98,632	4,245,587	97.73%
431 E911 System Fund	685,170	305,674	379,496	55.39%	685,170	53,872	631,298	92.14%
<b>TOTALS:</b>	<b>20,931,157</b>	<b>2,772,609</b>	<b>18,158,548</b>	<b>86.75%</b>	<b>20,931,157</b>	<b>4,883,483</b>	<b>16,047,674</b>	<b>76.67%</b>

IDEAL REMAINING PERCENT: 75.00%

331 Capital Project Sales Tax Fund (Florence County Forward road projects)

Sales taxes received and interest reported from inception through quarter ended September 30, 2009 \$46,390,609

*(Sales taxes are received directly by South Carolina Department of Revenue and are remitted to Florence County on a quarterly basis.)*

**Florence County Council  
Allocation Balances by District  
September 30, 2009**

<b>Council District #</b>	<b>Type of Allocation</b>	<b>Beginning Budget FY09</b>	<b>Commitments &amp; Current Year Expenditures</b>	<b>Current Available Balances</b>
<b>1</b>	Infrastructure	273,795.96	86,270.22	187,525.74
	Paving	50,962.00	19,653.38	31,308.62
	Utility	292,757.45	53,500.00	239,257.45
	In-Kind	19,800.00	-	19,800.00
<b>2</b>	Infrastructure	86,353.87	39,248.24	40,305.63
	Paving	123,801.75	41,472.02	82,329.73
	Utility	90,964.72	11,679.39	79,285.33
	In-Kind	19,800.00	1,862.40	17,937.60
<b>3</b>	Infrastructure	145,255.12	31,486.92	112,433.20
	Paving	445,940.82	325,031.07	120,909.75
	Utility	256,800.29	37,194.75	219,605.54
	In-Kind	19,800.00	3,872.00	15,928.00
<b>4</b>	Infrastructure	300,362.28	33,370.57	265,656.71
	Paving	157,851.86	22,943.38	134,908.48
	Utility	84,841.47	5,670.00	79,171.47
	In-Kind	19,800.00	-	19,800.00
<b>5</b>	Infrastructure	114,239.51	49,463.78	63,440.73
	Paving	71,493.35	23,171.27	48,322.08
	Utility	184,199.48	52,300.00	131,899.48
	In-Kind	19,800.00	-	19,800.00
<b>6</b>	Infrastructure	279,166.47	12,709.19	266,457.28
	Paving	196,497.87	-	196,497.87
	Utility	249,410.95	8,936.00	240,474.95
	In-Kind	19,800.00	-	19,800.00
<b>7</b>	Infrastructure	133,600.52	35,381.04	98,219.48
	Paving	315,436.06	130,793.06	184,643.00
	Utility	319,562.45	53,851.66	265,710.79
	In-Kind	19,800.00	-	19,800.00
<b>8</b>	Infrastructure	309,294.44	183,057.08	126,237.36
	Paving	289,746.80	141,670.80	148,076.00
	Utility	303,522.15	144,139.20	159,382.95
	In-Kind	19,800.00	-	19,800.00
<b>9</b>	Infrastructure	100,044.68	48,033.90	50,675.78
	Paving	155,723.13	33,959.13	121,764.00
	Utility	264,773.93	26,539.02	238,234.91
	In-Kind	19,800.00	-	19,800.00

Infrastructure funds to be used for capital projects or equipment purchases. (See guidelines)  
Paving funds to be used for paving or rocking roads. See guidelines in County code.  
Utility funds to be used for water, sewer, stormwater, and any infrastructure fund projects.  
In-Kind funds to be used for projects completed by the Public Works Department.

# FLORENCE COUNTY COUNCIL MEETING

November 19, 2009

**AGENDA ITEM:** Reports to Council  
Florence Regional Arts Alliance Request

**DEPARTMENT:** Administration

## **ISSUE UNDER CONSIDERATION:**

Florence Regional Arts Alliance Requests The Temporary Use Of The Former Florence County Public Library For ArtsFest 2010 To Be Held From Friday, February 5 Through Sunday, February 7, 2010, Plus Approximately Two Weeks For Set Up And Takedown Time.

## **POINTS TO CONSIDER:**

1. The Regional Arts Alliance has agreed to maintain general liability insurance for the event, naming Florence County as an additional insured, and to indemnify and hold harmless the County. A letter of agreement constituting a temporary conditional lease will be executed prior to allowing the use of the facility.
2. The Arts Alliance held ArtsFest 2008 and HolidayFest 2009 in the former Florence County Public Library building.
3. Council permission is required to permit a portion of the facility to be temporarily leased for this limited purpose.

## **OPTIONS:**

1. (Recommended) Approve the request as presented.
2. Decline to approve the use of the facility.

## **ATTACHMENTS:**

A copy of the request from Frank H. Crow, Jr., Executive Director, Florence Regional Arts Alliance.



## FLORENCE REGIONAL ARTS ALLIANCE

Located at 412 South Dargan Street  
PO Box 3871 - Florence, SC 29502-3871  
Phone: 843-665-2787 - Fax: 843-665-2098  
[www.FlorenceWeb.com/ArtsAlliance](http://www.FlorenceWeb.com/ArtsAlliance)  
[FlorenceArts@aol.com](mailto:FlorenceArts@aol.com)

November 6, 2009

Richard Starks, Administrator  
Florence County  
180 North Irby Street MSC-G  
Florence, SC 29501

Via email to [rstarks@florenceco.org](mailto:rstarks@florenceco.org)

Dear Richard:

Pursuant to our telephone conversation today, I write to request permission to use the former Florence County Public Library building for ArtsFest 2010. Because of the significant response from both artists and public alike to our previous ArtsFest celebrations of the visual arts and fine crafts, The Alliance feels that our ArtsFest initiative is well on its way to becoming a regular, recurring, and signature event showcasing the creative work being produced by artists from Florence, the Pee Dee, and the Eastern Carolinas. The Arts Alliance feels an added advantage to the event being held in the former Library building is that for the period of one elegant evening and three subsequent days a much cherished community landmark and major architectural statement takes on new, but not inappropriate, life and purpose that can be enjoyed and appreciated by citizens from the community, area, and region.

According to the plans currently being developed, participating artists would move their works in on Saturday and Sunday, January 30 and 31. It is expected that the event will include the usual components, an Exhibition and Sale and a Juried Art Competition. ArtsFest 2010 would open on Thursday, February 4 with a Gala Preview Opening featuring live music and hors d'oeuvres. ArtsFest would also be open to the public on Friday, Saturday, and Sunday, February 5, 6, and 7. It is expected that we will again use all available space on both the first and second floors. In order to prepare for the Exhibition and Sale component, set up display screens for the Juried Art Competition, and in general prepare the facility for the event, we request access to the building for at minimum of one week prior to Friday, January 29 or by Friday, January 22. The added time makes it more comfortable for those making the necessary arrangements, if such access is possible.

The Arts Alliance sincerely appreciates County Council's previous support of our ArtsFest initiative. We believe ArtsFest provides both an appropriate use of the facility and also an opportunity for many of the community's citizens to stroll down memory lane and remember their various associations with the building over the years. Thank you for in advance for your consideration and, as always, for your ongoing support.

Sincerely,

*Frank H. Crow, Jr.*

Frank H. Crow, Jr.  
Executive Director

# FLORENCE COUNTY COUNCIL MEETING

November 19, 2009

**AGENDA ITEM:** Reports to Council  
Grant Award South Carolina Department of Health and Environmental Control

**DEPARTMENT:** Florence County Administration  
Grants Department

## **ISSUES UNDER CONSIDERATION:**

Accept additional funding for grant award #21 wo 10 in the amount of \$2,000 as approved by the South Carolina Department of Health and Environmental Control under the FY10 Used Oil Grant Program to cover contract costs for used oil filter recycling, public education and professional development for the Recycling Coordinator.

## **POINTS TO CONSIDER:**

1. Florence County will utilize the additional funds awarded by the South Carolina Department of Health and Environmental Control FY10 Used Oil Grant to assist in public education.
2. The additional grant funds will be used to pay for public education materials.
3. Acceptance of the grant includes the authorization of appropriate general ledger accounts within the Grant Fund.

## **FUNDING FACTORS:**

1. \$2,000 = Total of additional costs for the FY10 Used Oil program for Florence County as outlined under the South Carolina Department of Health and Environmental Control program grant funds for FY10.
2. \$0 = Matching funds required.

## **OPTIONS:**

1. *(Recommended)* Approve as presented.
2. Provide an Alternative Directive.

## **ATTACHMENTS:**

Modification of Award Letter from the South Carolina Department of Health and Environmental Control.





South Carolina Department of Health and Environmental Control

OFFICE OF SOLID WASTE REDUCTION AND RECYCLING MODIFICATION/CHANGE OF SCOPE APPROVAL

<b>Grantee: Florence County</b>	<b>Grant Number: 21WO10</b>
<b>SWAC Approval Date:</b> September 10, 2009	
<b>SCOPE OF WORK</b>	
All purchases made under the scope of the grant must be requisitioned, purchased or procured by March 31, 2010, unless otherwise approved by the Office.	
Funding will be used for contract costs for the removal and recycling of used oil filters. Collection containers will be placed at recycling centers and made available to residents. County staff will ensure that all used oil and related items collected in this program are recycled or reused. End markets and total annual tonnages for all materials collected as a result of this grant will be reported in the final report.	
Public education funds will be used for promotional activities to include design, printing, and distribution of informational materials as approved by the Office.	
Professional development including travel by county personnel to recycling conferences or trainings must be requested in writing and approved by the Office.	
<b>Modification Amount:</b>	<b>\$2,000.00</b>
<b>BUDGET:</b>	
<b>Contractor Costs</b>	<b>\$2,730.00</b>
Filter Recycling	\$2,730.00
<b>Public Education</b>	<b>\$2,500.00</b>
Ads, brochures, promo. Items	\$2,500.00
<b>Professional Development</b>	<b>\$ 500.00</b>
Workshops, conferences	\$ 500.00
<b>TOTAL GRANT AWARD: \$5,730.00</b>	

The Office of Solid Waste Reduction and Recycling has modified your grant budget as shown above.

This document shall supercede any prior budget upon your acceptance. All modifications and changes of scope adhere to the same guidelines and terms and conditions as listed in the original grant agreement. By signing below you are accepting and agreeing to the above changes.

*[Signature]*

*[Signature]*

Authorized Representative  
DHEC  
9/29/09

Authorized Representative  
Grantee  
10/19/09

Date

Date

# FLORENCE COUNTY COUNCIL MEETING

November 19, 2009

**AGENDA ITEM:** Grant Award SLED HS FFY09

**DEPARTMENT:** Florence County Emergency Management Department  
Grants Department

## **ISSUE UNDER CONSIDERATION:**

Accept a \$50,000 grant award from the South Carolina Law Enforcement Division (SLED) for approved Homeland Security equipment and training to be used by the Florence County Emergency Management Department (EMD).

## **POINTS TO CONSIDER:**

1. The Emergency Management Department will apply for equipment and training under the Federal Fiscal Year 2009 State Homeland Security (HS) Program, grant assignment #9SHSP11, to assist with the Florence County Type III Incident Management Team operations.
2. The grant does not require matching funds.
3. Acceptance of the grant includes the authorization of appropriate general ledger accounts within the Grant Fund.

## **FUNDING FACTORS:**

1. \$50,000 = Total one-time costs for the SLED HS FFY09.
2. No match required.

## **OPTIONS:**

1. *(Recommended)* Approve as presented.
2. Provide an Alternate Directive.

## **ATTACHMENTS:**

Copy of the grant award for the HS 9SHSP11 FFY09 from SLED.

SOUTH CAROLINA LAW ENFORCEMENT DIVISION  
OFFICE OF HOMELAND SECURITY  
POST OFFICE BOX 21398  
COLUMBIA, SOUTH CAROLINA 29221-1398

**GRANT AWARD**

Subgrantee: Florence County Emergency Management

Project Title(s): Pee Dee Regional Type III Incident Management Team \$50,000.00

Grant Period: 10/01/09-11/30/10 Date of Award: 10/23/2009

Total Amount of Award: \$50,000.00 Grant Number: 9SHSP11


In accordance with the provisions of Federal Fiscal Year 2009 State Homeland Security Grant Program, the South Carolina Law Enforcement Division (SLED) hereby awards to the foregoing Subgrantee a grant in the amount shown above. The CFDA number is 97.067 and SLED's federal grant number is 2009-SS-T9-0084.

**Payment of Funds:** The original signed copy of this Award must be signed by the *Official Authorized to Sign* in the space below and returned to SLED **no later than November 16, 2009**. The grant shall be effective upon return of this form and final approval by SLED of the grant budget and program narrative. Final approval of the grant application will be sent in the form of a Grant Adjustment Notice. **No funds are to be obligated or expended until receipt of the Grant Adjustment Notice.** Grant funds will be disbursed to subgrantees (according to the approved project budget) upon clearance of special conditions and receipt of evidence that funds have been invoiced and products received and/or that funds have been expended (i.e., invoices, contracts, itemized expenses, etc.).

**Conditions:** I certify that I understand and agree that funds will only be expended for those projects outlined in the funding amounts as individually listed above. I also certify that I understand and agree to comply with the general and fiscal terms and conditions of the grant including special conditions; to comply with provisions of the Act governing these funds and all other federal laws; that all information is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized to commit the applicant to these requirements; that costs incurred prior to grant application approval will result in the expenses being absorbed by the subgrantee; and that all agencies involved with this project understand that all federal funds are limited to the specified performance period.

**Supplantation:** The Act requires that subgrantees provide assurance that subgrant funds will not be used to supplant or replace local or state funds or other resources that would otherwise have been available for homeland security activities. In compliance with that mandate, I certify that the receipt of federal funds through SLED shall in no way supplant or replace state or local funds or other resources that would have been made available for homeland security activities.

ACCEPTANCE FOR THE SUBGRANTEE

  
Signature of Official Authorized to Sign

  
Signature of SLED Agency Director

GRANT AWARD NOTICE: THIS AWARD IS SUBJECT TO THE GRANT SPECIAL CONDITIONS AND FINAL APPROVAL BY SLED OF THE SUBGRANTEE'S GRANT PROGRAM BUDGET AND NARRATIVE

# FLORENCE COUNTY COUNCIL MEETING

November 19, 2009

**AGENDA ITEM:** Grant Award SLED HS FFY09

**DEPARTMENT:** Florence County Emergency Management Department  
Grants Department

## **ISSUE UNDER CONSIDERATION:**

Accept a \$40,000 grant award from the South Carolina Law Enforcement Division (SLED) for approved Homeland Security equipment and training to be used by the Florence County Emergency Management Department (EMD).

## **POINTS TO CONSIDER:**

1. The Emergency Management Department will apply for equipment and training under the Federal Fiscal Year 2009 State Homeland Security (HS) Program, grant assignment #9SHSP38, to assist with the Florence County WMD/COBRA Team operations.
2. The grant does not require matching funds.
3. Acceptance of the grant includes the authorization of appropriate general ledger accounts within the Grant Fund.

## **FUNDING FACTORS:**

1. \$40,000 = Total one-time costs for the SLED HS FFY09.
2. No match required.

## **OPTIONS:**

1. *(Recommended)* Approve as presented.
2. Provide an Alternate Directive.

## **ATTACHMENTS:**

Copy of the grant award for the HS 9SHSP38 FFY09 from SLED.

SOUTH CAROLINA LAW ENFORCEMENT DIVISION  
OFFICE OF HOMELAND SECURITY  
POST OFFICE BOX 21398  
COLUMBIA, SOUTH CAROLINA 29221-1398

**GRANT AWARD**

Subgrantee: Florence County Emergency Management  
Project Title(s): WMD/COBRA Team Enhancement \$40,000.00  
Grant Period: 10/01/09-11/30/10 Date of Award: 10/23/2009  
Total Amount of Award: \$40,000.00 Grant Number: 9SHSP38


In accordance with the provisions of Federal Fiscal Year 2009 State Homeland Security Grant Program, the South Carolina Law Enforcement Division (SLED) hereby awards to the foregoing Subgrantee a grant in the amount shown above. The CFDA number is 97.067 and SLED's federal grant number is 2009-SS-T9-0084.

**Payment of Funds:** The original signed copy of this Award must be signed by the *Official Authorized to Sign* in the space below and returned to SLED no later than November 16, 2009. The grant shall be effective upon return of this form and final approval by SLED of the grant budget and program narrative. Final approval of the grant application will be sent in the form of a Grant Adjustment Notice. **No funds are to be obligated or expended until receipt of the Grant Adjustment Notice.** Grant funds will be disbursed to subgrantees (according to the approved project budget) upon clearance of special conditions and receipt of evidence that funds have been invoiced and products received and/or that funds have been expended (i.e., invoices, contracts, itemized expenses, etc.).

**Conditions:** I certify that I understand and agree that funds will only be expended for those projects outlined in the funding amounts as individually listed above. I also certify that I understand and agree to comply with the general and fiscal terms and conditions of the grant including special conditions; to comply with provisions of the Act governing these funds and all other federal laws; that all information is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized to commit the applicant to these requirements; that costs incurred prior to grant application approval will result in the expenses being absorbed by the subgrantee; and that all agencies involved with this project understand that all federal funds are limited to the specified performance period.

**Supplantation:** The Act requires that subgrantees provide assurance that subgrant funds will not be used to supplant or replace local or state funds or other resources that would otherwise have been available for homeland security activities. In compliance with that mandate, I certify that the receipt of federal funds through SLED shall in no way supplant or replace state or local funds or other resources that would have been made available for homeland security activities.

ACCEPTANCE FOR THE SUBGRANTEE

  
Signature of Official Authorized to Sign

  
Signature of SLED Agency Director

GRANT AWARD NOTICE: THIS AWARD IS SUBJECT TO THE GRANT SPECIAL CONDITIONS AND FINAL APPROVAL BY SLED OF THE SUBGRANTEE'S GRANT PROGRAM BUDGET AND NARRATIVE

# FLORENCE COUNTY COUNCIL MEETING

November 19, 2009

**AGENDA ITEM:** Reports

**DEPARTMENT:** Finance  
Sheriff

## **ISSUE UNDER CONSIDERATION:**

Approve the allocation of \$106,975 from the General Fund Fund Balance for the five (5) additional patrol deputy slots approved by County Council at its regular meeting of October 15, 2009.

## **POINTS TO CONSIDER:**

1. At its regular meeting of October 15, 2009, County Council approved the addition of five (5) sheriff deputy slots.
2. The vehicles and other equipment for these five positions are being funded by a \$250,000+ federal grant which was previously accepted by County Council.
3. These positions will be funded starting with the pay period that begins on November 28, 2009.

## **FUNDING FACTORS:**

1. \$106,975 = Total costs for FY2009/2010
2. \$106,975 is funded from General Fund fund-balance and will be included in the year-end budget amendment ordinance.
3. Total personnel costs for first full fiscal year and thereafter is estimated at 0.6 mills.

## **OPTIONS:**

1. *(Recommended)* Approve as presented.
2. Provide alternate directives.

# FLORENCE COUNTY COUNCIL MEETING

November 19, 2009

**AGENDA ITEM:** SCSL 2010 Fiscal Stabilization Funds

**DEPARTMENT:** Florence County Library System  
Grants Department

## **ISSUE UNDER CONSIDERATION:**

Accept FY 2010 State Stabilization Funds from the South Carolina State Library (SCSL) in the amount of \$52,820 to be utilized to purchase computer equipment, replace several security cameras in the main library and purchase books and other needed resources materials.

## **POINTS TO CONSIDER:**

1. The Florence County Library System will purchase equipment, books and resource materials under the SCSL 2010 Fiscal Stabilization Funds, to assist with Florence County Library System operations.
2. The grant does not require matching funds.
3. Acceptance of the grant includes the authorization of appropriate general ledger accounts within the Grant Fund.

## **FUNDING FACTORS:**

1. \$52,820 = Total one-time costs for the SCSL 2010 Stabilization Funds.
2. No local match required.

## **OPTIONS:**

1. *(Recommended)* Approve as presented.
2. Provide an Alternate Directive.

## **ATTACHMENTS:**

Copy of the check from the South Carolina State Library for the SCSL 2010 Stabilization Funds.



**SOUTH CAROLINA  
STATE  
LIBRARY**

Post Office Box 11469  
Columbia, SC 29211-1469  
Telephone: (803) 734-8666  
Fax: (803) 734-8676

ATTENTION: ALL:  
The enclosed check is in payment of State Stabilization Funds-AARA  
FY 2010 Distribution of State Stabilization Funds

and is to be credited to the account of the

Florence  
County Library

in the amount of \$ 52,820.00

If you have any questions about this payment, contact your local library director  
or the Director Finance & Business Operations at the South Carolina State Library.

**THE FOLLOWING INVOICES ARE BEING PAID WITH THIS CHECK:**

20098923 STABILIZATION P 52,820.00

PURSUANT TO WARRANT OF RICHARD ECKSTROM COMPTROLLER GENERAL		STATE OF SOUTH CAROLINA		67-776	
<b>Office Of State Treasurer</b>		<b>CONVERSE A. CHELLIS III, CPA</b>		532	
SC STATE LIBRARY		STATE TREASURER		130489188	
AGENCY NBR.	WARRANT NBR.	VOUCHER NUMBER	DATE	AMOUNT	
H87	H870909296003009	3459421	09/29/2009	*****52,820.00	
PAY TO FLORENCE COUNTY TREASURER			PAY-->\$ *****52,820.00		
PO BOX 100501 FLORENCE, SC 295050501			<i>Converse A. Chellis III</i>		
CONTINGENCIES ACCOUNT WACHOVIA BANK, GREENVILLE, SC			CONVERSE A. CHELLIS III STATE TREASURER		
⑈ 130489188 ⑈ ⑆053207766⑆ 2003233043787⑈					

10,341.335720

87297  
10/8/09



## FLORENCE COUNTY COUNCIL MEETING

November 19, 2009

**AGENDA ITEM:** Grant Award-The Conservation Fund

**DEPARTMENT:** Florence County Parks & Recreation  
Grants Department

### **ISSUE UNDER CONSIDERATION:**

Accept a \$647 Kodak American Greenways Awards Program grant administered by The Conservation Fund in partnership with Kodak and the National Geographic Society to aid in the creation of the Carolina Fence Garden at Lynches River County Park (LRCP).

### **POINTS TO CONSIDER:**

1. Parks & Recreation will utilize the \$647 in grant funds to purchase approved supplies and materials to create the Carolina Fence Garden at LRCP.
2. The grant does not require a match.
3. Additional funds needed to complete the project will be provided by the Bay Blossom Garden Club with a donation of \$300; by the South Carolina Geological Survey with a donation of blue granite valued at \$75; and in-kind labor in the amount of \$340.
4. Acceptance of the grant includes the authorization of appropriate general ledger accounts within the Grant Fund.

### **FUNDING FACTORS:**

1. \$1,362.43 = Total one-time costs for the Kodak American Greenways Awards Program grant.
2. \$715 = Donation from the Bay Blossom Garden Club in the amount of \$300; in-kind labor in the amount of \$340; and donation of blue granite by the South Carolina Geological Survey valued at \$75.

### **OPTIONS:**

1. *(Recommended)* Approve as presented.
2. Provide an Alternate Directive.

### **ATTACHMENTS:**

Copy of Award Letter concerning the Kodak American Greenways Awards Program grant award.

# THE CONSERVATION FUND

*America's Partner in Conservation*

1655 N. Fort Myer Drive, Suite 1300  
Arlington, Virginia 22209-3199  
(703) 525-6300 Fax: (703) 525-4610  
www.conservationfund.org

October 7, 2009

Terasa Young  
Florence County Parks and Recreation Department  
112 West Laurel Street  
P.O. Box 12489  
Florence, SC 29504

Dear Ms. Terasa Young:

It is my pleasure to inform you that the Kodak American Greenways Awards Program has approved a grant of \$647 to support your greenways project. Your application was selected from nearly 180 project proposals that received from groups and organizations across the nation.

The funding for your grant award was made possible through the generous financial support of the Eastman Kodak Company. The Program is administered by The Conservation Fund in partnership with Kodak and the National Geographic Society.

The grant is subject to the following terms and conditions. Please indicate your acceptance by having an authorized person sign as indicated for your organization. A check in the full amount of the grant will be delivered to you either by mail or by a representative of The Conservation Fund once we receive a signed copy of this letter. By signing you and your organization or agency agree to the following terms:

1. Use of grant funds solely for the project described in your proposal;
2. Provide at least three color images (slides, photographs, or digital images with digital images preferred) that illustrate your greenway project, and to give The Conservation Fund and the Eastman Kodak Company a non-exclusive right to use and reproduce these images;
3. Report on your project's impact using at least one of the following three measures in a brief final narrative report. [Please deliver this report together with the images specified in Term 2 by the end of August 2010.]:
  - i. Number of new users/ visitors generated by the project.
  - ii. Amount of additional project funding leveraged (matched) to the Kodak American Greenways Grant.

*America's Top-Rated Environmental Charity*



# FLORENCE COUNTY COUNCIL MEETING

November 19, 2009

**AGENDA ITEM:** Report to Council  
Declaration of Surplus Property

**DEPARTMENT:** Procurement Department

**ISSUE UNDER CONSIDERATION:**

Declaration of (5) vehicles and (1) van as surplus property for disposal through public internet auction via GovDeals.

**POINTS TO CONSIDER:**

1. Attached listing of vehicles is recommended to be declared surplus by the using department.
2. The vehicles have little value or are obsolete to the using department.
3. Disposal will not impact on-going operations.
4. Florence County Code requires County Council approval for disposal of surplus property.
5. The vehicles have been offered to all county fire departments, rescue squads, municipalities, and school districts.
6. Disposal by internet auction is efficient and requires significantly less staff time/coordination than other public offer methods.

**FUNDING FACTORS:**

\$0=Cost of disposal by internet auction via GovDeals is 7% of highest winning bid paid.

**OPTIONS:**

1. *(Recommended)* Approve as presented.
2. Provide Alternate Directive.

**ATTACHMENTS:**

List of vehicles.

<u>UNIT</u>	<u>MAKE</u>	<u>MODEL</u>	<u>YEAR</u>	<u>MILEAGE</u>	<u>VIN #'S</u>	<u>Dept Assigned</u>
V0617	FORD	EXPLORER	1999	137,617	1FMZU34X5XUB24204	
V0470	FORD	TAURUS SE	2000	106,601	1FAFP5320YA158785	Central Mtn
V0727	FORD	CROWN VIC	2000	129,360	2FAFP71W8YX183569	trade from HSFF
V0860	FORD	CROWN VIC	2003	112,171	2FAHP71W33X186185	FCSO
V1219	FORD	CROWN VIC	2001	115,001	2FAFP71WX1X137599	Planning Dept
V9007	DODGE	B350 VAN	1996	67,597	2B7HB21X0TK153534	FCSO

Florence County Council Meeting  
November 19, 2009

**AGENDA ITEM:** Other Business  
Infrastructure Project  
Council Districts 3 and 7

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

Approve The Expenditure Of Up To \$21,175.00 From Council Districts 3 And 7 Infrastructure Funding Allocations (\$10,587.50 From Each District) To Assist The City Of Florence In Paving A Walking/Fitness Path (Trail) Within Iola Jones Park.

**FUNDING SOURCE:**

XXX Infrastructure                      \_\_\_\_\_ Road System Maintenance Fee                      \_\_\_\_\_ Utility

**Requested by Councilmember:**

**Amount:** \$10,587.50

**Amount:** \$10,587.50

**Signed:** verbally approved – signature pending  
Alphonso Bradley

**Signed:** verbally approved – signature pending  
Waymon Mumford

**ATTACHMENTS:**

1. Request from the City of Florence and attached quote.

---

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

CITY OF  
FLORENCE

• S C •



DEPARTMENT OF  
PUBLIC WORKS  
AND UTILITIES  
CITY-COUNTY COMPLEX RR  
180 NORTH IRBY STREET  
FLORENCE, SC  
29501-3456  
PHONE (843) 665-3236  
FAX (843) 665-3200

September 18, 2009

Mr. Al Bradley, Councilmember  
Florence County Council  
180 North Irby Street  
MSC-G  
Florence, South Carolina 29501

Dear Councilman Bradley:

The purpose of this letter is to request funding in support of paving a walking/fitness path (trail) within Iola Jones Park. This past year the City was requested by a group of seniors to construct a fitness trail at Iola Jones Park. It was generally felt, that a trail at Iola Jones Park would provide a convenient and safe location for area seniors to walk and improve upon their overall fitness. In furtherance of their goal the City using in-kind labor, equipment, and materials constructed a mulched trail within Iola Jones Park.

It has now come to the attention of the City that the seniors using the trail would prefer that the trail be asphalt surfaced instead of a "mulched" surfaced trail. Through Councilman Powers I understand that you are aware of the senior's interest in an asphalt surfaced trail. Therefore, I am forwarding to you a cost estimate with a scope of work and to ask that the County provide funding in support of an asphalt surfaced trail at Iola Jones Park.

On behalf of the area seniors who are currently walking and using the trail at Iola Jones Park the City respectfully requests the County's favorable consideration of their request. It is the intent of the City to provide additional amenities along the trail (bench, landscaping, and fencing) that will enhance the seniors overall enjoyment associated with this trail.

Should you have any questions or need additional information please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew H. Griffin".

Andrew H. Griffin  
Department Director

cc: Mr. Richard Starks, County Administrator  
Mr. David Williams, City Manager  
Florence City Council  
Ms. Betty Gregg

A CITY OF  
CHARACTER

CITY OF FLORENCE

Iola Jones Park --- Trail Paving  
(1,400 LF x 6' wide)

Budget Cost Estimate  
9/3/2009

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>UNITS</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
1.	Sandclay Fill (6" avg. depth --- 500 LF x 10' wide)	556	SY	\$6.00	\$3,336
2.	Fine Grading (1,400 LF x 10' wide)	1,556	SY	\$3.50	\$5,446
3.	2" Asphalt surface course (1,400 LF x 6' wide)	933	SY	\$9.50	<u>\$8,864</u>
	Subtotal				\$17,646
	10% Engineering				\$1,765
	10% Contingency				<u>\$1,765</u>
	<b>Total</b>				<b><u>\$21,175</u></b>

Florence County Council Meeting  
November 19, 2009

**AGENDA ITEM:** Other Business  
Road System Maintenance Fee (RSMF) Project  
Council District 5

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

Approve The Expenditure Of Up To \$6,930.00 From Council District 5 RSMF Funding Allocation To Put Crushed Asphalt On 900 Feet Of Dogwood Street.

The cost estimate was prepared by Florence County Public Works.

**FUNDING SOURCE:**

\_\_\_\_\_ Infrastructure

XXX Road System Maintenance

\_\_\_\_\_ Utility

Signed: Johnnie D. Rodgers, Jr.  
Requested by Councilmember: **Johnnie D. Rodgers, Jr.**

Date: \_\_\_\_\_

**ATTACHMENTS:**

---

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  
November 19, 2009

**AGENDA ITEM:** Other Business  
Infrastructure Project  
Council District #7

**DEPARTMENT:** County Council

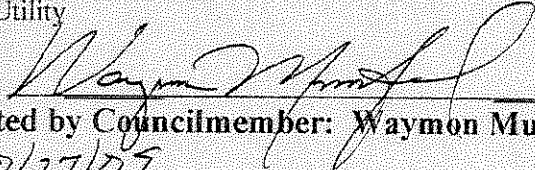
**ISSUE UNDER CONSIDERATION:**

Approval of the expenditure of up to \$5,700.00 from Council District #7 funding allocations for 256' of 24" RCP pipe and 3 cast iron drop inlets to be installed in an existing sideline ditch on McIver Road (Job #2).

Cost estimate prepared by Florence County Public Works.

**FUNDING SOURCE:**

Infrastructure  
 Road System Maintenance  
 Utility

Signed:   
Requested by Councilmember: Waymon Mumford

Date: 10/27/09

**ATTACHMENTS:**

---

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

10/27/09

**FLORENCE COUNTY COUNCIL MEETING**

November 19, 2009

**AGENDA ITEM:** Inactive Agenda  
Ordinance No. 13-2009/10

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

At its regular meeting of October 15, 2009 Council referred the following Ordinance to the Committee on Public Service & County Planning:

Ordinance No. 13-2008/09: [An Ordinance To Establish Policies And Procedures Related To The Abatement Of Unsafe Structures As Florence County Code, Chapter 21, Nuisances, Article II, Unsafe Structure Abatement And Other Matters Related Thereto.]

**ATTACHMENTS:**

Copies of the information provided in the October 15, 2009 agenda package.

# FLORENCE COUNTY COUNCIL MEETING

Thursday, November 19, 2009

**AGENDA ITEM:** Ordinance No. 13-2009/10  
Referred to Public Services and Planning Committee

**DEPARTMENT:** Planning and Building Inspections



**ISSUE UNDER CONSIDERATION:**

[An Ordinance To Establish Policies and Procedures Related To The Abatement Of Unsafe Structures As Florence County Code, Chapter 21, Nuisances, Article II, Unsafe Structure Abatement And Other Matters Related Thereto.] (*Planning Commission approved 6-0; All Council Districts*)

**POINTS TO CONSIDER:**

1. Council District(s): All Florence County Council Districts.
2. Considerable interest has been indicated regarding the negative effect of neglected buildings on the community.
3. Law enforcement agencies are often able to identify structures that contribute significantly to criminal activities in local communities.
4. County Council wishes to assist in addressing these concerns where dilapidated and unsafe structures exist.

**OPTIONS:**

1. (*Recommended*) Approve as Presented.
2. Provide An Alternate Directive.

**ATTACHMENTS:**

**Copies of the following are attached:**

1. Ordinance No. 13-2009/10 (Change from Planning Commission version shown in markup).

Sponsor(s) : Planning Commission  
 Planning Commission Consideration : May 26, 2009  
 Planning Commission Public Hearing : March 24, 2009  
 Planning Commission Recommendation : May 26, 2009[Approved 6-0]  
 First Reading/Introduction : September 17, 2009  
 Committee Referral : October 15, 2009  
 Second Reading : October 15, 2009  
 Third Reading :  
 Effective Date : Immediately

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

**ORDINANCE NO. 13-2009/10**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

**[An Ordinance To Establish Policies and Procedures Related To The Abatement Of Unsafe Structures As Florence County Code Chapter 21, Nuisances, Article II, Unsafe Structure Abatement And Other Matters Related Thereto.]**

**WHEREAS:**

1. Considerable interest has been indicated regarding the negative effect of neglected buildings on the community; and
2. Law enforcement agencies are often able to identify structures that contribute significantly to criminal activities in local communities; and
3. County Council wishes to assist in addressing these concerns where dilapidated and unsafe structures exist.

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

1. Florence County Code Chapter 21, Nuisances, Article II, Unsafe Structure Abatement, is hereby established with the language 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 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:

CHAPTER 21

NUISANCES

ARTICLE II.

UNSAFE STRUCTURE ABATEMENT

DIVISION 1.

GENERALLY

**Sec. 21-16. Title.** These regulations shall be known as the *Unsafe Structure Abatement Code of Florence County*, hereinafter referred to as “this code.”

**Sec. 21-17. Scope.** The provisions of this ordinance shall apply to all residential and nonresidential structures and constitute minimum safeguards for structures, and facilities for life safety, safety from fire and other hazards; the responsibility of owners; the occupancy of existing structures, and for administration, enforcement and penalties.

**Sec. 21-18. Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures. Structures that do not comply with these provisions shall be altered, repaired, removed, or demolished to provide a minimum level of health and safety as required herein.

**Secs. 21-19 – 21-22. Reserved.**

DIVISION 2.

APPLICABILITY

**Sec. 21-23. General.** The provisions of this code shall apply to all matters affecting or relating to structures, as set forth herein. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

**Sec. 21-24. Maintenance.** Safeguards required by this code or a previous regulation or code under which the structure was constructed, altered or repaired shall be maintained in minimum mechanical working order. Except as otherwise specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance, repair, alteration, removal, or demolition of building and structures. Property managers who are not responsible through contracts or other agreements shall notify the owners or responsible agents when such violations are cited by the code official.

**Sec. 21-25. Application of other codes.** Repairs, additions, alterations, and demolition to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the codes adopted and mandated for enforcement by the legislative body of South Carolina. Nothing in this code shall be construed to cancel, modify or set aside any provision of Chapter 30, Zoning Ordinance of the Florence County Code.

**Sec. 21-26. Existing remedies.** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction relating to repair, removal, or demolition of any structure which is dangerous, unsafe and insanitary.

**Sec. 21-27. Hazardous materials and sites.** Hazardous materials and sites which are not covered by this code shall be subject to all federal, state, and local laws and ordinances.

**Sec. 21-28. Requirements not covered by code.** Requirements necessary for the strength, stability or proper operation of a structure for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

**Sec. 21-29. Historic buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare. Historic buildings are those which are:

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
3. Designated as historic under a state or local historic preservation program.

**Secs. 21-30 – 21-40. Reserved.**

### **DIVISION 3.**

#### **CODE ENFORCEMENT OFFICIAL**

**Sec. 21-41. General.** The division of Building Codes and the executive official in charge thereof shall be known as the code official.

**Sec. 21-42. Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to delegate authority and duties to other related technical officers, inspectors and other employees.

**Sec. 21-43. Liability.** The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the division of Building Codes, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

**Sec. 21-44. Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be established by resolution by the Florence County Council.

**Secs. 21-45 – 21-49. Reserved.**

#### **DIVISION 4.**

#### **DUTIES AND POWERS OF THE CODE OFFICIAL**

**Sec. 21-50. General.** The code official shall enforce the provisions of this code only when a written complaint of a structure in violation of this Code is received from a law enforcement agency of Florence County.

**Sec. 21-51. Rule-making authority.** The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this or other legally binding codes.

**Sec. 21-52. Inspections.** The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

**Sec. 21-53. Right of entry.** The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

**Sec. 21-54. Identification.** The code official shall carry proper identification when inspecting structures in the performance of duties under this code.

**Sec. 21-55. Notices and orders.** The code official shall issue all necessary notices or orders to ensure compliance with this code.

**Sec. 21-56. Department records.** The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

**Secs. 21-57 – 21-60. Reserved.**

## DIVISION 5.

### VIOLATIONS

**Sec. 21-61. Unlawful acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

**Sec. 21-62. Notice of violation.** The code official shall serve a notice of violation or order in accordance with Division 6, Notices and Orders.

**Sec. 21-63. Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with this chapter shall be deemed guilty of a misdemeanor. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a tax lien upon such real estate.

**Sec. 21-64. Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by local law. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Sec. 21-65. Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building or structure.

**Secs. 21-66 – 21-72. Reserved.**



## DIVISION 6.

### NOTICES AND ORDERS

**Sec. 21-73. Notice to person responsible.** Whenever the code official receives a proper written complaint and determines that there has been a violation of this code, notice shall be given in the manner prescribed herein to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Division 7, Unsafe Structures.

**Sec. 21-74. Form.** Such notice prescribed herein shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the structure into compliance with the provisions of this code.
- ~~5. Include—The notice will inform the property owner of the possibility of entering into an Abatement Agreement as outlined within this section.~~
6. Inform the property owner of the right to appeal.
7. Include a statement of the right to file a lien in accordance with Division 5, Violations.

**Sec. 21-75. Method of service.** Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

**Sec. 21-76. Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Division 5, Violations.

**Sec. 21-77. Transfer of ownership.** It shall be unlawful for the owner of any structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice

of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections, repairs, or demolition required by such compliance order or notice of violation.

**Sec. 21-78. Optional Abatement Agreement.**

1. The property owner must request to be considered for an optional Abatement Agreement to establish a reasonable timeframe to correct the violation and provide for the extension of time if necessary.

2. The Planning Director must make a determination on the record that the violation is not a public health or safety hazard, and not a repeat offense, and that the property owner intends to comply, but needs additional time due to specified circumstances.

3. The initial timeframe to correct the violation shall not exceed six (6) months, but can be less based on the work and circumstances.

4. The Code Official may grant one extension not exceeding six (6) months total, including the initial timeframe, if progress is being made.

5. If a second extension is requested by the property owner, the Construction Board of Appeals may grant one (1) additional extension of the timeframe to correct the violation and that extension shall not exceed six (6) months unless there are additional requirements as part of corrective action that are based on state or federal laws/regulations.

6. Upon signing execution of the agreement, the person property owner responsible for the violation agrees that the violation exists as defined by the Code Official and waives the right to later appeal the Code official's decision.

7. Failure to comply with the terms of the Abatement Agreement shall result in prosecution of the violation and the property owner waives any right of appeal of his prosecution. The property owner and his property shall be subject to a lien by the County for costs incurred directly or indirectly in abatement of the violation, including legal costs.

Secs. 21-79 – 84. Reserved.

**DIVISION 7.**

**UNSAFE STRUCTURES**

**Sec. 21-85. General.** When a structure is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

**Sec. 21-86. Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**Sec. 21-87. Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**Sec. 21-88. Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

**Sec. 21-89. Closing of vacant structures.** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

**Sec. 21-90. Notice.** Whenever the code official has condemned a structure under the provisions of this section, the notice shall be in the form prescribed, posted in a conspicuous place in or about the structure affected by such notice and served on the owner in accordance with Division 6, Notices and Orders.

**Sec. 21-91. Placarding.** Upon failure of the owner to comply with the notice provisions within the time given, the code official shall post on the premises a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, or removing the placard.

**Sec. 21-92. Placard removal.** The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

**Sec. 21-93. Prohibited occupancy.** Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises and any owner and any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this code.

**Secs. 21-94 – 21-100. Reserved.**

## DIVISION 8.

### EMERGENCY MEASURES

**Sec. 21-101. Imminent danger.** When acting upon the written complaint from law enforcement and, in the opinion of the code official, there is imminent danger of failure or collapse of a structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: **"THIS STRUCTURE IS UNSAFE AND ITS OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL."** It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**Sec. 21-102. Temporary safeguards.** Notwithstanding other provisions of this code, except where proper complaint procedures have been taken, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

**Sec. 21-103. Closing streets.** When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

**Sec. 21-104. Emergency repairs.** For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

**Sec. 21-105. Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

**Sec. 21-106. Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

**Secs. 21-107 – 21-112. Reserved.**

## DIVISION 9.

### DEMOLITION

**Sec. 21-113. General.** Upon receipt of the proper complaint letter, the code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two (2) years, to demolish and remove such structure.

**Sec. 21-114. Notices and orders.** All notices and orders shall comply with Division 6, Notices and Orders.

**Sec. 21-115. Failure to comply.** If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**Secs. 21-116 – 21-120. Reserved.**

## DIVISION 10.

### APPEAL

**Sec. 21-121. Application for appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

**Sec. 21-122. Membership of board.** The Florence County Board of Construction Appeals shall serve for appeals of the Code Official's interpretations.

**Sec. 21-123. Notice of meeting.** The board shall meet upon notice from the chairman, within thirty (30) days of the filing of an appeal.

**Sec. 21-124. Open hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

**Sec. 21-125. Board decision.** The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

**Sec. 21-126. Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

**Sec. 21-127. Administration.** The code official shall take immediate action in accordance with the decision of the board.

**Sec. 21-128. Stays of enforcement.** Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

**Secs. 21-129 – 21-135. Reserved.**

## **DIVISION 11.**

### **DEFINITIONS**

**Sec. 21-136. Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

**Sec. 21-137. Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**Sec. 21-138. Terms defined in other codes.** Where terms are not defined in this code and are defined in the *International Building Code*, *International Fire Code*, *International Zoning Code*, *International Plumbing Code*, *International Mechanical Code*, *ICC Electrical Code*, or any code or ordinance of Florence County, such terms shall have the meanings ascribed to them as stated in those codes.

**Sec. 21-139. Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**Sec. 21-140. Parts.** Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

**Sec. 21-141. General Definitions.**

*Approved.* Approved by the code official.

*Basement.* That portion of a building which is partly or completely below grade.

*Bathroom.* A room containing plumbing fixtures including a bathtub or shower.

*Bedroom.* Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

*Code Official.* The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

*Condemn.* To adjudge unfit for occupancy.

*Dwelling Unit.* A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Exterior Property.* The open space on the premises and on adjoining property under the control of owners or operators of such premises.

*Guard.* A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

*Habitable Space.* Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

*Imminent Danger.* A condition which could cause serious or life-threatening injury or death at any time.

*Labeled.* Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

*Let For Occupancy Or Let.* To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

*Occupancy.* The purpose for which a building or portion thereof is utilized or occupied.

*Occupant.* Any individual living or sleeping in a building, or having possession of a space within a building.

*Openable Area.* That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*Operator.* Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

*Owner.* Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

*Person.* An individual, corporation, partnership or any other group acting as a unit.

*Premises.* A lot, plot or parcel of land, easement or public way, including any structures thereon.

*Public Way.* Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

*Sleeping Unit.* A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

*Strict Liability Offense.* An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

*Structure.* That which is built or constructed or a portion thereof.

*Tenant.* A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

*Toilet Room.* A room containing a water closet or urinal but not a bathtub or shower.

*Workmanlike.* Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**Secs. 21-142 – 21-145. Reserved.**



## DIVISION 12.

### GENERAL REQUIREMENTS

**Sec. 21-146. Scope - Generally.** The provisions of this division shall govern the minimum conditions and the responsibilities of persons for upkeep of structures.

1. *Responsibility.* The owner of the premises shall maintain the structures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a safe condition and which do not comply with the requirements of this chapter.

2. *Vacant structures.* All vacant structures shall be maintained in a safe and secure condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

**Sec. 21-147. Exterior Structure - Generally.** The exterior of a structure shall be structurally sound and not pose a threat to the public health, safety or welfare.

1. *Exterior Protection.* All exterior surfaces, including but not limited to, walls, roofs, doors, door and window frames, porches, balconies, decks and fences shall be maintained in a good structural condition.

2. *Structural members.* All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

3. *Foundation walls.* All foundation walls shall be maintained and free from open cracks and breaks and kept in such condition so as to prevent the entry of rodents and other pests.

4. *Overhang extensions.* All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.

5. *Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.

6. *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**Sec. 21-148. Interior Structure – Generally.** The interior of a structure and equipment therein shall be structurally sound.

1. *Structural members.* All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

2. *Stairs and walking surfaces.* Every stair, ramp, landing, balcony, deck or other walking surface shall be maintained in sound condition and good repair.

3. *Handrails and guards.* All handrails and guards shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in sound condition.

**Sec. 21-149. Fire Protection Systems.** The provisions of this section shall govern the minimum conditions and standards for fire safety relating to structures, including fire safety facilities and equipment to be provided.

1. *General.* All systems, devices and equipment to detect fire and/or smoke, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition that concurs with the code that was in effect at the time of construction.

2. *Responsibility.* The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with code. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

3. *Means Of Egress.* A safe, continuous and unobstructed path of travel shall be provided from any point in a structure to the public way.

4. *Aisles.* The required width of aisles in accordance with the code that was in effect at the time of construction and shall be unobstructed.

5. *Locked doors.* All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

6. *Emergency escape openings.* Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

7. *Fire-resistance-rated assemblies.* The required fire resistance rating of fire-resistance-rated assemblies, fire stops, and shaft enclosures shall be maintained.

8. *Opening protectives.* Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

**Sec. 21-150. Swimming Pools, Spas and Hot Tubs – Generally.**

*1. Swimming pools.* Swimming pools shall be maintained in a clean and sanitary condition.

*2. Enclosures.* Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

*3. Exception.* Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

DRAFT