STAFF REPORT
TO THE
FLORENCE COUNTY PLANNING COMMISSION
Tuesday, June 23, 2015
PC#2015-09

SUBJECT: **[Request For Text Amendments To The 'PROCEDURE FOR ADOPTING PLAN OR AMENDMENTS' And 'PUBLIC HEARING AND NOTICE' Sections Of The Florence County Comprehensive Plan Administrative Procedures.]**

APPLICANT: Florence County Planning & Building Department

STAFF ANALYSIS:
The Administrative Procedures of the Florence County Plan were adopted by Ordinance on May 7, 2009.

The Administrative Procedures Section of the Florence County Comprehensive Plan directs the steps to be taken when the plan, any element, amendment, extension, or addition is proposed.

Staff has found language in the Administrative Procedures Section of the Florence County Comprehensive Plan that contradicts the language found in the S.C. Code of Laws § 6-29-520 and § 6-29-530 and the 2014 Comprehensive Planning Guide.

Therefore, the 'PROCEDURE FOR ADOPTING PLAN OR AMENDMENTS' and 'PUBLIC HEARING AND NOTICE' sections of the Florence County Comprehensive Plan Administrative Procedures shall be amended as follows:

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 or the agents of 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~~ update 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 any change to the plan, any element, amendment, extension, or addition is ~~completed and ready for adoption~~proposed, 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. 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 rules and regulations of the Florence County Council and the Florence County Planning Commission. ~~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.~~

Staff Recommendation:
Approve as submitted.

Florence County Council Meeting Schedule:
Introduction: July 16, 2015
Second Reading/Public Hearing: TBD
Third Reading: TBD

ATTACHMENTS:
1. Resolution