

Minutes
Regular Meeting of the Florence County Planning Commission
Tuesday, July 25, 2023 at 6:00 p.m.
County Complex, Room 803
180 N. Irby St., Florence, South Carolina 29501

The Florence County Planning Department staff posted the agenda for the meeting on the information boards at the main entrance and lobby of the County Complex and on the information board in the lobby of the Planning and Building Inspection Departments office.

The agenda was also mailed to the media.

I. Call to Order:

Chairman Cheryl Floyd, called the meeting to order at 6:00 p.m.

II. Attendance:

Commissioners Present: Cheryl Floyd, Chairman
Allie Brooks
Glynn Willis
Doris Lockhart
Linda Borgman
Karon Epps

Commissioners Absent: Dwight Johnson, Vice-Chairman
Jeffrey Tanner
Mark Fountain

Staff Present: J. Shawn Brashear, Planning Director
Ethan Brown, Deputy Director
Derrick Singletary, Senior Planner
Brian Kennedy, Engineering
Holly Smith, Planner II
Lisa Becoat, Administrative Assistant/Secretary

Public Attendance: See sign in sheets on file with the Florence County Planning Department.

Chairman Cheryl Floyd led the Pledge of Allegiance to the American Flag and provided the invocation for the meeting.

III. Review and Motion of Minutes

- **Meeting of June 27, 2023**

Motion to approve minutes – Commissioner Allie Brooks made a motion to approve the minutes of the Planning Commission meeting of June 27, 2023 / Second – Commissioner Glynn Willis / Unanimously approved 6 to 0 the minutes of the June 27, 2023 Planning Commission meeting.

Prior to the presentation of the PC items being presented at the meeting Mr. J. Shawn Brashear requested permission to rearrange the items for presentation to the Commission. He desired that PC item number twenty-seven (27) go directly after PC item number twenty-five (25) as the text amendments were related to each other. He additionally requested that the Planning Commission defer PC item number twenty-nine (29); as the detailed changes for the lengthy text amendment had a lot of information. He indicated that staff would like to meet with the Planning Commission in a workshop type setting to go over the proposed changes. The changes are comprised of a lot of information and staff wants to ensure that the Commission has enough time to read the proposed changes prior to review and voting on the text amendment.

There were no questions, comments and or discussion and Commissioner Glynn Willis made a motion to rearrange the order of the PC agenda items for the meeting to hear PC item number twenty-seven (27) immediately following PC item number twenty-five (25) and to defer PC Item Number 2023-29 / Second - Commissioner Allie Brooks / **The Commission voted 6 to 0 to review the PC items in the order of (PC Item Number 2023-24, 2023-25, 2023-27, 2023-26 and 2023-28). The Commission in that same vote of 6 to 0 deferred PC item number 2023-29.**

IV. Public Hearing

Text Amendments:

Prior to the presentation of any items on the agenda Mr. Brashear informed the Commission that staff had not received any telephone calls and or inquiries regarding any of the items to be presented at the meeting.

PC#2023-24 Request For Text Amendments To The Florence County Code Of Ordinances, Chapter 28.6 - LAND DEVELOPMENT AND SUBDIVISION ORDINANCE, ARTICLE V. - MINIMUM LAND PLANNING STANDARDS AND REQUIRED IMPROVEMENTS FOR SUBDIVISIONS AND OTHER LAND DEVELOPMENTS, Sec. 28.6-85. – Small family and private developments (one to six lots).

(Copy of the staff report and presentation are available at the Florence County Planning Department and on the Florence County website at: <http://florenceco.org/planning/commission/archives.php>).

Mr. J. Shawn Brashear presented the staff report and presentation to the Commission. He stated that staff has dealt with these type of developments through the years. The first proposed change just updated and clarified some verbiage from one to six lots to six lots or less; as the verbiage sometimes makes a difference depending on whom is reading it. In the roadways paragraph some verbiage was added for clarification. If one lot is divided into two lots and it requires a driveway to that second lot, the ordinance indicates that the road needs to be improved. In the opinion of staff it should not but as

the ordinance presently reads it is required. The main reason for the proposed changes to the ordinance is road improvements. Mr. Brashear provided an example of road improvements when the property is subdivided for family and when the property is subdivided for citizens other than family. He additionally stated that when the County has subdivisions of six lots or less the only road requirement is the graveled road. There are no considerations for other land improvements to be made: such as land disturbance permits and or storm water permits. Presently, the County has other subdivisions that have been created and the owners have problems with land and yard flooding as there is no consideration for those things. Once the lots are subdivided into individual lots, you now have single individual lots that are usually less than one-acre, so storm water requirements do not kick in, there is no trigger or gauge to require anything. This puts the public at a dis-service, as they believe they are buying something where all is well and there is nothing there, no curb, no gutters, no storm drains, nothing. Staff knows of one resident who has large pictured signs in her yard of her home and yard after a rain and it looks like a home sitting on a lake as the entire yard and road is flooded out. She has placed the pictured signs in her yard to warn potential buyers of the lots and the issues that exist and staff understands and knows that it should not be that way.

Staff is recommending that when a private development has six or less lots, which is not for family, and the individual lots are intended to be sold, traded, rented, whatever bargain that happens, that an analysis be provided by a licensed Engineer. Staff is not requiring full blown engineered plans, as that may not be required depending on what the engineer's report specifies. What it does do is give some assurance to the purchaser of the lot and also to the county that the development is not going to impact the purchaser and or the surrounding property owners. It is no guarantee of anything today, but staff hopes it helps as there are several present cases where this is a problem. If the engineer specifies some improvements must be completed such as a pond, or cut in swell to assist in diverting some water around in a different direction. Staff would then be required to ensure that information is on file and provided on the master plat which would indicate any other requirements that would be required, should the property be purchased by a different person who may not be aware of what is going on. Staff has shared this information with a couple of engineers who have indicated that the changes are reasonable. This would only apply to non-small family developments of six lots or less. Staff would not be able to control this but could ensure that the information is stamped on the master plan by the engineer. Even if it is a small family development, it will not prohibit them from selling the properties, but the information will be on the plat that the county cannot guarantee in any kind of way that any improvements have been conducted or have been made to ensure that they won't have flooding issues on the property.

There were questions and discussion from the Commission.

In response to questions by the Commission Mr. Brashear stated that a required stamp is placed on the plat that would indicate the road is a private road and is not maintained by Florence County. Staff is trying to offer some degree of protection for property owners and to families when it comes to dividing property, without being burdensome. The Commission will in most cases not see these types of cases as they are mostly reviewed and approved by staff per the Florence County Ordinance. The developer to a certain degree, and in some scenarios, can complete six (6) lots at a time and not be subject to developer rules. Staff in the proposed changes is hoping this will address those types of scenarios in the future. Mr. Brashear reiterated that the plat is stamped and that it should go forward as the property is sold and resold. The attorney should include those items and ensure the information is laid out in the deeds for properties as they are sold and resold.

There was no public in attendance at the meeting and there were no further questions, comments and or discussion

As there were no further questions, comments and or discussion Commissioner Glynn Willis made a motion to approve the proposed text amendment as presented in PC #2023-24 / Second - Commissioner Allie Brooks / The Commission voted 6 to 0 to approve the proposed text amendment **PC #2023-24**.

PC#2023-25 Request For Text Amendments To The Florence County Code Of Ordinances, Chapter 30 - ZONING ORDINANCE, ARTICLE III. – CONDITIONAL USE REGULATIONS, Sec. 30-111. – Development standards for unzoned areas.

(Copy of the staff report and presentation are available at the Florence County Planning Department and on the Florence County website at: <http://florenceco.org/planning/commission/archives.php>).

Mr. J. Shawn Brashear presented the staff report and presentation to the Commission and stated the proposed text amendment would proceed PC item number twenty-seven (27). Staff has attempted to clean up the buffer yard requirements. PC Item number twenty-five (25) is the section of the ordinance that addresses unzoned zoning districts. Staff has reviewed the sections and determined that the standards for buffer yard areas in unzoned zoning districts are more restrictive than the buffer yard areas for zoned districts. Staff purposes to update the ordinance by striking out all the applicable sections and adjoining tables for buffer yard requirements for unzoned districts, and directing the reader to the standards in the next section which deals with buffer yards in zoned districts. It's a quality of life matter that deals with the uses of the property. As the ordinance presently is more restrictive in the unzoned district areas, staff desires to clean it up and give the citizens of the unzoned district areas the same advantages as those in the zoned district areas. Staff is recommending keeping the buffer yard information for mining and extraction operations as that information is consistent with other ordinances and requirements.

Chairman Cheryl Floyd inquired if there were any questions and or discussion from the Commission.

In response to questions from the Commission Mr. Brashear stated that staff would consider multi-family, congregation of townhomes and manufactured home parks as high density residential developments and would discuss those buffer yard requirements further in PC item number twenty-seven (27). Staff desires to get rid of the requirements under the unzoned district areas and tackle everything under PC item number twenty-seven (27). The buffer yard requirement for mining and extraction operations does not need to be listed under the section of the ordinance as it points the reader where to go to retrieve that buffer requirement information for the mining and extraction operations, if the proposed text amendment passes.

Chairman Cheryl Floyd made mention for the live public watching the meeting and all persons in attendance at the meeting that there was no public citizens in attendance at the meeting to provide any comments in favor or opposed to the proposed text amendments.

There were no further questions, comments and or discussion and Commissioner Glynn Willis made a motion to approve the proposed text amendment as presented in PC #2023-25 / Second - Commissioner Doris Lockhart / The Commission voted 6 to 0 to approve the proposed text amendment **PC #2023-25**.

PC#2023-27 Request For Text Amendments To The Florence County Code Of Ordinances, Chapter 30 - ZONING ORDINANCE, ARTICLE IV. – APPEARANCE, BUFFERING, SCREENING, LANDSCAPING, AND OPEN SPACE REGULATIONS, Sec. 30-121. – Bufferyards.

(Copy of the staff report and presentation are available at the Florence County Planning Department and on the Florence County website at: <http://florenceco.org/planning/commission/archives.php>).

Mr. J. Shawn Brashear presented the staff report and presentation to the Commission. He stated that if PC Item Number 2023-25 were approved the proposed changes to the proposed section of the ordinance would apply. Mr. Brashear provided an example of the buffer yards and their requirements and how they would apply to the properties. He explained and provided examples of the proposed changes and the types of buffer yard requirements needed for the proposed land uses. In some cases if a developer placed a townhome development beside an existing business no buffer may be required; but, if a business were placed beside an existing townhome development then a buffer may be required. Staff's concern is for the quality of life for people that live there and the people that call that their business ill regards to who comes first. He further explained some of the proposed changes and the types of buffer yard requirements that would be required based on the proposed land use and the existing adjacent land uses. He further stated that the proposed changes staff were proposing were to be as lenient as they could to the persons concerned. Regarding buffer yards in high density areas such as: townhomes, four or five unit townhome developments, multi-family developments, mobile home parks and the likes they should require some buffering around them when they are adjacent to vacant land. Land, presently, is very expensive and the county should be doing all they can to protect the land owners, future land owners and the adjacent land owners, in order to keep an enhanced quality of life around the county, regardless of what the land is being used for. As such staff would recommend having a Type A and in some cases a Type B buffer yard on road frontage in the high density areas of the County.

There were questions and discussion from the Commission.

In response to questions and discussion by the Commission Mr. Brashear stated that currently within Florence County if you are developing vacant land there is nothing regarding buffer yard requirements to be done. If you come into Florence County and you are developing a property beside a different use then you would be required to provide some sort of a buffer yard. The text amendment proposed changes are to update some buffer yard requirements for future proposed land uses and the existing adjacent land uses within Florence County.

There was further discussion from the Commission.

In response to the discussion Mr. Brashear stated, that if you looked at Table VI Bufferyard Requirements and looked at the row indicating Townhomes, multiplexes, apt., and went over to the Commercial column that row presently is blank. So someone, could build a townhome development and or multi-family development, today, per the Florence County Ordinance and would not be required to put in a buffer yard. But, if you looked further down the Table at the row indicating Commercial use/parking lot and went to the column stating Townhomes, multiplexes, apt., there it requires a Type B buffer yard requirement. So staff looked at the ordinance requirement and found that not to be fair to the people that lived there. The proposed changes addresses the quality of life, not necessarily who was there first. Both people whether the multi-families or businesses should be afforded the same protections of buffer yards regardless to who was there first.

There was further discussion from the Commission.

In response to the discussion Mr. Brasher stated that once the proposed changes were approved, the person developing their property; the person coming into Florence County would be responsible for the buffer yard requirement. Additionally, if the neighbor decided to develop a piece of land that is not developed, they would also be responsible for the buffer yard requirement. So both parties would be equally responsible for the quality of life moving forward.

There were no further questions, comments and or discussion and Commissioner Doris Lockhart made a motion that the proposed text amendment PC# 2023-27 be approved / Second - Commissioner Glynn Willis / The Commission voted 6 to 0 to approve the proposed text amendment request **PC#2023-27**.

PC#2023-26 Request for Text Amendments To The Florence County Code Of Ordinances, Chapter 30 - ZONING ORDINANCE, ARTICLE III. – CONDITIONAL USE REGULATIONS.

(Copy of the staff report and presentation are available at the Florence County Planning Department and on the Florence County website at: <http://florenceco.org/planning/commission/archives.php>).

Mr. J. Shawn Brashear presented the staff report and presentation to the Commission. He stated that the current Florence County Ordinance did not address tiny homes. Tiny Homes are allowed and addressed in the building code. In an unzoned district area you can place as many tiny homes as South Carolina Department of Health and Environmental Control (SCDHEC) will allow you to connect to a single septic tank and also how many septic tanks they would allow on that single piece of property. Everyone needs a comfortable and safe, place to live. The tiny homes that are televised on television are a television show. They show tiny homes built on frames with axles that can be moved around. In the building code, those are identified as recreational vehicles and the building code does not address them. You could place those types of vehicles in some mobile home parks and or campgrounds. Florence County however cannot permit them as houses because they have wheels and an axle and the building code does not address them.

Per the building code a tiny home is something that meets the building code. It has a permanent foundation that is attached to the ground. There are variations and leniencies that are allowed towards a tiny home which are not allowed in a regular stick frame home. One being a tiny home footprint cannot exceed four hundred square feet (400 s.f.). What staff has seen in codes enforcement is that people will go out and buy little sled buildings from dealers located on highway 52 and 76. The buildings are brought in on the back of a truck on two wooden sleds and loaded off. Those buildings are then strapped to the ground and a little window air conditioner unit is put in on the end, and they call that their home. Most times all of their worldly possessions that they took out of the larger homes they lived in are now by the front door under a blue tarpaulin. That is a code enforcement issue not an issue for the planning commission.

The issue for the planning commission is how many housing units can be allowed on a single lot. Presently, in an unzoned district area they can have as many as they want as tiny homes are not addressed in our ordinances. Staff has looked at tiny homes and proposed that they can be placed anywhere in the county that you can place a manufactured home. In an unzoned area just like a manufactured home, you can place two (2) per lot. If you want to congregate more than two (2) per lot then the development of that lot would have to meet the development for a manufactured home standard. If it is an existing manufactured home park one (1) can also be placed there as the tiny homes would be allowed wherever manufactured homes are allowed. Staff has seen a fair amount of tiny homes request.

There were questions and discussions from the Commission as to the focus of how many tiny homes should be allowed on one lot and where.

In response to the questions and discussions by the Commission Mr. Brashear stated that it would not matter how many acreages of land an individual had the Florence County Ordinance standards today for manufactured homes only allows two (2) manufactured homes per lot. There would be an opportunity to subdivide the land and or develop an appropriate development for the units. They could put in a road and subdivide it six (6) times and then develop the road. If the previous ordinances passes they could get an engineer to give them some sort of an analysis of the road. The proof of proper water and sewage services would have to be identified prior to any building permits being issued for the location. That is a building code requirement that is applicable to any building permit. It would not matter if it were a private well or septic tank, municipal water and sewer and or a combination of the two.

There were no further questions, comments and or discussion and Commissioner Glynn Willis made a motion that the proposed text amendment PC# 2023-26 be approved / Second - Commissioner Allie Brooks / The Commission voted 6 to 0 to approve the proposed text amendment request **PC#2023-26**.

PC#2023-28 Request for Text Amendments To The Florence County Code Of Ordinances, Chapter 30 - ZONING ORDINANCE, ARTICLE VII. – GENERAL AND ANCILLARY REGULATIONS, Sec. 30-246. – Accessory Buildings And Uses

(Copy of the staff report and presentation are available at the Florence County Planning Department and on the Florence County website at: <http://florenceco.org/planning/commission/archives.php>).

Mr. J. Shawn Brashear presented the staff report and presentation to the Commission. He stated that presently the Florence County Ordinance allows single family residential in some of the commercial zoning districts. As such some of the residential uses take advantages of things that are allowed by businesses, such as they will apply and or not apply for a permit to put an accessory use in the front yard. Which is otherwise prohibited in our other residential zoned districts. The house no longer looks like residential uses as boats, equipment, heavy trucks and the likes are stored at a house, because they are allowed in a commercial zoning district, while it is still residential. It becomes a nuisance issue that cannot be controlled. The regulations currently do not address it and in most cases it is very blight. Staff feels that if someone wants to take advantages of what is allowed in a business zoned district then they should convert their property to a business use. The properties can look rather rough at times.

The proposed changes indicate that if they have a residential use in that commercial zoned district then they would have to comply with the three (3) applicable sections of the Florence County Ordinance. He further explained the three sections and what those sections covered within the Florence County Ordinance. Staff wants to be respectful of property owner's rights and understand that they are in a commercial zoned district but the property is a house and how the property is maintained could be a nuisance issue for staff and the proposed changes is the only way staff knows how to address it.

Chairman Cheryl Floyd inquired if there were any questions and or discussion from the Commission.

In response to questions and discussion from the Commission Mr. Brashear stated that in some instances the property owner is not conducting a business. However, they desire to park their boat and or heavy equipment in their yard, but can't get it to fit in the back of the yard, so they place it in the front yard, because they are residential but in a business zoned district. Staff has also found out in some instances that the property is rental property and the owner is just storing their items at that location but doesn't actually live there. The code enforcement division is complaint driven only and the planning staff does not have enough personnel to police the entire eight hundred square miles of the county and the municipality that Florence County serves. Nuisance complaints are completely complaint driven. Code enforcement staff could get a complaint regarding an eighteen wheeler trailer parked in the front yard of a residence. Staff would take that complaint and investigate it and see how long it has been sitting there and then address the owner to determine their intentions for having the trailer parked out in front of the residence. Property owners could also be taxed as residential properties and using the property for a business use as commercial storage and that is usually determined when codes enforcement responds to a complaint regarding the property. Presently, as the Florence County Ordinance reads it is allowed and staff has to try to get the two neighbors to get along as one neighbor may find the issue a nuisance, but staff can do nothing about it.

There were no further questions, comments and or discussion and Commissioner Glynn Willis made a motion that the proposed text amendment PC# 2023-28 be approved / Second - Commissioner Allie Brooks / The Commission voted 6 to 0 to approve the proposed text amendment request **PC#2023-28**.

The Public Hearing was closed.

V. Director's Report:

Mr. Brashear stated to the Commission that they did not have to answer him with a response at the meeting but he desired for them to check their calendars for a day in August to have a working workshop to discuss, review and go over the extensive proposed text amendment changes for Planning Commission Item 2023-29, Chapter 30 – Zoning Ordinance, Article II. – ZONING DISTRICT REGULATIONS, DIVISION 2. – PD PLANNED DEVELOPMENT DISTRICT. He indicated that he wanted staff to give them a complete understanding of all the proposed text changes for the ordinance as the Commission represented the public's interest in the proposed review.

There was continued discussion regarding the date and time to conduct the workshop. The secretary will send out a survey providing some dates and times for the workshop to ensure that a good date and time is established for the workshop review.

Mr. J. Shawn Brashear presented the summary plat and building reports and they were also attached and presented for the Commission's review.

- **Summary Plat Reports for (June 2023)**
- **Building Reports for (June 2023)**

VI. Adjournment:

There were no further questions, comments and or discussion and Chairman Cheryl Floyd called for a motion to adjourn the meeting.

Commissioner Allie Brooks made a motion that the meeting be adjourned / Second – Commissioner Glynn Willis / The Commission voted 6 to 0 to adjourn the Planning Commission meeting.

The meeting adjourned at 6:49 p.m.

Lisa M. Becoat
Secretary

Approved by:

J. Shawn Brashear
Planning Director

*These minutes reflect only actions taken and do not represent a true verbatim transcript of the meeting.