

**REGULAR MEETING OF FLORENCE CITY COUNCIL**

**MONDAY, DECEMBER 14, 2009 - 1:00 P.M.**

**CITY-COUNTY COMPLEX, CITY COUNCIL CHAMBERS, ROOM 604**

**FLORENCE, SOUTH CAROLINA**

**AGENDA**

**I. CALL TO ORDER**

**II. INVOCATION**

*Pledge of Allegiance to the American Flag*

**III. APPROVAL OF MINUTES**

*Regular Meeting -- November 9, 2009*

**IV. SPECIAL HONORS AND RECOGNITIONS**

**Service Certificates**

*Billy Ray Brown – 30 years – Utility Operations*

*Eric Jacobs - 15 years of service - Police Department*

*Jimmy Spigner - 10 years of service – Engineering/GIS*

**Citizen of the Month** – *Mrs. Emma J. Sellers*

**V. APPEARANCE BEFORE COUNCIL**

a. *Representatives from the inner East Florence Community.*

b. *Mr. Jim Shaw, Mayor's Coalition Against Juvenile Violence – to present the Coalition's focus group plan for students.*

c. *A request from the Pee Dee Community Action Agency for \$10,000 to be used for the Boxing Program.*

## **VI. ORDINANCES IN POSITION**

- a. **Bill No. 2009-24 – Second Reading**  
*An Ordinance to establish a daytime curfew for juveniles from the age of six (6) through sixteen (16) between the hours of 8:30 a.m. and 2:30 p.m. on any school day.*
- b. **Bill No. 2009-39 –Second Reading**  
*An Ordinance to amend Article 2.4 Table II: Schedule of Permitted and Conditional Uses and Off-Street Parking Requirements for Businesses and Rural Districts.*
- c. **Bill No. 2009-40 –Second Reading**  
*An Ordinance to annex and zone property owned by Boisy Gregg and Pearlle Utley, 1536 McKenney Court and 1540 McKenney Court.*
- d. **Bill No. 2009-41 –Second Reading**  
*An Ordinance to annex and zone property owned by Leila Rainwater, 1519 Rocky Way.*
- e. **Bill No. 2009-42 –Second Reading**  
*An Ordinance to annex and zone property owned by Joe & Carolyn Younginer, 2678 Ascot Road.*

## **VII. INTRODUCTION OF ORDINANCES**

- a. **Bill No. 2009-43 – First Reading**  
*An Ordinance to amend Article 5, Sign Regulations in the Zoning Ordinance relating to Banners.*
- b. **Bill No. 2009-45 – First Reading**  
*An Ordinance to amend Section 2-24(3)(a) of the City Code to change to two regular Council Meetings per month and to set the times and dates for the two meetings.*
- c. **Bill No. 2009-47 – First Reading**  
*An Ordinance to rezone property owned by the City of Florence, 178 E. Palmetto Street and rezone adjacent property owned by Ernest Pennell, 180 E. Palmetto Street.*

## **VIII. INTRODUCTION OF RESOLUTION**

- a. **Resolution No. 2009-14**  
*A Resolution stating the City of Florence's opposition to H.3272, amending Point-Of-Sale requirements for real property valuation.*

- b. Resolution No. 2009-15**  
*A Resolution to authorize reimbursement of travel expenses incurred by Councilman Billy D. Williams for a trip to Washington, DC.*

**IX. REPORTS TO COUNCIL**

- a. Presentation of the City of Florence, SC Comprehensive Annual Financial Report and audited financial statements by the independent audit firm of Webster Rogers, LLP, CPAs.**
- b. Discussion of the Council requested follow-up report submitted by the Accommodations Tax Advisory Committee.**
- c. A request for funding in the amount of \$6,000 for the Weed and Seed Program.**
- d. A discussion by Councilman Robinson of funding for Legislative Day.**
- e. A report regarding consideration of giving a third Christmas Holiday to City employees.**

**X. ADJOURN**

**REGULAR MEETING OF FLORENCE CITY COUNCIL**  
**MONDAY, NOVEMBER 9, 2009 – 1:00 P.M.**  
**CITY-COUNTY COMPLEX, CITY COUNCIL CHAMBERS, ROOM #604**  
**FLORENCE, SOUTH CAROLINA**

**MEMBERS PRESENT:** Mayor Stephen J. Wukela called the regular meeting to order at 1:00 p.m. with the following members present: Councilman Frank J. Brand, II; Councilman Steve Powers; Councilman Edward Robinson; Mayor Pro tem Billy D. Williams; Councilman William C. Bradham, Jr.; and Councilwoman Octavia Williams-Blake.

**ALSO PRESENT:** David N. Williams, City Manager; Dianne M. Rowan, Municipal Clerk; James W. Peterson, Jr., City Attorney; Phillip Lookadoo, Director of Urban Planning and Development; Scotty Davis, Director of Community Services; Darene Stankus, Director of Human Resources; Chief Anson Shells, Florence Police Department; Drew Griffin, Director of Public Works and Utilities; Chief Randy Osterman, Florence Fire Department; Thomas Chandler, Director of Finance; and Tom Shearin, Special Services Administrator.

Notices of this regular meeting were sent to the media informing them of the date, place and time of the meeting. Dwight Dana of the Morning News, Tonya Brown of TV-15 and Patricia Burkett of TV-13 were present for the meeting.

**INVOCATION**

Councilman Billy D. Williams gave the invocation, which was followed by the Pledge of Allegiance to the American Flag.

**APPROVAL OF MINUTES**

Councilman Brand made a motion to adopt the minutes of the Worksession of October 5, 2009 and the minutes of the regular meeting of October 12, 2009. Councilman Bradham seconded the motion, which carried unanimously.

**ITEMS TO BE ADDED TO THE AGENDA AT THIS MEETING**

Councilman Robinson made a motion that a matter be added to this agenda regarding a change in the rules of how the agenda is compiled and what is placed on the agenda. Councilman Williams seconded the motion. Voting aye were Councilman Powers, Councilman Brand, Councilman Robinson, Councilman Bradham and Councilman Williams. Voting nay were Mayor Wukela and Councilwoman Williams-Blake.

This item will be added under the section of "Introduction of Ordinances".

Councilman Robinson made a motion that the matter to reimburse Councilman Williams for travel expenses for a trip to Washington, DC be added to this agenda. Councilman Williams seconded the



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motion. Voting aye were Councilman Powers, Councilman Robinson, Councilman Williams and Councilman Bradham. Voting nay were Mayor Wukela, Councilman Brand and Councilwoman Williams-Blake.

This item will be added under the section of "Introduction of Ordinances".

**SPECIAL HONORS AND RECOGNITIONS**

Mayor Wukela presented Lt. Jim Brown with a plaque in honor of his retirement from the City of Florence on October 23, 2009. Lt. Brown retired after 22 years with the City of Florence Police Department.

Tommy Sawyer received a certificate from Mayor Wukela in recognition of 40 years of service with the City of Florence.

Mayor Wukela presented a certificate to Pete Becker of the Police Department in recognition of completing 30 years of service with the City of Florence.

Tim Compton was presented a certificate in recognition of completing 25 years of service with the Florence Police Department.

Ken Carr, Jeffrey DeLung and Philip King of the Florence Fire Department received certificates recognizing their 20 years of service with the City.

Walter Durant of the Public Works Department, Ricky Echols of the Fire Department and Levi Hickman of the Public Works Department received certificates recognizing their 15 years of service with the City of Florence.

Keith Creel, Terrance Ford and Michael Robinson of the Florence Police Department received certificates recognizing their 10 years of service with the City of Florence.

Johnathan Green received an educational bonus for completing his "C" Biological Wastewater Operator Certification.

Councilman Bradham recognized Mr. Mandeville Rogers as the Citizen of the Month for November, 2009.

**APPEARANCE BEFORE COUNCIL**

**A. REPRESENTATIVES FROM THE INNER EAST FLORENCE COMMUNITY.**

Councilman Robinson requested that this item be deferred until the December meeting.

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**B. MR. JIM SHAW, MAYOR'S COALITION AGAINST JUVENILE CRIME – TO PRESENT THE COALITION'S FOCUS GROUP PLAN FOR STUDENTS.**

Mr. Jim Shaw stated that focus groups have been conducted by Dr. Pam Imm at West Florence and South Florence High Schools. Two more focus groups are scheduled for Wilson High School and the Alternative School. The data from these meetings will be presented to Council at the December City Council meeting.

**ORDINANCES IN POSITION**

**BILL NO. 2009-24 – SECOND READING**

**AN ORDINANCE TO ESTABLISH A DAYTIME CURFEW FOR JUVENILES FROM THE AGE OF SIX (6) THROUGH SIXTEEN (16) BETWEEN THE HOURS OF 8:30 A.M. AND 2:30 P.M. ON ANY SCHOOL DAY.**

Councilman Robinson made a motion to defer Bill No. 2009-24 to the December, 2009 regular City Council meeting.

Councilman Robinson stated that the committee members would like to hold public hearings at the different high schools to let the public know what is in the bill and to answer any questions that they may have. The committee will work to resolve any concerns and bring this bill back to Council at the regular December meeting.

Councilman Powers seconded the motion, which carried unanimously.

**BILL NO. 2009-37 – SECOND READING**

**AN ORDINANCE TO AMEND THE BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, AND ENDING JUNE 30, 2010, TO PROVIDE FUNDING ASSISTANCE FOR THE CONSTRUCTION OF AN ANIMAL SHELTER.**

An Ordinance to amend the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to provide funding assistance for the construction of an animal shelter was adopted on second reading.

Councilman Brand made a motion to adopt Bill No. 2009-37 on second reading. Councilman Bradham seconded the motion, which carried unanimously.

**OTHER BUSINESS**

Councilman Powers presented Mayor Wukela with a certificate from the Red Cross recognizing the City's cooperative efforts with the Red Cross.

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Councilman Powers stated there was an estimated 55,000 people in attendance at the South Carolina Pecan Festival on November 7, 2009 in the City of Florence. Councilman Powers thanked the volunteers and City staff for their participation with the Pecan Festival.

Councilman Robinson acknowledged Ms. Pat Gibson-Hye for being the founder of the Pecan Festival.

**INTRODUCTION OF ORDINANCES**

**BILL NO. 2009-38 – FIRST READING**

**AN ORDINANCE TO REGULATE SMOKING IN CERTAIN AREAS OF THE CITY OF FLORENCE.**

An Ordinance to regulate smoking in certain areas of the City of Florence was denied by Council.

Councilwoman Williams-Blake stated that this Ordinance would protect employees and the public of the City of Florence from the dangers of second hand smoke. This Ordinance is not about people's right to smoke but is designed to protect employees and the public from the hazards of inhaling second hand smoke.

Councilwoman Williams-Blake made a motion to pass Bill No. 2009-38. Councilman Brand seconded the motion.

Mr. Tommy Phillips, Mr. Ron Moore, Mr. Murray Jordan, Mr. Reynolds Williams, Mr. Joe Reynolds and Mr. Brad Jordan all spoke in opposition to the proposed ordinance.

Mrs. Sherry Gore, Mr. Robbie Hill, Mrs. Stacy Spence, Mrs. Joan Billheimer, Mrs. Mona Carter, and Mrs. Teresa Ervin all spoke in favor of the proposed ordinance.

After a lengthy discussion, Mayor Wukela, Councilman Brand and Councilwoman Williams-Blake voted in favor of the proposed ordinance.

Voting in opposition were Councilman Powers, Councilman Robinson, Councilman Williams and Councilman Bradham.

**BREAK**

Council recessed for a brief break at 3:10 p.m.

Mayor Wukela reconvened the meeting at 3:20 p.m.

**BILL NO. 2009-39 – FIRST READING**

**AN ORDINANCE TO AMEND ARTICLE 2.4 TABLE II: SCHEDULE OF PERMITTED AND CONDITIONAL USES AND OFF-STREET PARKING REQUIREMENTS FOR BUSINESSES AND RURAL DISTRICTS.**

An Ordinance to amend Article 2.4 Table II: Schedule of Permitted and Conditional Uses and Off-Street Parking Requirements for Businesses and Rural Districts was passed on first reading.

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Mr. Phillip Lookadoo, Director of Urban Planning and Development reported to Council that a request has been received to relocate an existing florist shop to the adjacent property in the B-1, Limited Business District. At the time the florist was established it was a permitted use. The current Zoning Ordinance adopted in 1999 does not allow retail in the B-1, Limited Business District. A rewrite of the Zoning Ordinance is planned in the near future when other similar changes are anticipated. The Planning Commission voted 6-0 to recommend approval of the proposed amendment.

Councilman Brand made a motion to pass Bill No. 2009-39 on first reading. Councilman Williams seconded the motion, which carried unanimously.

**BILL NO. 2009-40 – FIRST READING**

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY BOISY GREGG AND PEARLIE UTLEY, 1536 MCKENNEY COURT AND 1540 MCKENNEY COURT.**

An Ordinance to annex and zone property owned by Boisy Gregg and Pearlie Utley, 1536 McKenney Court and 1540 McKenney Court was passed on first reading.

Mr. Phillip Lookadoo, Director of Urban Planning and Development reported to Council that a request has been received by Boisy Gregg and Pearlie Utley to annex and zone 1536 McKenney Court and 1540 McKenney Court from unzoned to R-3, Single-Family Residential District, pending annexation into the City of Florence. The property is shown more specifically on Florence County Tax Maps 01461-02-002 and 01461-02-001. Water and sewer services are already available with no cost to provide utility services.

A Public Hearing for rezoning was held at the October 13, 2009 Planning Commission meeting. The Planning Commission members voted 6-0 to approve the request.

Councilman Williams made a motion to pass Bill No. 2009-40 on first reading. Councilman Brand seconded the motion, which carried unanimously.

**BILL NO. 2009-41 – FIRST READING**

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY LEILA RAINWATER, 1519 ROCKY WAY.**

An Ordinance to annex and zone property owned by Leila Rainwater, 1519 Rocky Way was passed on first reading.

Mr. Phillip Lookadoo, Director of Urban Planning and Development reported to Council that a request has been received from Leila Rainwater to annex and zone 1519 Rocky Way from unzoned to R-3, Single-Family Residential District, pending annexation into the City of Florence. The property is shown more specifically on Florence County Tax Map 90096-03-022. Water and sewer services are already available and there is no cost to provide utility services.

A Public Hearing for rezoning was held at the October 13, 2009 Planning Commission meeting. The Planning Commission members voted 6-0 to approve the request.

Councilman Williams made a motion to pass Bill No. 2009-41 on first reading. Councilman Brand seconded the motion, which carried unanimously.

**BILL NO. 2009-42 – FIRST READING**

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY JOE & CAROLYN YOUNGINER, 2678 ASCOT ROAD.**

An Ordinance to annex and zone property owned by Joe and Carolyn Younginer, 2678 Ascot Road was passed on first reading.

Mr. Phillip Lookadoo, Director of Urban Planning and Development reported to Council that a request has been received from Joe and Carolyn Younginer to annex and zone 2678 Ascot Drive from unzoned to R-1, Single-Family Residential District, pending annexation into the City of Florence. The property is shown more specifically on Florence County Tax Map 00098-01-070. Water and sewer services are already available with no cost to provide utility services.

A Public Hearing for rezoning was held at the October 13, 2009 Planning Commission meeting. The Planning Commission members voted to approve the request 6-0.

Councilman Williams made a motion to pass Bill No. 2009-42 on first reading. Councilman Powers seconded the motion which carried unanimously.

**INTRODUCTION OF RESOLUTION**

**RESOLUTION NO. 2009-13**

This Resolution pertains to the proposed changes in health care reform that is currently before the United States Congress.

Councilman Robinson added that health care is one of the biggest concerns facing the American people. This resolution is in conjunction with the National Black Caucus of Local Elected Officials to support President Obama and his health care reform bill.

Councilwoman Williams-Blake recused herself from the vote due to a potential conflict of interest.

Councilman Robinson made a motion to adopt Resolution No. 2009-13. Councilman Williams seconded the motion.

Mr. Jim Peterson, City Attorney noted that if this is a Resolution of the City of Florence, the wording in the proposed Resolution should be changed from “Be it Resolved that the Conference of Black Municipal Elected Officials”, etc. to “Be it Resolved that the City of Florence”, etc.

Councilman Robinson made a motion to amend the Resolution to read “Be it Resolved that the City of Florence”, etc. Mayor Wukela seconded the motion.

Voting in favor of the amendment were Mayor Wukela, Councilman Powers, Councilman Robinson and Councilman Williams.

Voting in opposition to the amendment were Councilman Brand and Councilman Bradham.

Voting in favor of the resolution as amended were Councilman Powers, Councilman Williams, Mayor Wukela and Councilman Robinson.

Voting in opposition to the amended resolution were Councilman Brand and Bradham.

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**ITEMS ADDED TO THE AGENDA**

**COUNCILMAN ED ROBINSON** – Wanted to clarify how the agenda is set and the procedure for having items added to the City Council agenda.

Councilman Robinson stated he was confused as to how to get items on the agenda. Based on what Council voted on at a previous meeting regarding rules for Council meetings, Councilman Robinson felt that he had followed the procedure to have an item placed on the agenda, however they were not listed on today's agenda. Councilman Robinson stated he would like for Council to set a standard as to how to handle the agenda.

Mayor Wukela sent out a letter requesting that any introduction of an ordinance or resolution that is to appear on an agenda, that it be prepared by staff or by a member of Council in written form, filed with the clerk and circulated at least 30 days before any member of Council is asked to vote on it and it appears on an agenda. This was recommended so that members of Council would have a chance to study the proposed ordinance or resolution before being asked to vote on it and would therefore lead to shorter Council meetings and limit an item being deferred to a future meeting and would also encourage compromise as Council would have a chance to discuss and debate the issues before the Council meeting. The second request was that any agenda items that members requested be placed on the agenda, be made 14 days before the meeting that it was to appear at. The agenda would then be circulated 10 days before the meeting. The reason for this was so that members of Council would not have an issue presented to them at the meeting or shortly before a meeting. These recommendations are not a proposal for a rule change.

Councilman Robinson stated he felt that 30 days was too much time to get something to Council to review. Councilman Robinson added that at the December meeting Council will be considering having two meetings per month and that it would be better to wait until Council decides if there will be two meetings per month and then consider this issue.

Mr. Peterson reviewed what is currently in the ordinance regarding agenda items. It states that the deadline for requests for agenda items for a regularly scheduled Monday meeting is 1:00 p.m. on the Wednesday immediately preceding the regularly scheduled meeting or three business days.

Mayor Wukela stated that items could be added to the agenda at any time as long as two members of Council do not object. Mayor Wukela added that the recommendation he made regarding submitting a request for an agenda item 14 days in advance of the regular scheduled meeting was only to give Council more time to review agenda items so that Council would be prepared to vote on them at the Council meeting. The request was not a proposal for a rule change.

Following this discussion, Councilman Robinson stated he was satisfied with the current procedure.

No further action was requested or taken.

**COUNCILMAN ED ROBINSON** – To request reimbursement of travel expenses for Councilman Billy D. Williams.

Mayor Wukela reviewed the current travel policy which includes action taken previously by Council to divide \$30,000 among the seven council members to be used for travel expenses for city

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business. Also addressed was the fact that a member may need to go over the allotted amount for business related travel and council would consider those on a case-by-case basis.

Councilman Williams has made a trip to Washington, DC and has incurred expenses over the allocated amount of travel funds and is seeking reimbursement for those expenses.

Mayor Wukela requested that Councilman Williams turn in his receipts and have the clerk reconcile the travel expenses and then the reimbursement could be considered by council at the December City Council meeting.

**REPORTS TO COUNCIL**

**A. RECOMMENDATIONS BY THE ACCOMMODATIONS TAX ADVISORY COMMITTEE FOR APPROPRIATIONS OF ACCOMMODATIONS TAX FUND FOR FY 2009-2010.**

Councilman Bradham made a motion to adopt the recommendations of the Committee as presented. Councilman Brand seconded the motion.

Councilman Williams made a motion to amend the recommendations of the Committee as follows: Florence Symphony Orchestra to receive \$5,000 (a reduction of \$900); May Fly Air Show to receive \$16,000 (a reduction of \$1,000); Florence Tennis Association to receive \$6,000 (a reduction of \$700); Car Haulers Parade to receive \$4,000 (a reduction of \$800); SC Dance Theatre to receive \$3,000 (a reduction of \$800); and Arts International Festival to receive \$9,000 (a reduction of \$1,000). The total of the reductions, \$5,200, would be applied to Beyond February: Black History Year Round. This is the first year that this organization has requested funding. Councilman Robinson seconded the motion.

There were four new organizations that requested funding this year. However, the Committee did not recommend funding for any of the new organizations as there were no additional funds received this year for the Committee to consider.

Councilwoman Williams-Blake made a motion to amend Councilman Williams' motion that the reductions offered by Councilman Williams be accepted but to take the \$5,200 and instead of allocating the entire amount to Beyond February: Black History Year Round to recommit the funds to the Accommodations Tax Advisory Committee for recommendation as to how the \$5,200 should be allocated among the four new organizations. Councilman Powers seconded the motion.

Mr. Larry Norris, Chairman of the Accommodations Tax Advisory Committee, stated that because the committee did not consider the four new organizations for any funding, those organizations were not screened to determine if they qualified for funding and that would need to be answered before Council allocated any funding to them. Mr. Norris added that a meeting of the committee would have to be scheduled to determine if they qualify for funding.

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After a lengthy discussion regarding the qualifications of the new organizations, Councilman Powers asked if the pending motion authorized the release of funding for the other organizations.

Councilwoman Williams-Blake stated that it did authorize the release of the funding with the exception of the reductions that Councilman Williams has proposed.

Mayor Wukela asked all those in favor of Councilwoman Williams-Blake's motion to amend Councilman Williams' motion to amend indicate by saying aye. Voting in favor were Councilwoman Williams-Blake, Councilman Powers, Councilman Robinson and Councilman Williams. Voting in opposition were Councilman Brand and Councilman Bradham. Mayor Wukela recused himself from the voting. The motion passed 4-2.

Councilman Williams withdrew his motion to amend.

Mayor Wukela asked all those in favor of the original motion as amended to indicate by saying aye. Voting in favor of the original motion as amended were Councilman Robinson, Councilman Williams, Councilwoman Williams-Blake and Councilman Powers. Voting in opposition were Councilman Brand and Councilman Bradham. Mayor Wukela recused himself from the voting. The motion passed 4-2.

Mr. Norris will send out a letter to the committee requesting a meeting of the members to discuss and determine if the four new organizations that requested funding meet the requirements to receive funding from the Accommodations Tax Fund and will report their findings to Council at a later meeting.

**B. A REPORT BY MR. DAVID WILLIAMS, CITY MANAGER; CHIEF ANSON SHELLS, POLICE; AND CHIEF RANDY OSTERMAN, FIRE – REGARDING THE MAKE-UP OF THE FIRE AND POLICE DEPARTMENTS.**

Mr. David Williams, City Manager stated that Councilman Robinson had requested information on why the racial breakdown of the Police and Fire Departments does not reflect the breakdown of the local population. Some of the reasons and contributing factors for this are:

- \* Only 55% of the population falls within the age group between 18 and 65. This is the age group that most, if not all, of our employees fall in. The Police Department requires applicants for police officer to be 21 years of age. The Fire Department requires their applicants to be 18 years of age.
- \* In the Fire and Police Departments, the City requires a minimum of a high school education. In our area only 73.1% of the population are high school graduates.
- \* There are a lot of applicants that do not qualify for employment because they either do not have a valid driver's license or they have a very poor driving record. In the Police and Fire Departments the driving record is extremely important.
- \* Criminal Record: A police officer candidate that has a criminal record is automatically ineligible for consideration.



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- \* Some applicants do not pass all aspects of the SC Criminal Justice Academy. The Academy determines whether someone can be commissioned as a police officer. Even after successful completion of the academy, some applicants do not complete the field training program once they return to the Police Department.
- \* There are medical resignations.
- \* Accepting positions with other law enforcement agencies.
- \* Accepting positions with outside non-law enforcement agencies.
- \* Retirement.
- \* Occasionally there will be a termination for disciplinary reasons.

Mr. Williams gave the following background information.

In 1989 city-wide employment (not just Police and Fire) , had a percentage of white to black of about 55% white and 45% black. In 2009, the percentage of white employees is about 56% and the percentage of black employees is about 44%.

In 1989, in the Police Department, there were 60 white employees and 31 black employees. This is a breakdown of 66% white vs. 34% black. This is not just police officers but employment within in the Department. In 1999, there were 72 white employees and 20 black employees for a breakdown of 71% white vs. 29% black. In 2009, the breakdown is 88 white employees and 44 black employees, or 66% vs. 34%.

In the Fire Department in 1989 there were 43 white employees, 17 black employees and 1 other for a breakdown of 70.5% white, 27.9% black and 1.6% other. In 1999 there were 53 white and 17 black employees for a breakdown of 75.5% white and 24.3% black employees. In 2009 there are 52 white employees and 16 black employees in the Fire Department. The breakdown is 76.5% white employees and 23.5% black employees.

In the Police Department in 2000 there were 68 (73%) white commissioned police officers and 25 (27%) black commissioned police officers. In 2009 there are 80 (70%) white commissioned police officers and 35 (30%) black commissioned police officers. These numbers do not include the support staff in the department.

In the Fire Department for FY 2000 the commissioned workforce consisted of 56 white (80%) employees and 14 (20%) black employees. In 2009 there are 51 (77%) white employees and 15 (23%) black employees.

The City requires employees to submit a 10 year driver's license report when hired. Also required is a valid driver's license; Human Resources will conduct a sex offender/work history check/ outstanding warrant screening; skills test/written exam; board interview or first interview; background investigation (police department); department director interview; psychological; and medical/drug screening. Within the Fire and Police Departments special assessments include: ability to climb ladder/go in smoke house (Fire); firearms assessment (Police); polygraph (Police); and fitness testing (Fire).

Councilman Robinson asked what was going to be done to improve these ratios. Councilman Robinson stated that there is a problem hiring black police officers because of educational requirements; criminal records; previous employment and driving records and feels

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that the city should go into the high schools and colleges and tell the students what they need to do to become a police officer.

Mayor Wukela stated he would encourage the city to hire and promote black police officers; this is good for the city and feels that the city has been doing this and would encourage them to continue doing so.

**ADJOURN**

Councilman Brand made a motion to adjourn the meeting.  
The meeting was adjourned at 5:30 p.m.

Dated this 14<sup>th</sup> day of December, 2009.

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Dianne M. Rowan, Municipal Clerk

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Stephen J. Wukela, Mayor

**FLORENCE CITY COUNCIL MEETING**

**DATE:** July 13, 2009  
**AGENDA ITEM:** Ordinance No. 2009-\_\_\_\_  
**DEPARTMENT/DIVISION:** City Council - Councilman Robinson

**I. ISSUE UNDER CONSIDERATION**

The ordinance now under consideration is designed to establish a daytime curfew for juveniles age of 6 through 16 addressing there whereabouts during the hours of 8:30 a.m. to 2:30 p.m. on days when school is in session.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN**

This matter has been discussed on numerous occasions and has been studied in detail by a group of citizens, representatives from schools, representatives from the Police Department, representatives from DSS and Juvenile Justice, and representatives from other agencies involved with youth in Florence. After careful study and the review of data regarding problems occurring during school hours, this group recommended that this issue be presented to Council in the form of an Ordinance to allow Council to study the issues involved and take appropriate action.

**III. POINTS TO CONSIDER**

- (a) The attached ordinance proposes language approved by the above described committee.
- (b) The ordinance requires two readings;
- (c) Council should hold a Public Hearing to receive input and hear evidence regarding the problems that exist and the method to address the problems;
- (d) Council should receive legal advice concerning the proposed ordinance in Executive Session; prior to the election

**IV. STAFF RECOMMENDATION**

Staff stands ready to carry out the wishes of Council.

**V. ATTACHMENTS**

Copy of the proposed Ordinance 2009-\_\_\_\_.

ORDINANCE NO. 2009 - \_\_\_\_\_

An ordinance to establish a daytime curfew for juveniles from the age of six (6) through sixteen (16) between the hours of 8:30 a.m. and 2:30 p.m. on any school day.

**WHEREAS**, §5-7-30 of the South Carolina Code of Laws, as amended, authorizes the City of Florence to enact regulations and ordinances relating to the health, order, and general welfare of the City and its citizens in connection with its services; and

**WHEREAS**, after careful study and discussions of statistics provided by the police department, this council finds that there has been an increase in incidents involving juvenile crime and school age youth loitering in the City limits during school hours on school days, when they are supposed to be in school, at home, under the supervision of an alternative school, in a supervised youth program, or otherwise in the control of their parents, guardians, or responsible adult; and

**WHEREAS**, this council finds, after careful study, that it is in the best interest of the City of Florence and its citizens that a “school age daytime curfew ordinance be established.

**NOW, THEREFORE**, be it ordained, by the Mayor and the members of the City Council of the City of Florence, South Carolina, that Chapter 14 of the Code of Ordinances of the City of Florence entitled “Offenses and Miscellaneous Provisions” be amended to add the following:

**OFFENSES AND MISCELLANEOUS PROVISIONS**

**Daytime Curfew for School Age Juveniles, Compulsory School Attendance - Parental Duty Imposed**

- A. For the purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.**

“Public place” means any street, highway, alley, or right-of-way, to include sidewalks; any park, playground, mall, or building open to the public; any cemetery, school yard, body of water, or watercourse; any privately or publicly owned place of amusement, entertainment, or public accommodation including parking lots and other areas adjacent thereto; and any vacant lot or land.

**B. No Juvenile from the age of six through sixteen years of age shall be in any public place within the city except in attendance at school between 8:30 a.m. and 2:30 p.m. on any school day unless:**

1. The juvenile has written proof from school authorities that he or she is excused from school attendance at that particular time; or
2. The juvenile attends a private school in which the attendance requirements differ from that of public school; or
3. The juvenile has been emancipated pursuant to the Laws of the State of South Carolina; or
4. The juvenile is accompanied by his or her parent or legal guardian or a responsible adult selected by the parent or legal guardian to supervise the child; or
5. The juvenile is employed pursuant to an age or schooling certificate, during actual working hours or traveling directly to or from the job site; or
6. The juvenile is receiving home education pursuant to the Laws of the State of South Carolina

A police officer shall apprehend any juvenile found violating section B of this ordinance. No juvenile will be released except into the custody of his or her parent or legal guardian, a school official, or a School Resource Officer at the offender's school. Any juvenile who violates section B of this ordinance is subject to the jurisdiction of Family Court.

**C. No parent or legal guardian of a juvenile from the age of six through sixteen years of age shall negligently allow a juvenile to violate section B of this ordinance.**

It shall be an affirmative defense to section C that the parent or legal guardian has initiated the jurisdiction of the Family Court against the juvenile prior to the time that the juvenile was found violating section B of this ordinance.

**D. If a juvenile is suspended or expelled from school, that juvenile's parent or legal guardian shall, for the duration of the suspension or expulsion:**

1. Prohibit the juvenile from being in any public place at the times that the juvenile would have been required to be in attendance at school had he or she not been suspended or expelled unless:
  - A. The juvenile is accompanied by his or her parent or legal guardian or a responsible adult selected by the parent or legal guardian to supervise the child.
  - B. The juvenile is employed pursuant to an age or schooling certificate, during actual working hours, or traveling directly to or from the job site.
2. Shall not have as a defense the inability to personally or otherwise supervise the juvenile during the suspension period.

It shall be an affirmative defense to section D that the parent or legal guardian has initiated the jurisdiction of the Juvenile Court against the juvenile prior to the time that he or she violated section D of this ordinance.

**E. Penalty**

**Any parent or legal guardian who violates section C or D of this ordinance is guilty of a misdemeanor and upon the first offense shall be given a written warning. Second and subsequent offenses that occur during the school year shall be punishable by a fine of \$100 dollars per offense.**

**F. Upon notification that a juvenile has been suspended from school, officers of the Florence Police Department shall, as time permits, perform random home visits in order to assure that the juvenile is in compliance with section D of this ordinance. When performing random visits, officers shall not enter any home of any suspended juvenile without the permission of an adult present at the residence. Officers shall investigate the whereabouts of the juvenile from outside of the residence unless invited inside by an adult.**

**G. Parents or legal guardians violating this ordinance shall not be subject to custodial arrest, but shall be issued a summons to appear in Municipal Court.**

That this Ordinance shall become effective on the \_\_\_\_ day of \_\_\_\_\_, 2009.

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009.**

**Approved as to form:**

\_\_\_\_\_  
**James W. Peterson, Jr., City Attorney**

\_\_\_\_\_  
**Stephen J. Wukela, Mayor**

**Attest:**

\_\_\_\_\_  
**Dianne M. Rowan, Municipal Clerk**



FLORENCE CITY COUNCIL MEETING

VI. b.  
Bill No.2009-39  
Second Reading

DATE: November 9, 2009

AGENDA ITEM: First Reading, Ordinance to amend the Zoning Ordinance

DEPARTMENT/DIVISION: Urban Planning & Development

**I. ISSUE UNDER CONSIDERATION**

An amendment to Section 2.4 Table II of the City of Florence Zoning Ordinance to permit florists in the B-1, Limited Business District.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**

1. A request had been received to relocate an existing florist shop to the adjacent property in the B-1, Limited Business District. At the time the florist was established it was a permitted use.
2. The current Zoning Ordinance adopted in 1999, does not allow retail in the B-1, Limited Business District.
3. The property is located in the downtown area where specialty shops are encouraged by the Design Guidelines.
4. A Zoning Ordinance rewrite is planned in the near future when other similar changes are anticipated.
5. Planning Commission voted to recommend approval of the proposed amendment by a vote of 6-0.

**III. POINTS TO CONSIDER**

This item is being introduced for first reading only.


**IV. OPTIONS**

1. Approve the request as presented based on the information submitted.
2. Defer the request should additional information be needed.
3. Suggest other alternatives
4. Deny the request.

**IV. ATTACHMENTS**

1. Ordinance
2. Staff report to Planning Commission.

  
Phillip M. Lookadoo, Director  
Urban Planning & Development

  
David N. Williams  
City Manager

**STAFF REPORT  
TO THE  
CITY OF FLORENCE PLANNING COMMISSION  
October 13, 2009  
PC#2009-21**

**SUBJECT:** Request for amendment to Section 2.4 Table II: Schedule of Permitted and Conditional Uses and Off-Street Parking Requirements for Businesses and Rural Districts of the Zoning Ordinance.

**APPLICANT:** City of Florence/Urban Planning Department Staff

**STAFF ANALYSIS:**

A recent request for a Certificate of Zoning Compliance revealed that there were changes made in permitted uses in the B-1, Limited Business District when the Consolidated Zoning Ordinance was adopted April 12, 1999. All retail uses which included florists, drug stores, convenience stores, book, stationary shops and optical goods stores were omitted as permitted uses in the new ordinance, although they had been permitted in the Office Professional District of the previous City of Florence Zoning Ordinance.

There are many properties within the city's downtown redevelopment districts which are currently zoned B-1, Limited Business as shown on the attached map. The Design Guidelines adopted by the City of Florence encourage the development of pedestrian areas to include a variety of uses. Specialty shops are referenced as a contributing factor in this effort.

**NOTE:**

Text amendments to the Section for revision are highlighted and in bold.

**The current text reads as follows:**

	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
<b>Sector 44-45: Retail Trade</b>										
Motor vehicle & parts	441	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Automotive dealers	4411	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Other motor vehicle dealers	4412	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Automotive parts	4413	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Furniture & home furnishings	442	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Electronics & Appliances	443	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Building materials, garden supplies	444									
Building materials & supplies	4441	N	N	P	N	N	N	P	N	1.0 per 1,000 s.f. GFA
Paint & wallpaper	44412	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Hardware stores (Sec. 3.13)	44413	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Lawn & garden equipment & supplies stores	4442	N	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA
Food stores (3.13)	445	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Beer, Wine, & Liquor stores (Sec 3.13)	4453	N	N	P	P	N	N	C	N	1.0 per 350 s.f. GFA

Health & Personal care (Sec. 3.13)	446	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Gasoline stations	447	N	P	P	P	N	N	P	P	1.0 per 600 s.f. GFA
Truck stops	44719	N	N	P	N	N	N	N	N	1.0 per 600 s.f. GFA
Clothing & accessory stores	448	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Sporting goods, Hobbies, Books, & Music	451	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
General Merchandise, except pawn shops & flea markets (Sec. 3.13)	452	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Miscellaneous retail	453	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Used merchandise, except pawn shops & flea markets (Sec. 3.13)	4533	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Flea Markets	4533	N	N	P	N	N	N	P	N	1.5 per stall
Retail not elsewhere classified except grave monuments, fireworks, sexually oriented businesses	4539	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Manufactured home dealers	45393	N	N	P	N	N	N	N	N	1.0 per 600 s.f. GFA
Fireworks	453998	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Gravestones, monuments	443998	N	N	P	N	N	P	N	N	1.0 per 500 s.f. GFA
Miscellaneous retail	45399	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Non-store retailers	454	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Fuel Dealers	45431	N	N	P	N	N	P	N	N	1.0 per 500 s.f. GFA

**The proposed text reads as follows:**

	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
<b>Sector 44-45: Retail Trade</b>										
Motor vehicle & parts	441	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Automotive dealers	4411	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Other motor vehicle dealers	4412	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Automotive parts	4413	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Furniture & home furnishings	442	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Electronics & Appliances	443	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Building materials, garden supplies	444									
Building materials & supplies	4441	N	N	P	N	N	N	P	N	1.0 per 1,000 s.f. GFA
Paint & wallpaper	44412	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Hardware stores (Sec. 3.13)	44413	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Lawn & garden equipment & supplies stores	4442	N	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA
Food stores (3.13)	445	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Beer, Wine, & Liquor stores (Sec 3.13)	4453	N	N	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Health & Personal care (Sec. 3.13)	446	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Gasoline stations	447	N	P	P	P	N	N	P	P	1.0 per 600 s.f. GFA
Truck stops	44719	N	N	P	N	N	N	N	N	1.0 per 600 s.f. GFA
Clothing & accessory stores	448	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Sporting goods, Hobbies, Books, & Music	451	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
General Merchandise, except pawn shops & flea markets (Sec. 3.13)	452	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Miscellaneous retail	453	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
<b>Florists</b>	<b>453110</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>1.0 per 350 s.f. GFA</b>
Used merchandise, except pawn shops & flea markets (Sec. 3.13)	4533	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA

Flea Markets	4533	N	N	P	N	N	N	P	N	1.5 per stall
Retail not elsewhere classified except grave monuments, fireworks, sexually oriented businesses	4539	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Manufactured home dealers	45393	N	N	P	N	N	N	N	N	1.0 per 600 s.f. GFA
Fireworks	453998	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Gravestones, monuments	443998	N	N	P	N	N	P	N	N	1.0 per 500 s.f. GFA
Miscellaneous retail	45399	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Non-store retailers	454	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Fuel Dealers	45431	N	N	P	N	N	P	N	N	1.0 per 500 s.f. GFA

**Staff Recommendation**

Staff recommend approval of this request as it meets the intent of the Downtown Design Guidelines by allowing a specialty retail use and which had been previously allowed in this zoning district. The current Zoning Ordinance is also scheduled for revision following the completion of the Comprehensive Planning process which is underway. A more thorough review of permitted uses in each business district will be undertaken at that time.

**ORDINANCE NO. 2009 \_\_\_\_\_**

**AN ORDINANCE TO AMEND ARTICLE 2.4 TABLE II: SCHEDULE OF PERMITTED AND CONDITIONAL USES AND OFF-STREET PARKING REQUIREMENTS FOR BUSINESSES AND RURAL DISTRICTS**

**WHEREAS**, a public hearing was held in room number 604 of the City County Complex on October 13, 2009 before the City of Florence Planning Commission and notice of said hearing was duly given; and

**WHEREAS** , the proposed amendment will permit florists in B-1, Limited Business Districts and,

**WHEREAS** , the Planning Commission at their October 13, 2009 meeting recommended approval of the amendment as follows:

**NOTE:**

Text amendments to the Section for revision are highlighted and in bold.

**The current text reads as follows:**

	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
<b>Sector 44-45: Retail Trade</b>										
Motor vehicle & parts	441	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Automotive dealers	4411	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Other motor vehicle dealers	4412	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Automotive parts	4413	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Furniture & home furnishings	442	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Electronics & Appliances	443	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Building materials, garden supplies	444									
Building materials & supplies	4441	N	N	P	N	N	N	P	N	1.0 per 1,000 s.f. GFA
Paint & wallpaper	44412	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Hardware stores (Sec. 3.13)	44413	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Lawn & garden equipment & supplies stores	4442	N	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA
Food stores (3.13)	445	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Beer, Wine, & Liquor stores (Sec 3.13)	4453	N	N	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Health & Personal care (Sec. 3.13)	446	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Gasoline stations	447	N	P	P	P	N	N	P	P	1.0 per 600 s.f. GFA
Truck stops	44719	N	N	P	N	N	N	N	N	1.0 per 600 s.f. GFA
Clothing & accessory stores	448	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Sporting goods, Hobbies, Books, & Music	451	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
General Merchandise, except pawn shops & flea markets (Sec. 3.13)	452	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA

Miscellaneous retail	453	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Used merchandise, except pawn shops & flea markets (Sec. 3.13)	4533	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Flea Markets	4533	N	N	P	N	N	N	P	N	1.5 per stall
Retail not elsewhere classified except grave monuments, fireworks, sexually oriented businesses	4539	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Manufactured home dealers	45393	N	N	P	N	N	N	N	N	1.0 per 600 s.f. GFA
Fireworks	453998	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Gravestones, monuments	443998	N	N	P	N	N	P	N	N	1.0 per 500 s.f. GFA
Miscellaneous retail	45399	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
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Fuel Dealers	45431	N	N	P	N	N	P	N	N	1.0 per 500 s.f. GFA

**The proposed text reads as follows:**

	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
<b>Sector 44-45: Retail Trade</b>										
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Other motor vehicle dealers	4412	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Automotive parts	4413	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Furniture & home furnishings	442	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Electronics & Appliances	443	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Building materials, garden supplies	444									
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Paint & wallpaper	44412	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Hardware stores (Sec. 3.13)	44413	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
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Health & Personal care (Sec. 3.13)	446	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Gasoline stations	447	N	P	P	P	N	N	P	P	1.0 per 600 s.f. GFA
Truck stops	44719	N	N	P	N	N	N	N	N	1.0 per 600 s.f. GFA
Clothing & accessory stores	448	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Sporting goods, Hobbies, Books, & Music	451	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
General Merchandise, except pawn shops & flea markets (Sec. 3.13)	452	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Miscellaneous retail	453	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
<b>Florists</b>	<b>453110</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>1.0 per 350 s.f. GFA</b>
Used merchandise, except pawn shops & flea markets (Sec. 3.13)	4533	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Flea Markets	4533	N	N	P	N	N	N	P	N	1.5 per stall
Retail not elsewhere classified except grave monuments, fireworks, sexually oriented businesses	4539	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
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Fireworks	453998	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Gravestones, monuments	443998	N	N	P	N	N	P	N	N	1.0 per 500 s.f. GFA
Miscellaneous retail	45399	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Non-store retailers	454	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Fuel Dealers	45431	N	N	P	N	N	P	N	N	1.0 per 500 s.f. GFA

**WHEREAS**, Florence City Council concur in the aforesaid application, findings and recommendations:

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:**

1. That an Ordinance is hereby adopted by amending the Zoning Ordinance as shown above.
2. That this Ordinance shall become effective immediately.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009**

**Approved as to form:**

\_\_\_\_\_  
James W. Peterson, Jr.  
**City Attorney**

\_\_\_\_\_  
Stephen J. Wukela,  
**Mayor**

**Attest:**

\_\_\_\_\_  
Dianne Rowan  
**Municipal Clerk**

**CITY OF FLORENCE COUNCIL MEETING**

**DATE:** November 9, 2009

**AGENDA ITEM:** Ordinance  
First Reading

**DEPARTMENT/DIVISION:** City of Florence Urban Planning & Development Department

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**I. ISSUE UNDER CONSIDERATION:**

*Request to annex and zone 1536 McKenney Court & 1540 McKenney Court from unzoned to R-3, Single-Family Residential District, pending annexation into the City of Florence. Tax Maps 01461-02-002 & 01461-02-001. The request is being made by the owners, Boisy Gregg & Pearlie Utley.*

*Water and Sewer services are already available, no cost to provide utility services.*

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**

*No previous action has been taken on this request. A Public Hearing for rezoning was held at the October 13, 2009 Planning Commission meeting. Planning Commission members voted to approve the request 6-0.*

**III. POINTS TO CONSIDER:**

*This item is being introduced for first reading only.*

**IV. OPTIONS:**

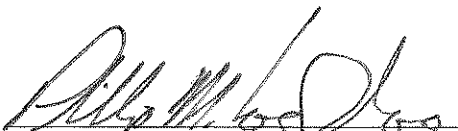
*City Council may:*

- (1) Approve request as presented based on information submitted.*
- (2) Defer request should additional information be needed.*
- (3) Suggest other alternatives.*
- (4) Deny request.*

**V. PERSONAL NOTES:**

**VI. ATTACHMENTS:**

*Map showing the location of the property.*  
*Zoning Map*  
*Comprehensive Plan Map*  
*Staff Report*



Phillip M. Lookadoo, AICP  
Urban Planning and Development Director



David N. Williams  
City Manager



# ZONING REQUEST

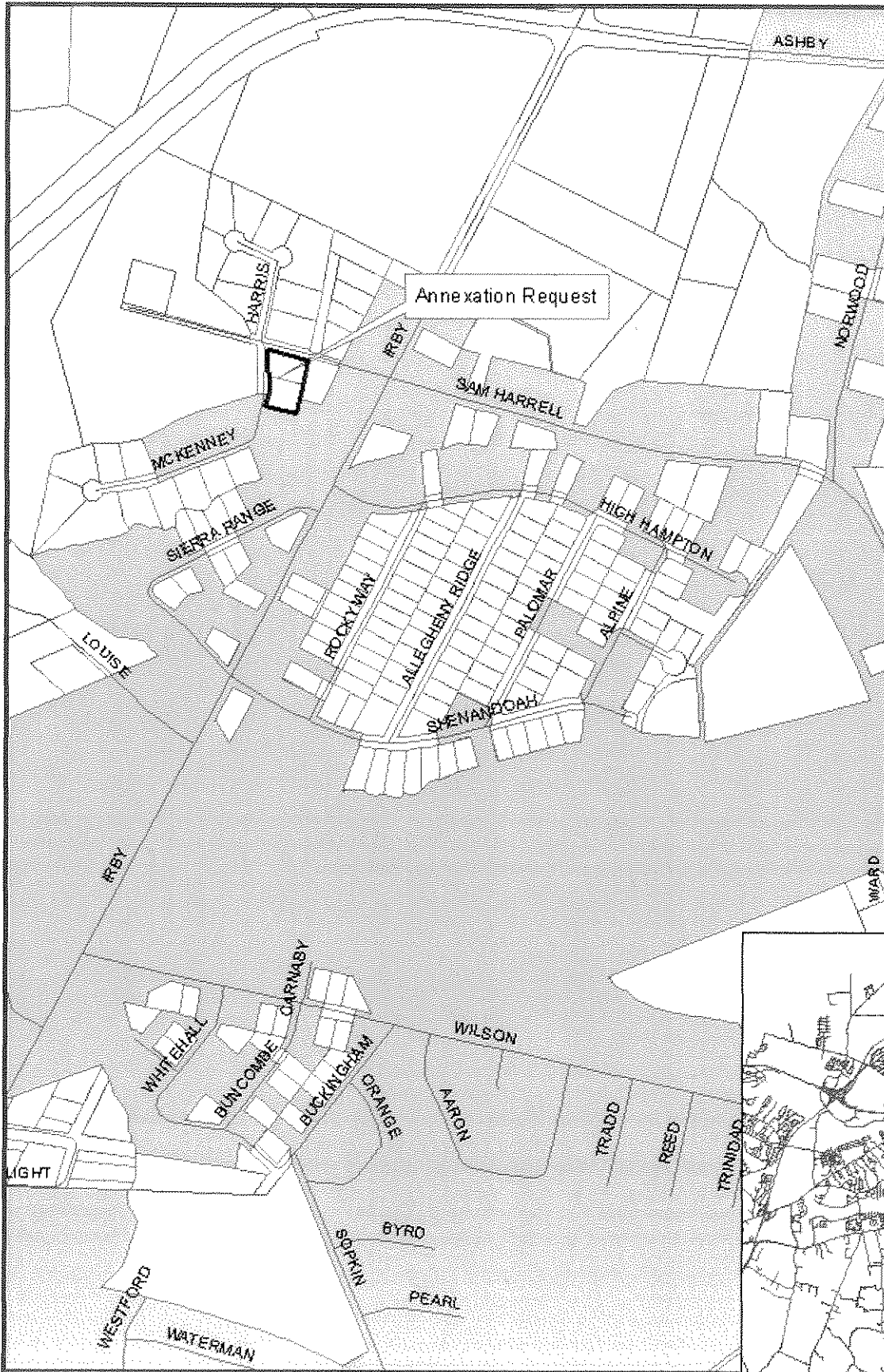
## PC#2009- 19



1,000



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Urban Planning &  
Development Department



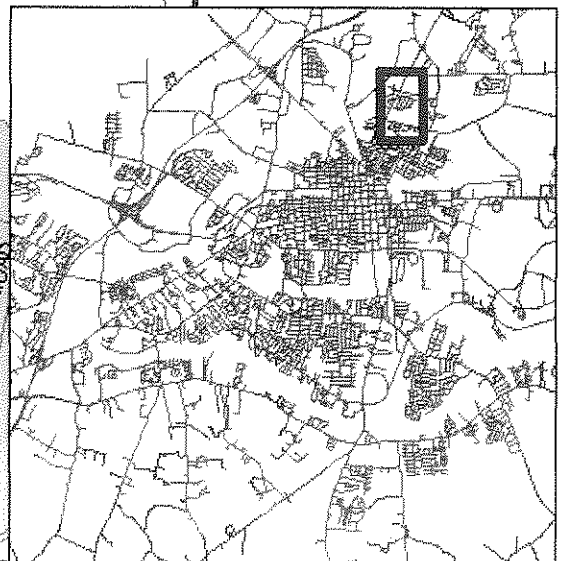
Annexation Request

**Legend**

- Planning, DBO, Roads
- Planning, DBO, City Limits
- Planning, DBO, Parcels

ORIGINAL PREPARATION  
This map was prepared by:  
City of Florence  
Urban Planning & Development Department

**DISCLAIMER:**  
The City of Florence Urban Planning and Development Department data represented on this map or plan is the product of compilation, as produced by others. It is provided for informational purposes only and the City of Florence makes no representation as to its accuracy. Its use without field verification is at the sole risk of the user.



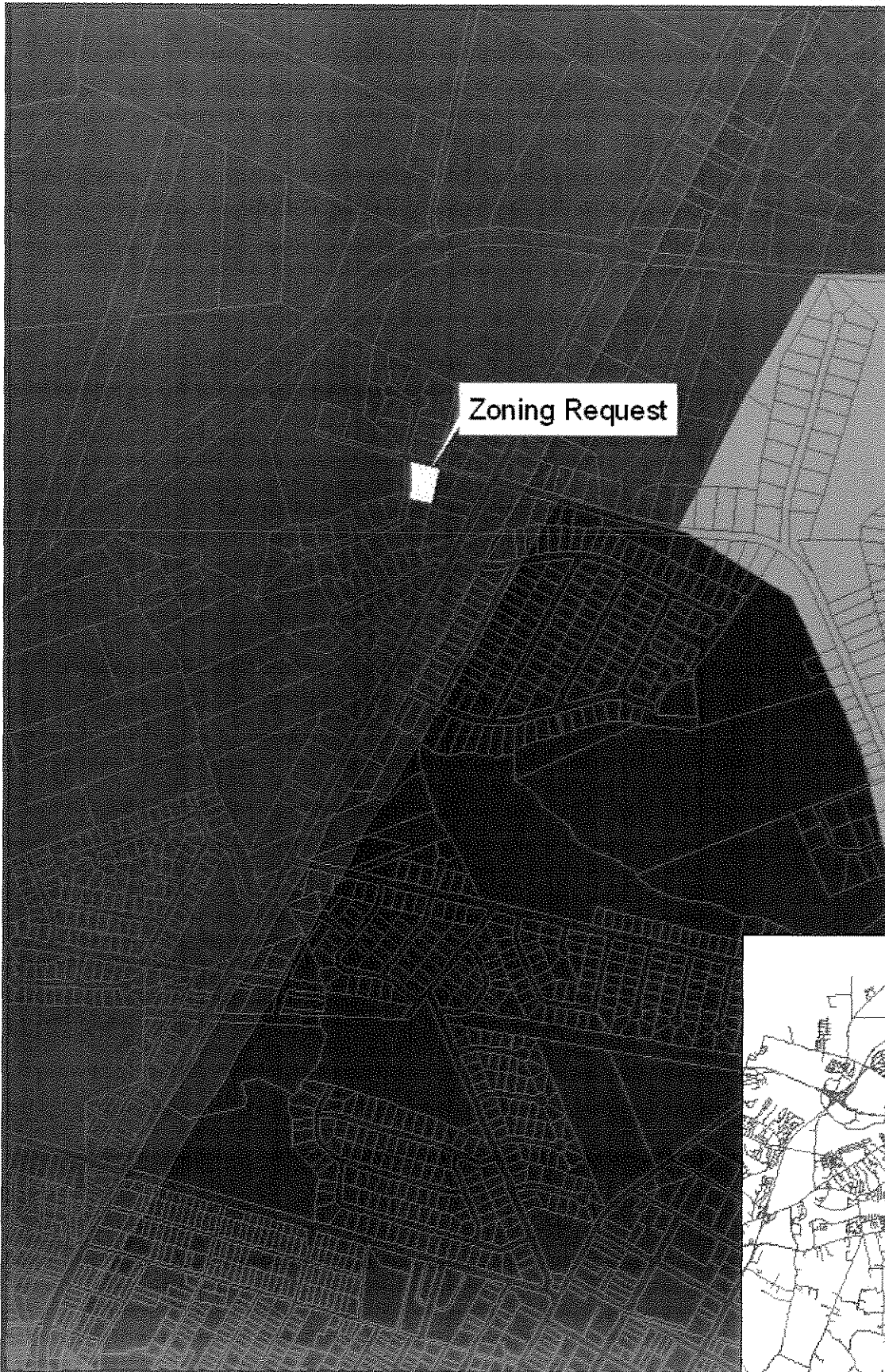
# COMPREHENSIVE MAP PLAN

## Rezoning Request

### PC # 2009-19














Urban Planning &  
Development Department



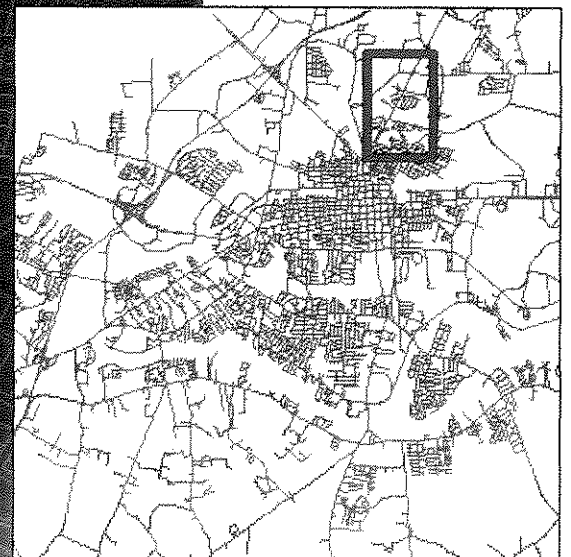
### Legend

#### Land Use Categories

-  DVR
-  EXR
-  HEC
-  HEN
-  IB
-  LEN
-  NC
-  OPN
-  RCN
-  RRL
-  TRN

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City of Florence  
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# ZONING REQUEST

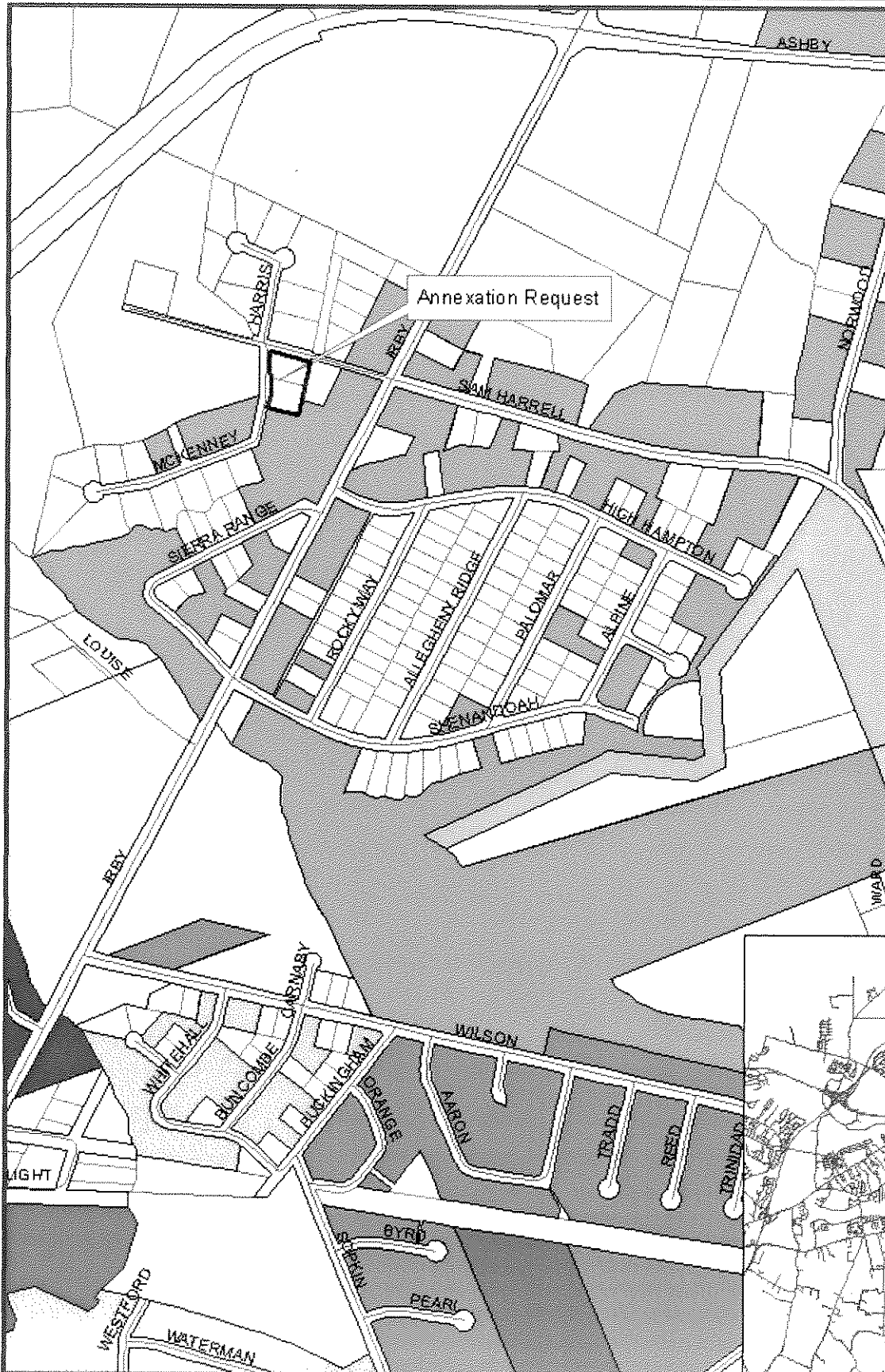
## PC#2009- 19



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Urban Planning &  
Development Department

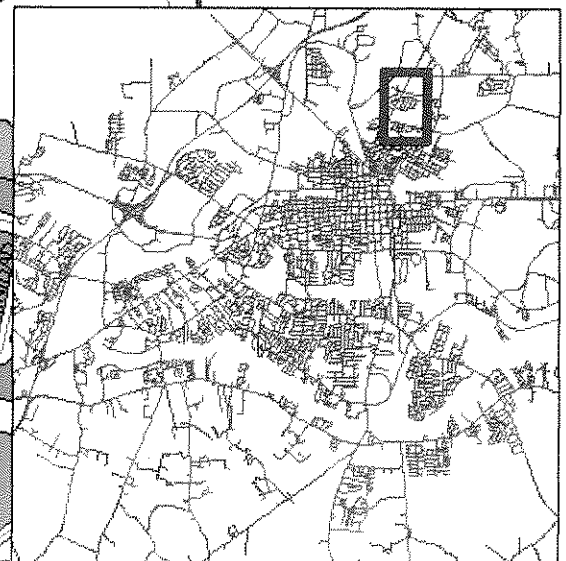


### Legend

- Manning, DBO, Roads
- R-1, SINGLE FAMILY, LARGE LOTS
- R-2, SINGLE FAMILY, MEDIUM LOTS
- R-3, SINGLE FAMILY, SMALL LOTS
- R-4, MULTI-FAMILY, LIMITED
- R-5, MULTI-FAMILY
- PD, PLANNED DEVELOPMENT
- B-1, LIMITED
- B-2, CONVENIENCE
- B-3, GENERAL
- B-4, CENTRAL
- B-5, OFFICE-LIGHT INDUSTRIAL
- B-6, INDUSTRIAL
- RU-1, COMMUNITY
- RU-2, RESOURCE
- UNZONED
- Manning, DBO, Parcels

ORIGINAL PREPARATION  
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**ZONING PETITION STAFF CHECKLIST**  
PC#2009-19

**IDENTIFYING DATA**

Name of Owners: Boisy Gregg & Pearlie Utley

Address of Properties: 1536 McKenney Court 0.50 Acre & 1540 McKenney 0.50 Acre

Tax Parcel Number(s): 01461-02-002 & 01461-02-001

Date: September 11, 2009

**GENERAL BACKGROUND DATA**

Current Zoning: Unzoned

Proposed Zoning: Single-Family Residential (R-3)

Current Use: Residential Single Family

Proposed Use: Residential Single Family

**DIMENSIONAL REQUIREMENTS**

Current Zoning

Proposed Zoning

Lot Area:

Proposed Lot Area: 6000

Lot Width

Proposed Lot Width: 50

Front Setback

Proposed Front Setback: 25

Side Yards

Proposed Side Yards: 5

Rear Yards

Proposed Rear Yards: 25

Max. Height

Proposed Max. Height: 38

Open Space

Proposed Open Space: 55%

Comments:

# ZONING PETITION STAFF CHECKLIST

---

## MISCELLANEOUS PROVISIONS

Is any portion of the property in floodplain? No

Are there any known zoning violations on this site? No

If so, explain:

Tax records indicate the owner(s) as: Boisy Gregg 1536 McKenney  
& Pearlle Utley 1540 McKenney

This application is submitted by:             the owners listed above  
     an agent for the owner  
     other

If agent or other, what documentation has been provided from owner or is none required?

## LAND USE PLAN CONFORMANCE

Is there any discrepancy between current or proposed zoning and the Land Use Plan? If so, what is the discrepancy?

No; the Current Land Use Plan shows the above parcel being located in an area planned for residential use.

Land Use Plan elements that impact the subject property:

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.

## ADDITIONAL CRITERIA FOR CONSIDERATION

1. What changes have, or are, occurring in the area to justify a change in zoning?  
Properties within the neighborhood that have been annexed into the City have all been zoned R-3.



## ZONING PETITION STAFF CHECKLIST

---

2. What are adjacent properties zoned, and what are adjacent land uses?

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	Unzoned / Unzoned	Single Family Residential
Northeast	Unzoned/ Unzoned	Single-Family Residential
East	R-1/ Unzoned	Single-Family Residential
Southeast	R-1 / Unzoned	Single-Family Residential
South	R-1/ Unzoned	Single-Family Residential
Southwest	R-1/ Unzoned	Single Family Residential
West	R-1/ Unzoned	Single Family Residential
Northwest	Unzoned / Unzoned	Single Family Residential

3. What are development plans in the area – roads, schools, future commercial development, etc.?

City infrastructure exists within the residential area. No current development plans exist.

4. Is there a reason the current land use cannot continue to be feasible as it now exists?  
No.

5. List some potential uses under existing zoning.

Because the properties are currently unzoned, any use would be permitted under the Florence County Zoning Ordinance. However, this property is located in an established residential subdivision which has private restrictive covenants.

6. List some potential uses under proposed zoning.

The only primary use permitted under the proposed zoning is a single-family dwelling and accessory and support uses relevant to single-family dwellings.

7. Are any of these uses inappropriate for this location, and if so, why?  
No.

8. (a) What is applicant's stated reason for requesting zoning?

The zoning request is associated with annexation into the City of Florence.

9. (a) What will be the benefits to the surrounding properties?

Per the City of Florence Zoning Ordinance, the only uses that may be developed are those permitted in the R-3 zoning district. The properties will be subject to the City of Florence codes and regulations.

- (b) What will be the detriments to the surrounding properties?

NA

## ZONING PETITION STAFF CHECKLIST

---

10. Is a traffic study required for this petition?

No.

If so, what are the recommendations of the study?

NA

11. What does the purpose statement of the proposed zoning district say?

Single-family Residential 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.” Section 1.2, Zoning Ordinance of the City of Florence

12. Will this proposal meet the intent of the above purpose statement?

Yes.

ORDINANCE NO. 2009 \_\_\_\_\_

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY BOISY GREGG & PEARLIE UTLEY, 1536 MCKENNEY COURT & 1540 MCKENNEY COURT.**

**WHEREAS**, a Public Hearing was held in Room 603 of the City-County Complex on October 13, 2009 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

**WHEREAS**, an application by Boisy Gregg owner of 1536 McKenney Court & Pearlle Utley owner of 1540 McKenney Court were presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be incorporated in the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and adding the zoning district classification of R-3, Single-Family Residential District:

**The properties requesting annexation are shown more specifically on Florence County Tax Map 01461, block 02, parcel 002 (0.50 Acres) & Florence County Tax Map 01461, block 02, parcel 001 (0.50 Acres).**

**Any portions of public rights-of-way abutting the above described property will be also included in the annexation.**

**WHEREAS**, Florence City Council concur in the aforesaid application, findings and recommendations:

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:**

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence and annexing the aforesaid properties to R-3, Single-Family Residential District and incorporating them into the City Limits of the City of Florence
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009**



**Ordinance No. 2009 - \_\_\_\_\_**  
**Page 2 – November, 2009**

**Approved as to form:**

\_\_\_\_\_  
James W. Peterson, Jr.  
**City Attorney**

\_\_\_\_\_  
Stephen J. Wukela,  
**Mayor**

**Attest:**

\_\_\_\_\_  
Dianne Rowan  
**Municipal Clerk**

**CITY OF FLORENCE COUNCIL MEETING**

**DATE:** November 9, 2009

**AGENDA ITEM:** Ordinance  
First Reading

**DEPARTMENT/DIVISION:** City of Florence Urban Planning & Development Department

---

**I. ISSUE UNDER CONSIDERATION:**

*Request to annex and zone 1519 Rocky Way from unzoned to R-3, Single-Family Residential District, pending annexation into the City of Florence. Tax Map 90096-03-022. The request is being made by the owner, Leila Rainwater.*

*Water and Sewer services are already available, no cost to provide utility services.*

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**

*No previous action has been taken on this request. A Public Hearing for rezoning was held at the October 13, 2009 Planning Commission meeting. Planning Commission members voted to approve the request 6-0.*

**III. POINTS TO CONSIDER:**

*This item is being introduced for first reading only.*

**IV. OPTIONS:**

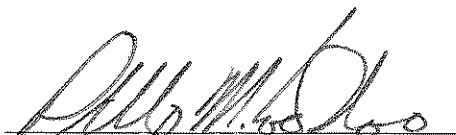
*City Council may:*

- (1) Approve request as presented based on information submitted.*
- (2) Defer request should additional information be needed.*
- (3) Suggest other alternatives.*
- (4) Deny request.*

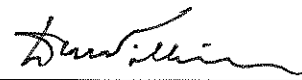
**V. PERSONAL NOTES:**

**VI. ATTACHMENTS:**

*Map showing the location of the property.*  
*Zoning Map*  
*Comprehensive Plan Map*  
*Staff Report*



Phillip M. Lookadoo, AICP  
Urban Planning and Development Director



David N. Williams  
City Manager

# ZONING REQUEST

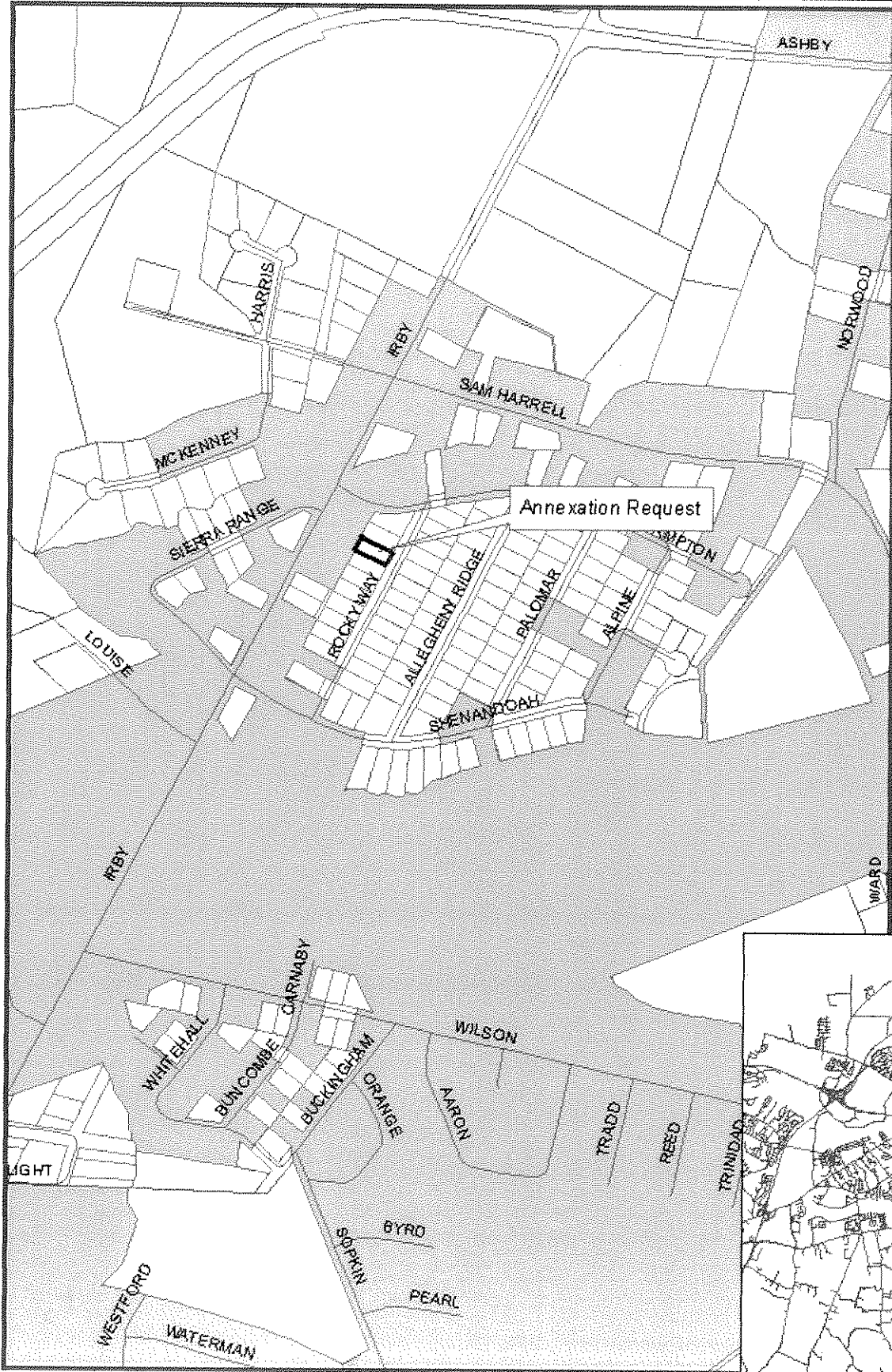
## PC#2009- 18



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Urban Planning &  
Development Department

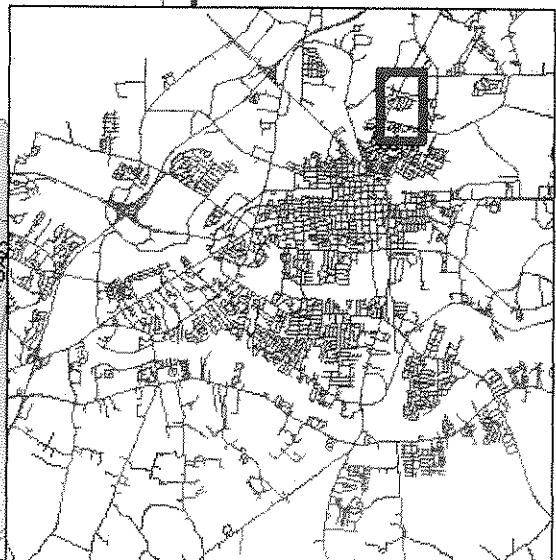


**Legend**

- Planning, DBO, Roads
- Planning, DBO, City Limits
- Planning, DBO, Parcels

**ORIGINAL PREPARATION**  
This map was prepared by:  
City of Florence  
Urban Planning & Development Department

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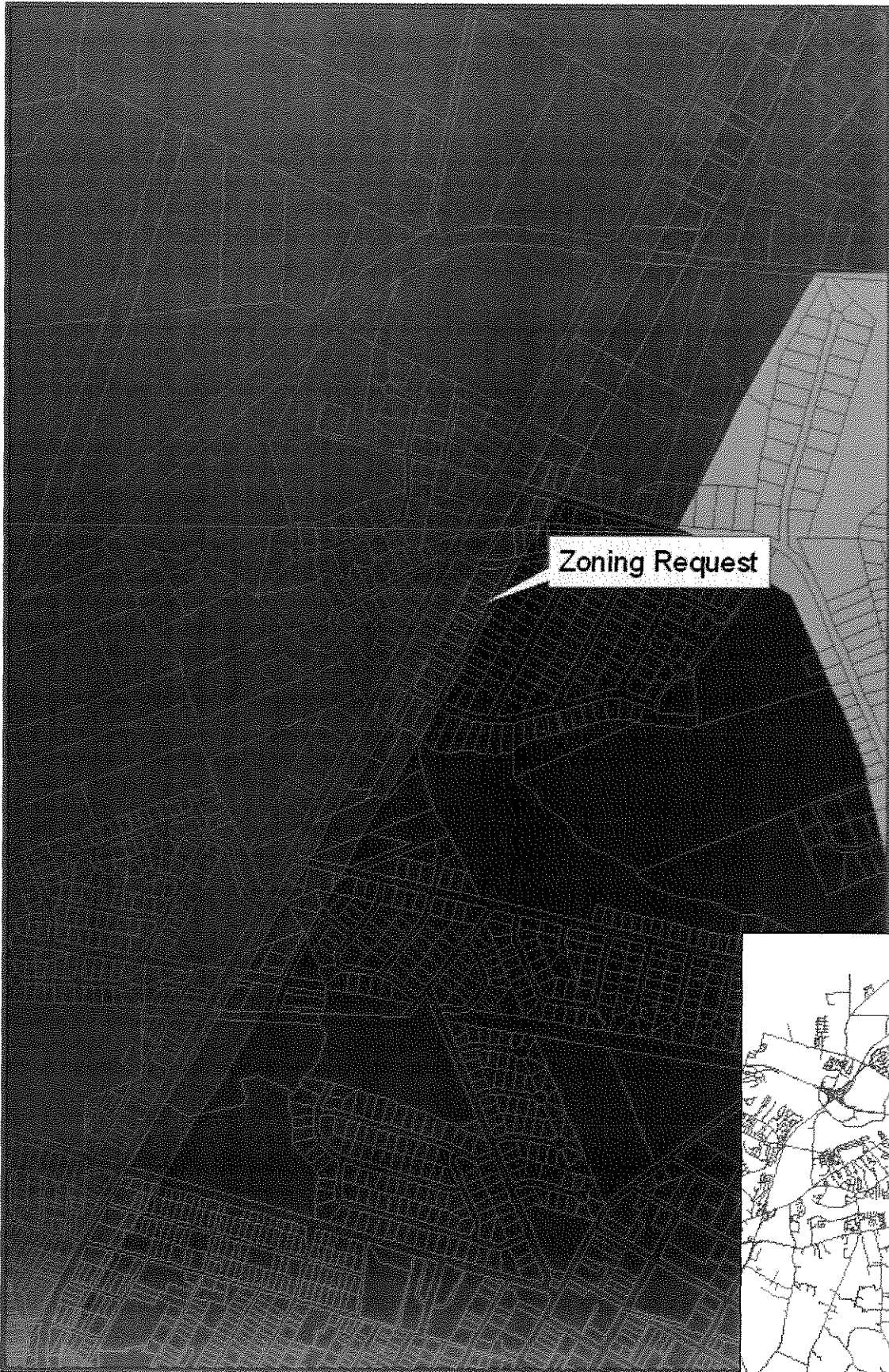
# COMPREHENSIVE MAP PLAN

## Rezoning Request

### PC # 2009-18














Urban Planning &  
Development Department



### Legend

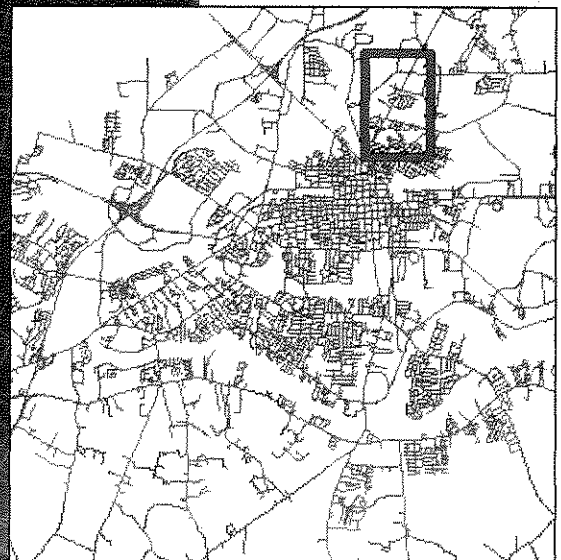
#### Land Use Categories

-  DVR
-  EXR
-  HEC
-  HEN
-  IB
-  LEN
-  NC
-  OPN
-  RCN
-  RRL
-  TRN

Zoning Request

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City of Florence  
Urban Planning & Development Department

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**ZONING PETITION STAFF CHECKLIST**

PC#2009-18

**IDENTIFYING DATA**

Name of Owner: Leila Rainwater

Address of Properties: 1519 Rocky Way

Tax Parcel Number(s): 90096-03-022

Date: September 11, 2009

**GENERAL BACKGROUND DATA**

Current Zoning: Unzoned

Proposed Zoning: Single-Family Residential (R-3)

Current Use: Residential Single Family

Proposed Use: Residential Single Family

**DIMENSIONAL REQUIREMENTS**

Current Zoning

Proposed Zoning

Lot Area:

Proposed Lot Area: 6000

Lot Width

Proposed Lot Width: 50

Front Setback

Proposed Front Setback: 25

Side Yards

Proposed Side Yards: 5

Rear Yards

Proposed Rear Yards: 25

Max. Height

Proposed Max. Height: 38

Open Space

Proposed Open Space: 55%

Comments:





## ZONING PETITION STAFF CHECKLIST

---

2. What are adjacent properties zoned, and what are adjacent land uses?

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	Unzoned	Single Family Residential
Northeast	Unzoned	Single-Family Residential
East	Unzoned	Single-Family Residential
Southeast	Unzoned	Single-Family Residential
South	Unzoned	Single-Family Residential
Southwest	R-3	Single Family Residential
West	R-3	Single Family Residential
Northwest	R-3	Single Family Residential

3. What are development plans in the area – roads, schools, future commercial development, etc.?

City infrastructure exists within the residential area. No current development plans exist.

4. Is there a reason the current land use cannot continue to be feasible as it now exists?  
No.

5. List some potential uses under existing zoning.

Because the properties are currently unzoned, any use would be permitted under the Florence County Zoning Ordinance. However, this property is located in an established residential subdivision which has private restrictive covenants.

6. List some potential uses under proposed zoning.

The only primary use permitted under the proposed zoning is a single-family dwelling and accessory and support uses relevant to single-family dwellings.

7. Are any of these uses inappropriate for this location, and if so, why?  
No.

8. (a) What is applicant's stated reason for requesting zoning?

The zoning request is associated with annexation into the City of Florence.

9. (a) What will be the benefits to the surrounding properties?

Per the City of Florence Zoning Ordinance, the only uses that may be developed are those permitted in the R-3 zoning district. The properties will be subject to the City of Florence codes and regulations.

- (b) What will be the detriments to the surrounding properties?

NA



## ZONING PETITION STAFF CHECKLIST

---

10. Is a traffic study required for this petition?

No.

If so, what are the recommendations of the study?

NA

11. What does the purpose statement of the proposed zoning district say?

Single-family Residential 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.” Section 1.2, Zoning Ordinance of the City of Florence

12. Will this proposal meet the intent of the above purpose statement?

Yes.

ORDINANCE NO. 2009 \_\_\_\_\_

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY LEILA RAINWATER, 1519 ROCKY WAY.**

**WHEREAS**, a Public Hearing was held in Room 603 of the City-County Complex on October 13, 2009 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

**WHEREAS**, an application by Leila Rainwater, owner of 1519 Rocky Way was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be incorporated in the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and adding the zoning district classification of R-3, Single-Family Residential District:

**The properties requesting annexation are shown more specifically on Florence County Tax Map 90096, block 03, parcel 022. (0.29 Acres)**

**Any portions of public rights-of-way abutting the above described property will be also included in the annexation.**

**WHEREAS**, Florence City Council concur in the aforesaid application, findings and recommendations:

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:**

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence and annexing the aforesaid properties to R-3, Single-Family Residential District and incorporating them into the City Limits of the City of Florence
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009**

**Ordinance No. 2009 - \_\_\_\_\_**  
**Page 2 – November, 2009**

**Approved as to form:**

\_\_\_\_\_  
James W. Peterson, Jr.  
**City Attorney**

\_\_\_\_\_  
Stephen J. Wukela,  
**Mayor**

**Attest:**

\_\_\_\_\_  
Dianne Rowan  
**Municipal Clerk**

**CITY OF FLORENCE COUNCIL MEETING**

**DATE:** November 9, 2009

**AGENDA ITEM:** Ordinance  
First Reading

**DEPARTMENT/DIVISION:** City of Florence Urban Planning & Development Department

---

**I. ISSUE UNDER CONSIDERATION:**

*Request to annex and zone 2678 Ascot from unzoned to R-1, Single-Family Residential District, pending annexation into the City of Florence. Tax Map 00098-01-070. The request is being made by the owners, Joe & Carolyn Younginer.*

*Water and Sewer services are already available, no cost to provide utility services.*

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**

*No previous action has been taken on this request. A Public Hearing for rezoning was held at the October 13, 2009 Planning Commission meeting. Planning Commission members voted to approve the request 5-0.*

**III. POINTS TO CONSIDER:**

*This item is being introduced for first reading only.*

**IV. OPTIONS:**

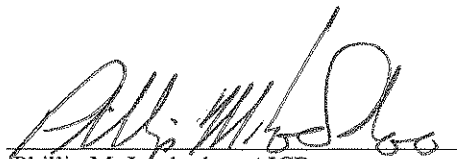
*City Council may:*

- (1) Approve request as presented based on information submitted.*
- (2) Defer request should additional information be needed.*
- (3) Suggest other alternatives.*
- (4) Deny request.*

**V. PERSONAL NOTES:**

**VI. ATTACHMENTS:**

*Map showing the location of the property.*  
*Zoning Map*  
*Comprehensive Plan Map*  
*Staff Report*



Phillip M. Lookadoo, AICP  
Urban Planning and Development Director



David N. Williams  
City Manager

# ZONING REQUEST

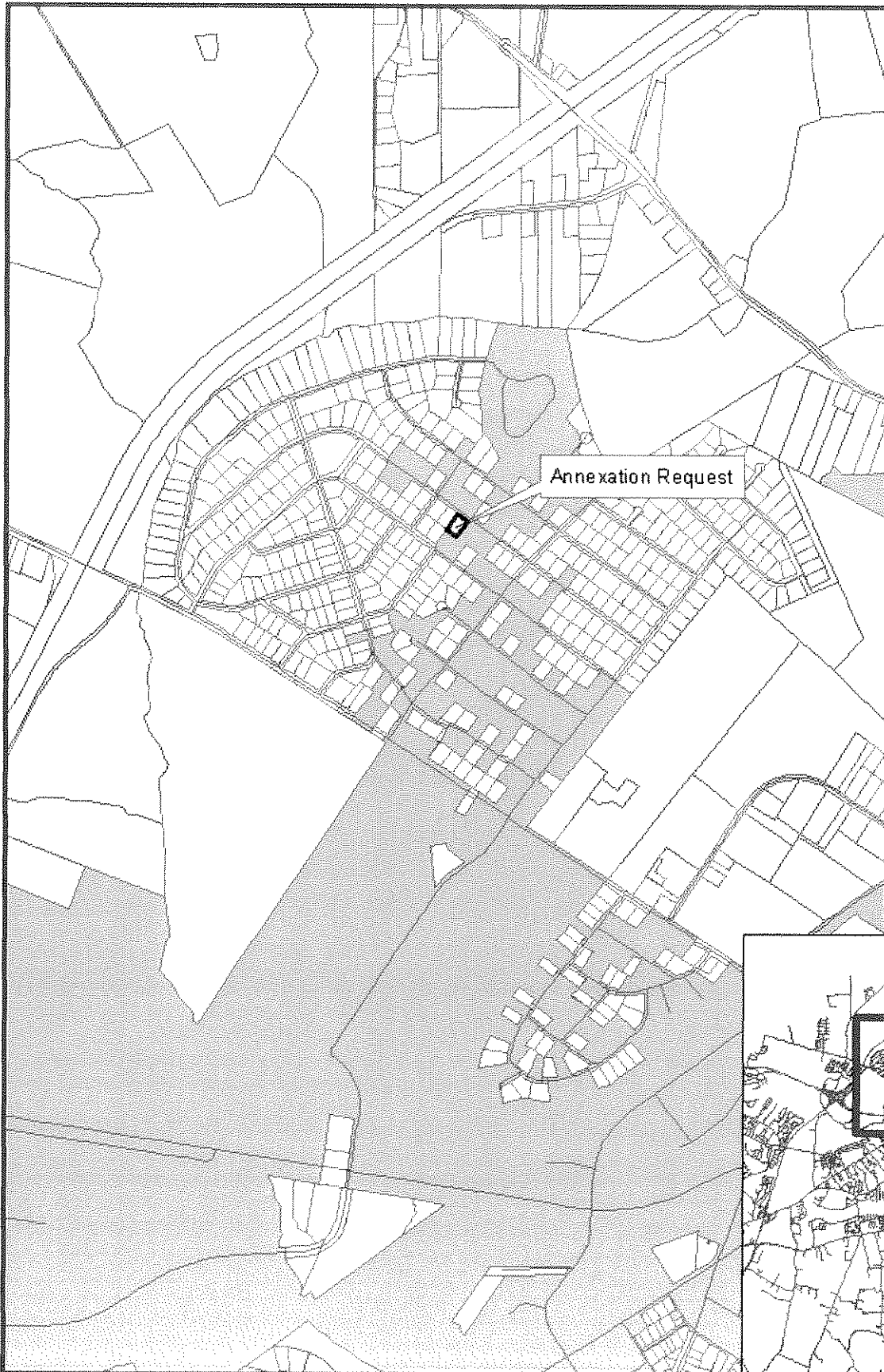
## PC#2009- 17



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Urban Planning &  
Development Department



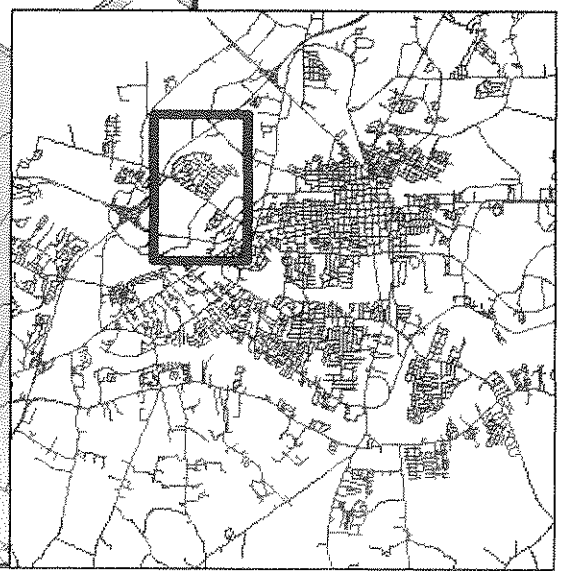
Annexation Request

**Legend**

- Planning, DBO, Roads
- Planning, DBO, City Limits
- Planning, DBO, Parcels

**ORIGINAL PREPARATION**  
This map was prepared by:  
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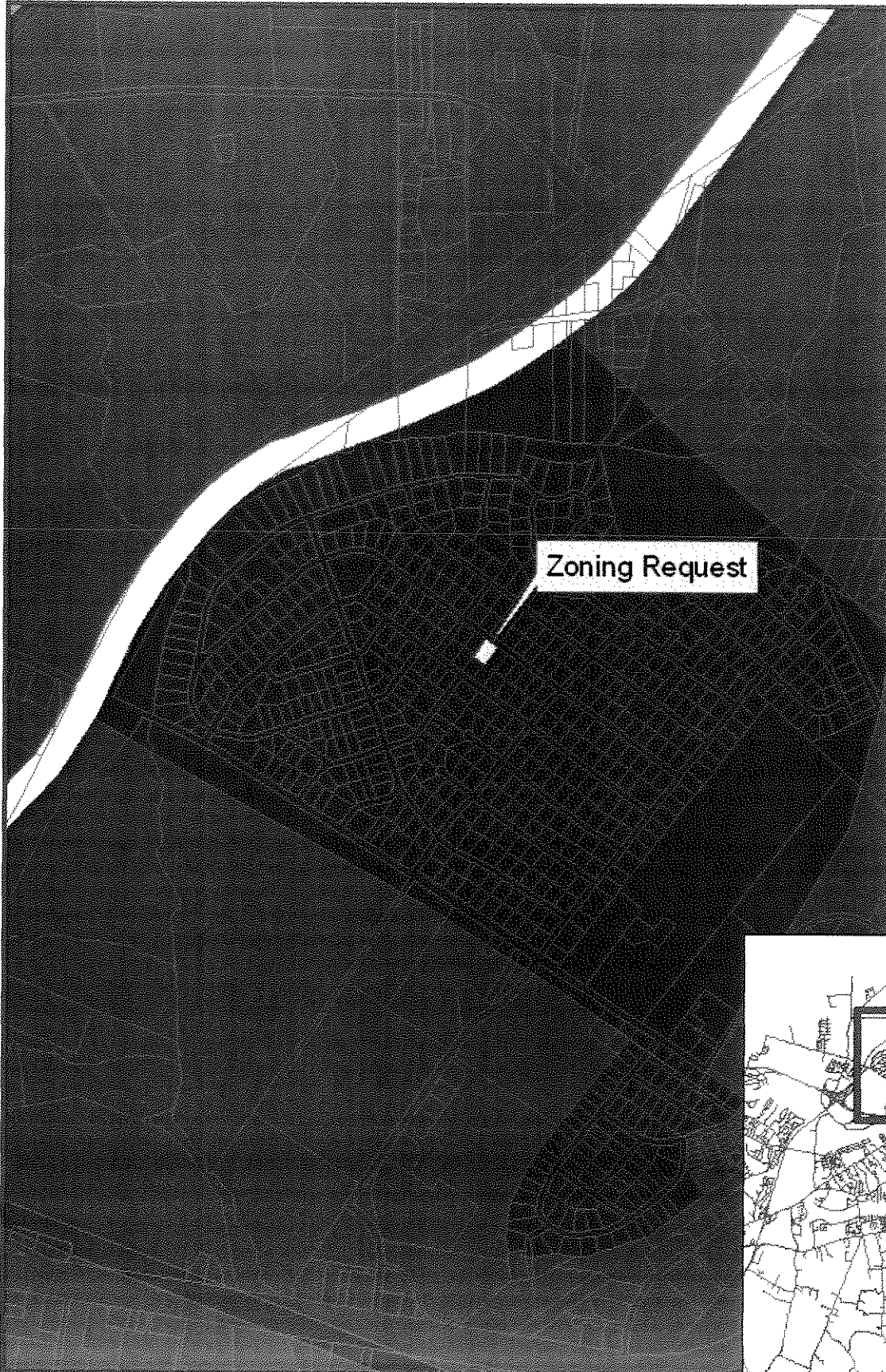
# COMPREHENSIVE MAP PLAN

## Zoning Request

### PC # 2009-17














Urban Planning &  
Development Department



### Legend

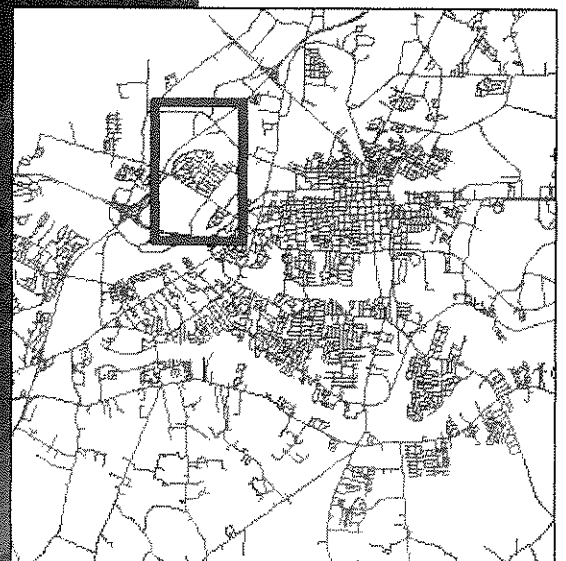
#### Land Use Categories

-  DVR
-  EXR
-  HEC
-  HEN
-  IB
-  LEN
-  NC
-  OPN
-  RCN
-  RRL
-  TRN

Zoning Request

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Urban Planning & Development Department

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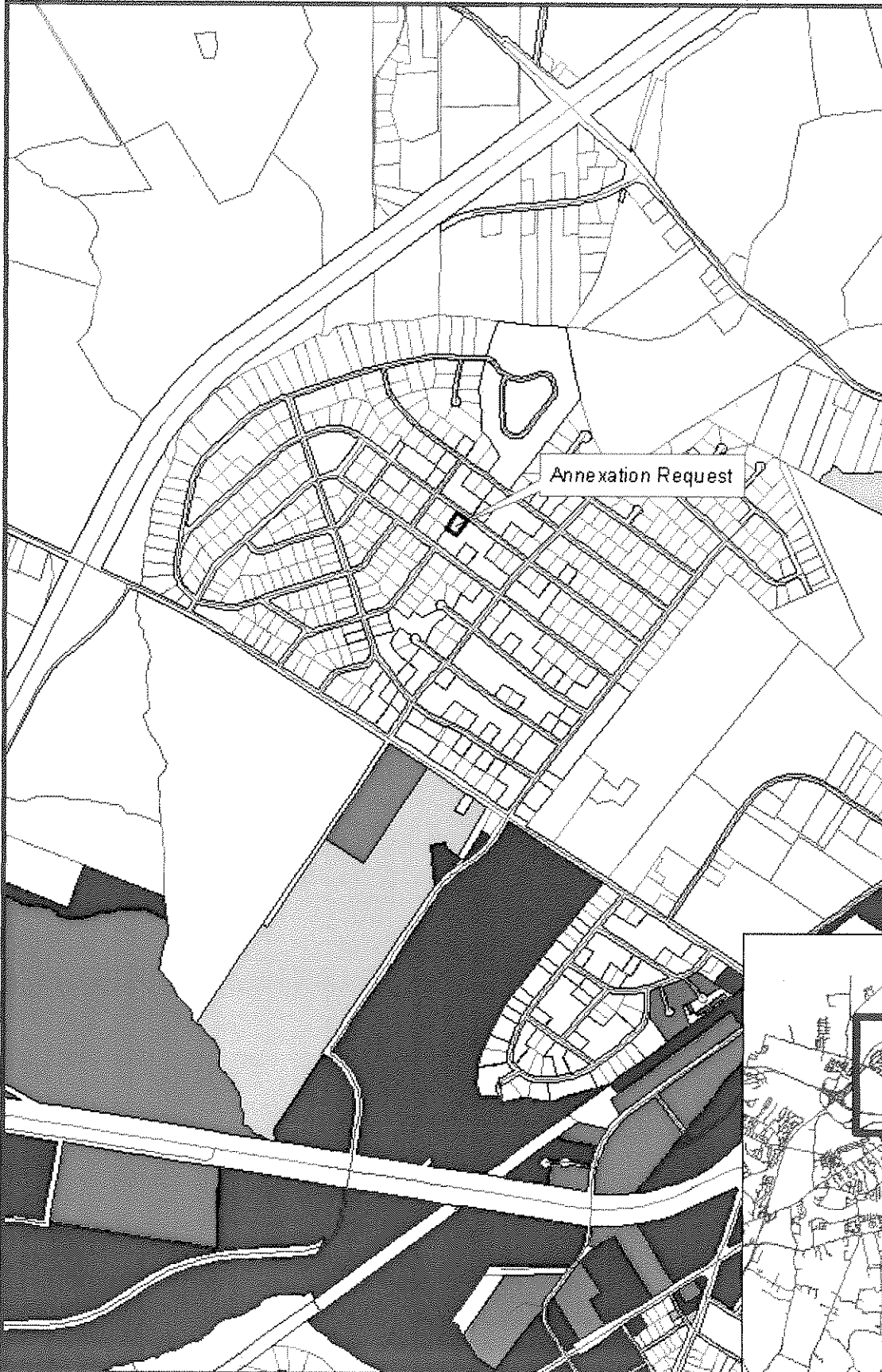
# ZONING REQUEST PC#2009- 17



1,000 0 Feet



Urban Planning &  
Development Department

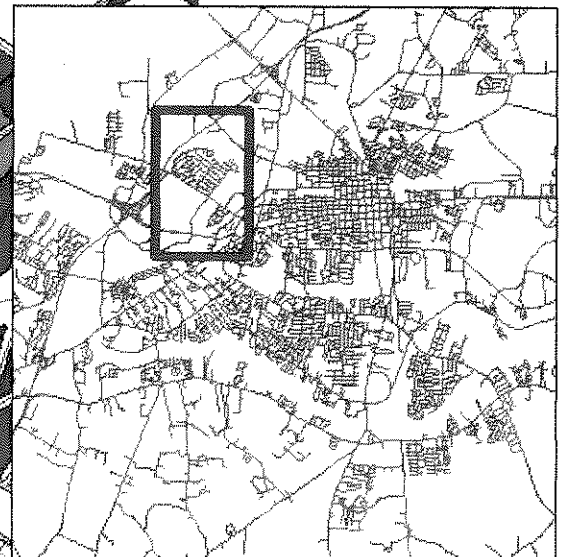


### Legend

- Planning, DBO, Roads
- R-1, SINGLE FAMILY, LARGE LOTS
- ▨ R-2, SINGLE FAMILY, MEDIUM LOTS
- ▩ R-3, SINGLE FAMILY, SMALL LOTS
- ▧ R-4, MULTI-FAMILY, LIMITED
- ▦ R-5, MULTI FAMILY
- ▥ PD, PLANNED DEVELOPMENT
- ▤ B-1, LIMITED
- ▣ B-2, CONVENIENCE
- ▢ B-3, GENERAL
- B-4, CENTRAL
- B-5, OFFICE-LIGHT INDUSTRIAL
- ▟ B-6, INDUSTRIAL
- ▩ RU-1, COMMUNITY
- ▨ RU-2, RESOURCE
- UNZONED
- Planning, DBO, Parcels

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verification is at the sole risk of the user.



**ZONING PETITION STAFF CHECKLIST**  
PC#2009-17

**IDENTIFYING DATA**

Name of Owner: Joe & Carolyn Younginer

Address of Properties: 2678 Ascot

Tax Parcel Number(s): 00098-01-070

Date: September 11, 2009

**GENERAL BACKGROUND DATA**

Current Zoning: Unzoned

Proposed Zoning: Single-Family Residential (R-1)

Current Use: Residential Single Family

Proposed Use: Residential Single Family

**DIMENSIONAL REQUIREMENTS**

<u>Current Zoning</u>	<u>Proposed Zoning</u>
Lot Area:	Proposed Lot Area: 15,000
Lot Width	Proposed Lot Width: 100
Front Setback	Proposed Front Setback: 25
Side Yards	Proposed Side Yards: 10
Rear Yards	Proposed Rear Yards: 30
Max. Height	Proposed Max. Height: 38
Open Space	Proposed Open Space: N/A

Comments:



# ZONING PETITION STAFF CHECKLIST

---

## MISCELLANEOUS PROVISIONS

Is any portion of the property in floodplain? No

Are there any known zoning violations on this site? No

If so, explain:

Tax records indicate the owner(s) as: Joe & Carolyn Younginer

This application is submitted by:             the owner listed above  
    an agent for the owner  
    other

If agent or other, what documentation has been provided from owner or is none required?

## LAND USE PLAN CONFORMANCE

Is there any discrepancy between current or proposed zoning and the Land Use Plan? If so, what is the discrepancy?

No; the Current Land Use Plan shows the above parcel being located in an area planned for residential use.

Land Use Plan elements that impact the subject property:

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.

## ADDITIONAL CRITERIA FOR CONSIDERATION

1. What changes have, or are, occurring in the area to justify a change in zoning?  
The property exists in the Windsor Forest Subdivision, which consists of single-family dwellings. Properties within the subdivision that have been annexed into the City have all been zoned R-1.

## ZONING PETITION STAFF CHECKLIST

---

2. What are adjacent properties zoned, and what are adjacent land uses?

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	R-1	Single Family Residential
Northeast	Unzoned	Single-Family Residential
East	R-1	Single-Family Residential
Southeast	R-1	Single-Family Residential
South	R-1	Single-Family Residential
Southwest	Unzoned	Single Family Residential
West	Unzoned	Single Family Residential
Northwest	R-1	Single Family Residential

3. What are development plans in the area – roads, schools, future commercial development, etc.?

The subdivision has recently been developed as a single-family neighborhood with new construction still occurring in the last phase.

4. Is there a reason the current land use cannot continue to be feasible as it now exists?  
No.

5. List some potential uses under existing zoning.

Because the properties are currently unzoned, any use would be permitted under the Florence County Zoning Ordinance. However, this property is located in an established residential subdivision which has private restrictive covenants.

6. List some potential uses under proposed zoning.

The only primary use permitted under the proposed zoning is a single-family dwelling and accessory and support uses relevant to single-family dwellings.

7. Are any of these uses inappropriate for this location, and if so, why?  
No.

8. (a) What is applicant's stated reason for requesting zoning?

The zoning request is associated with annexation into the City of Florence.

9. (a) What will be the benefits to the surrounding properties?

Per the City of Florence Zoning Ordinance, the only uses that may be developed are those permitted in the R-1 zoning district. The properties will be subject to the City of Florence codes and regulations.

- (b) What will be the detriments to the surrounding properties?

NA

## ZONING PETITION STAFF CHECKLIST

---

10. Is a traffic study required for this petition?

No.

If so, what are the recommendations of the study?

NA

11. What does the purpose statement of the proposed zoning district say?

Single-family Residential 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." Section 1.2, Zoning Ordinance of the City of Florence

12. Will this proposal meet the intent of the above purpose statement?

Yes.

ORDINANCE NO. 2009 \_\_\_\_\_

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY JOE & CAROLYN YOUNGINER, 2678 ASCOT ROAD.**

**WHEREAS**, a Public Hearing was held in Room 603 of the City-County Complex on October 13, 2009 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

**WHEREAS**, an application by Joe & Carolyn Younginer, owner of 2678 Ascot Road was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be incorporated in the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and adding the zoning district classification of R-1, Single-Family Residential District:

**The properties requesting annexation are shown more specifically on Florence County Tax Map 00098, block 01, parcel 070. (0.56 Acres)**

**Any portions of public rights-of-way abutting the above described property will be also included in the annexation.**

**WHEREAS**, Florence City Council concur in the aforesaid application, findings and recommendations:

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:**

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence and annexing the aforesaid properties to R-1, Single-Family Residential District and incorporating them into the City Limits of the City of Florence
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009**

**Ordinance No. 2009 - \_\_\_\_\_**  
**Page 2 – November, 2009**

**Approved as to form:**

\_\_\_\_\_  
James W. Peterson, Jr.  
**City Attorney**

\_\_\_\_\_  
Stephen J. Wukela,  
**Mayor**

**Attest:**

\_\_\_\_\_  
Dianne Rowan  
**Municipal Clerk**

FLORENCE CITY COUNCIL MEETING

**VII. a.**  
**Bill No. 2009-43**  
**First Reading**

**DATE:** December 14, 2009

**AGENDA ITEM:** First Reading, Ordinance to amend the Zoning Ordinance

**DEPARTMENT/DIVISION:** Urban Planning & Development

**I. ISSUE UNDER CONSIDERATION**

An amendment to Section 5.5 of the City of Florence Zoning Ordinance in relation to temporary signs (banners) and non-profit organizations. The current regulations do not allow banners in residential zones and where permitted, they are allowed for up to 30 days with a six month interval.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**

1. During the July 13, 2009 City Council meeting, Councilman Buddy Brand requested that Planning Commission review the Zoning Ordinance regulations pertaining to banners.
2. At the August 11<sup>th</sup> Planning Commission meeting, Chairman Glynn Willis appointed a sub-committee to review the current ordinance and report back with recommendations.
3. The sub-committee met on August 26 and September 22 while staff provided current information on sign regulations, addressing both constitutional and legal issues.
4. On October 13, 2009, the sub-committee presented their report of recommended changes at the Planning Commission meeting.
5. After receiving legal advice, Planning Commission voted 6-0 to recommend approval of the proposed changes as shown in the attached ordinance.

**III. POINTS TO CONSIDER**

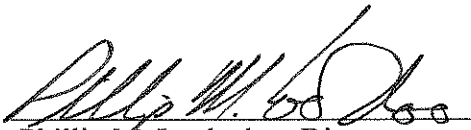
This item is being considered for first reading.

**IV. OPTIONS**

1. Approve the request as presented based on the information submitted.
2. Defer the request should additional information be needed.
3. Suggest other alternatives
4. Deny the request.

**V. ATTACHMENTS**

1. Ordinance
2. Staff report to Planning Commission
3. Sign Sub-Committee Report



Phillip M. Lookadoo, Director  
Urban Planning & Development



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David N. Williams  
City Manager

**CITY OF FLORENCE URBAN PLANNING & DEVELOPMENT  
STAFF REPORT  
TO THE  
CITY PLANNING COMMISSION**

**CASE NO:** PC# 2009-20

**DATE:** October 13, 2009

**SUBJECT** Text Amendment to Article 5, Section 5.5,  
Temporary Signs

**STAFF ANALYSIS:**

A sub-committee of the Planning Commission was established by Chairman, Glynn Willis. The committee met on two occasions to review and discuss Section 5.5, Temporary Signs of the Zoning Ordinance with particular reference to the regulations for temporary signage for non-profit organizations.

At these meetings, staff provided current information on signage regulations provided by the American Planning Association. Issues that were addressed included both constitutional and legal aspects.

After considering and discussing the issues, the sub-committee recommended the several amendments to the current Zoning Ordinance as shown in the attached minutes.

**STAFF RECOMMENDATION:**

Staff recommend that the Zoning Ordinance should continue to regulate the size, location and display duration of temporary signage for non-profits as recommended by the sign sub-committee in their report.

Staff express concern that exceptions weaken not only the intent of the Zoning Ordinance but also its overall legality.



City of Florence Planning Commission  
Sign Subcommittee Report  
September 22, 2009

**Members Present:** Mildred Welch, Simon Lee, Louie Hopkins and Ron Moore

**Staff :** Phillip Lookadoo, Liz Shaw, Tyrone Simon

The committee continued to review the current temporary sign regulations with particular concentration on banners in relation to non-profit organizations.

Phillip Lookadoo explained that the current ordinance was adopted in 1999 and not enforced. The previous ordinance had exempted non-profit organizations from being required to obtain a permit. Non-profit organizations have, therefore, been basically unregulated as far as temporary signage is concerned. The City of Florence took over zoning responsibilities in July 2008 and is now enforcing the current ordinance which requires permits for all temporary signs including banners.

Phillip Lookadoo also explained that signs, as a form of speech, are protected by the First Amendment. Sign ordinances should, therefore, be content neutral and not regulate the sign content. An ordinance should balance the need for signs with the need to enhance community appearance and not diminish traffic safety.

After considerable discussion the committee proposed the following:

1. Amend Article 5, Table II, Number, Dimension and Location of Permitted Signs by Zoning District to allow banners as temporary signs for institutional and non-residential uses in residential zones. Currently, they are not permitted.
2. Amend Section 5.5 Temporary Signs for non-profit organizations etc to:
  - a. limit the size of banners in residential zones to 32 s.f.
  - b. signs must be located at least 5 feet from property lines
  - c. signs must be in compliance with Section 7.5 Visibility at Intersections
  - d. one sign is allowed per 300 feet of street frontage
  - e. limit banners to 5 events annually
  - f. banners to be allowed for a maximum of 30 days
3. Amend Section 8.6 Filing Applications, Fees
  - a. On-Premise Sign Permit       \$25\*
  - b. \* Fees shall be waived for temporary signs for non-profit organizations

The committee also suggested that entities with a need for more signage and with sufficient road frontage should be encouraged to consider an additional permanent sign with changeable copy.

These proposed amendments and suggestion would support the purposes of sign regulation in the City of Florence and also give more opportunities for the use of temporary banners for non-profit organizations.

**ORDINANCE NO. 2009 \_\_\_\_\_**

**AN ORDINANCE FOR AMEND ARTICLE 5, SIGN REGULATIONS IN THE ZONING ORDINANCE RELATING TO BANNERS**

**WHEREAS**, the Planning Commission was directed by City Council to review the current Zoning Ordinance in relation to banners and non-profits and;

**WHEREAS**, the Planning Commission established a sub-committee to study this issue and report back to the Planning Commission with their findings and;

**WHEREAS**, the Planning Commission at their October 13, 2009 meeting recommended approval of the amendments as submitted by the sub-committee as follows:

1. Current text with changes shown by a strikethrough:

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

Sign Type	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS (3)	UZ (5)
<b>Permanent</b>										
Freestanding										
Billboards (4)	N	N	N	P	N	P	P	N	N	P
Other	P (1)	P (1)	P	P	P	P	P	P (1)	P	NA
Directional (6)	N	A	A	A	A	A	A	A	A	NA
<b>Building</b>										
Canopy	N	P	P	P	P	P	P	P	N	NA
Identification	A	A	A	A	A	A	A	A	A	NA
Directional	N	A	A	A	A	A	A	A	A	NA
Marquee	N	N	P	P	P	P	P	N	N	NA
Projecting	N	N	P	P	P	P	P	N	N	NA
Roof	N	N	P	P	P	P	P	N	N	NA
Roof, Integral	N	N	P	P	P	P	P	N	N	NA
Wall	N	P	P	P	P	P	P	P	N	NA
Window	N	A	A	A	A	A	A	A	A	NA
<b>Temporary (2)</b>										
A-Frame	N	N	A	A	A	A	A	N	N	NA
Banner	<del>N</del>	N	P	P	P	P	P	N	N	NA
Posters	A	A	A	A	A	A	A	A	A	NA
Portable	N	N	N	P	N	N	P	P	N	NA
Inflatable	N	N	P	P	N	N	P	N	N	NA
Pennant	N	N	P	P	N	P	P	N	N	NA
Identification	A	A	A	A	A	A	A	A	A	NA
<b>Sign Characteristics</b>										
Animated	N	N	P	P	P	P	P	N	N	NA
Changeable Copy	N	A	A	A	A	A	A	A	A	NA
Illumination Indirect	A	A	A	A	A	A	A	A	A	NA
Illumination Internal	A	A	A	A	A	A	A	A	A	NA

Illumination, Exposed bulbs or neon	N	N	N	N	N	N	N	N	N	NA
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- 1 – Signs identifying or announcing land subdivisions, residential projects, or agricultural operations, where permitted.
- 2 – See Section 5.5
- 3 – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts, i.e., churches, schools, parks, etc., and includes historical markers.
- 4 – Where permitted by Table VII, billboards may be established only on lots or parcels fronting or within 600 feet of Interstate ROW as defined by Table VIII and U.S. designated highways.
- 5 – Un-zoned area of County.
- 6 – Though allowed w/o prior permitting, must meet the conditional requirements of Table VIII
- NA – Regulation not applicable in un-zoned area of county.

Proposed text:

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

Sign Type	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS (3)	UZ (5)
<b>Permanent</b>										
Freestanding										
Billboards (4)	N	N	N	P	N	P	P	N	N	P
Other	P (1)	P (1)	P	P	P	P	P	P (1)	P	NA
Directional (6)	N	A	A	A	A	A	A	A	A	NA
<b>Building</b>										
Canopy	N	P	P	P	P	P	P	P	N	NA
Identification	A	A	A	A	A	A	A	A	A	NA
Directional	N	A	A	A	A	A	A	A	A	NA
Marquee	N	N	P	P	P	P	P	N	N	NA
Projecting	N	N	P	P	P	P	P	N	N	NA
Roof	N	N	P	P	P	P	P	N	N	NA
Roof, Integral	N	N	P	P	P	P	P	N	N	NA
Wall	N	P	P	P	P	P	P	P	N	NA
Window	N	A	A	A	A	A	A	A	A	NA
<b>Temporary (2)</b>										
A-Frame	N	N	A	A	A	A	A	N	N	NA
Banner	P	N	P	P	P	P	P	N	N	NA
Posters	A	A	A	A	A	A	A	A	A	NA
Portable	N	N	N	P	N	N	P	P	N	NA
Inflatable	N	N	P	P	N	N	P	N	N	NA
Pennant	N	N	P	P	N	P	P	N	N	NA
Identification	A	A	A	A	A	A	A	A	A	NA
<b>Sign Characteristics</b>										
Animated	N	N	P	P	P	P	P	N	N	NA
Changeable Copy	N	A	A	A	A	A	A	A	A	NA
Illumination indirect	A	A	A	A	A	A	A	A	A	NA
Illumination Internal	A	A	A	A	A	A	A	A	A	NA
Illumination, Exposed bulbs or neon	N	N	N	N	N	N	N	N	N	NA

- 1 – Signs identifying or announcing land subdivisions, residential projects, or agricultural operations, where permitted.
- 2 – See Section 5.5
- 3 – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts, i.e., churches, schools, parks, etc., and includes historical markers.

- 4 – Where permitted by Table VII, billboards may be established only on lots or parcels fronting or within 600 feet of Interstate ROW as defined by Table VIII and U.S. designated highways.
- 5 – Un-zoned area of County.
- 6 – Though allowed w/o prior permitting, must meet the conditional requirements of Table VIII
- NA – Regulation not applicable in un-zoned area of county.

2. Proposed amendments are highlighted:

**Section 5.5 Temporary Signs**

Sign Type	Display Period	Display Intervals	Dimensions	Conditions
A-Frame	daylight hours only	off-hours	12 sq. ft.	A
Banner	30 days	6 months	None	B,H Non-profits only I,J,K,L, M
Posters	30 days	None	6 sq. ft.	C
Portable	30 days	11 Months	32 sq. ft.	D
Inflatable	30 days	1 year	None	E
Pennants	30 days	6 months	None	B
Identification	90 days, or project completion	None	200 sq. ft.	F
Political	Unlimited	Not Applicable	6 sq. ft (Residentially zoned areas); 16 sq. ft (all other areas)	C/G

- A. A-Frame signs, where located on sidewalks, shall be located in such a manner as not to obstruct pedestrian movement.
- B. Banners and pennants shall be properly secured and maintained at all times, and shall not interfere with pedestrian or vehicular movement.
- C. Posters shall not be allowed on any telephone or power poles or any public right-of-way, and shall be placed no closer than five (5) feet from a street or curb.
- D. Portable signs shall be limited to one per establishment, shall have no colored or flashing lights, shall not be wired so as to obstruct or hinder pedestrian or vehicular traffic or pose any potential for such hindrance (i.e. exposed drop cord), shall not exceed six (6) feet in height, shall be anchored in accord with the Building Code, and shall not be converted to a permanent sign.
- E. Inflatable signs shall be properly anchored and shall not interfere with airport traffic.
- F. Temporary subdivision and work under construction identification signs shall adhere to the Development Standards of Section 5.7.
- G. Political signs shall be removed within 7 days after the election.
- H. The City Manager may declare a special event to be a special public function for a specific period of time during which temporary non-durable signs such as banners, pennants, etc. may be used. Permits are required for a special public function; however, normal fees shall be waived for governmental and eleemosynary (charitable) organizations.
- I. Banners in residential zones to be no larger than 32 square feet.

- J. Banners to be at least 5 feet from property lines.
- K. One banner allowed per 300 feet of street frontage.
- L. Banners limited to 5 events annually with a maximum of 30 days per event.
- M. Banners must be located in compliance with Section 7.5, Visibility at Intersections.

3. Current text with changes shown by a strikethrough:

**Section 8.6 Filing Applications; Fees**

Applications for permits shall be filed on forms provided by the Zoning Administrator, signed by the owner or developer, and shall be accompanied by the following fees:

<b>Permit / Application</b>	<b>Fee</b>
Certificate of Zoning Compliance	\$25
Repair Permit	See Building Code
Outdoor Advertising Sign Permit	See Building Code
On-Premise Sign Permit	\$25
Certificate of Occupancy	No Charge
Summary Plat Approval	\$25

Proposed text:

**Section 8.6 Filing Applications; Fees**

Applications for permits shall be filed on forms provided by the Zoning Administrator, signed by the owner or developer, and shall be accompanied by the following fees:

<b>Permit / Application</b>	<b>Fee</b>
Certificate of Zoning Compliance	\$25
Repair Permit	See Building Code
Outdoor Advertising Sign Permit	See Building Code
On-Premise Sign Permit	<del>\$25</del> *
Certificate of Occupancy	No Charge
Summary Plat Approval	\$25

\*Fees to be waived for temporary signs for non-profit organizations

**WHEREAS**, Florence City Council concur in the aforesaid application, findings and recommendations:

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:**

1. That an Ordinance is hereby adopted by amending the Zoning Ordinance as shown above.
2. That this Ordinance shall become effective immediately.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009**

**Approved as to form:**

\_\_\_\_\_  
James W. Peterson, Jr.  
**City Attorney**

\_\_\_\_\_  
Stephen J. Wukela,  
**Mayor**

**Attest:**

\_\_\_\_\_  
Dianne Rowan  
**Municipal Clerk**

**FLORENCE CITY COUNCIL MEETING**

**DATE:** December 7, 2009  
**AGENDA ITEM:** Ordinance No. 2009-\_\_\_\_  
**DEPARTMENT/DIVISION:** City Council

**I. ISSUE UNDER CONSIDERATION**

An ordinance to amend Section 2-24(3)(a) of the City Code to change to two regular council meetings per month and to set the times and dates for the two meetings.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN**

(a) S. C. Code Ann. §5-7-250 (1976) requires council to determine its own rules and order of business, and §5-7-260 through §5-7-290 provide for the form, method of adoption, and codification of ordinances.

(b) Section 2-24 of the City Code as it now exist was adopted by council in September of 2009.

(c) This amendment is proposed to §2-24(3)(a) to incorporate certain specific changes which include the following:

- (1) changing from one (1) regularly scheduled meeting per month to two (2) regularly scheduled meeting per month ;
- (2) leaving the first meeting per month at the same time and date as presently held (second Monday of each month at 1:00 p.m.);
- (3) setting the second regular meeting for the fourth Monday of each month at 6:00 p.m. in order to allow the public to more easily participate.

**III. POINTS TO CONSIDER**

- (a) The ordinance requires two readings.



(b) The setting of the time and dates of regularly scheduled Council Meetings is a policy decision placed in the discretion of Council by the applicable South Carolina Code sections.

**IV. STAFF RECOMMENDATION**

Staff stands ready to carry out the wishes of Council.

**V. ATTACHMENTS**

Copy of the proposed Ordinance 2009-\_\_\_\_.

**ORDINANCE NO. 2009- \_\_\_\_\_**

**AN ORDINANCE TO AMEND SECTION 2-24(3)(a) OF THE CITY CODE TO CHANGE TO TWO REGULAR COUNCIL MEETINGS PER MONTH AND TO SET THE TIMES AND DATES FOR THE TWO MEETINGS.**

**WHEREAS**, S. C. Code Ann. §5-7-250 (1976) requires council to determine its own rules and order of business, and §5-7-260 through §5-7-290 provide for the form, method of adoption, and codification of ordinances; and

**WHEREAS**, it appears to Council that the efficient governing of the City requires two (2) meetings per month rather than the one (1) currently provided for in Section 2-24(3)(a); and

**WHEREAS**, Council has determined that one (1) of its monthly meetings needs to be held after regular work hours to allow for easier public involvement and input;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Florence that Section 2-24 of the City Code for Florence, South Carolina be as is hereby amended to the extent that Paragraph (3)(a) will now read verbatim and provide as follows:

**“3. Meetings of Council.**

(a) Regular meetings of council shall be held twice per month, once at 1:00 p.m. on the second Monday in each month and once at 6:00 p.m. on the fourth Monday of each month, unless changed by majority vote of members present at any regular or special meeting.”

Except as so amended, the remaining provisions of Section 2-24 shall remain unchanged and in full force and effect.

This Ordinance shall become effective immediately upon its approval and adoption by the City Council of the City of Florence.

ADOPTED THIS \_\_\_ DAY OF \_\_\_\_\_, 2009.

\_\_\_\_\_  
Stephen J. Wukela  
Mayor

Approved as to form:

Attest:

\_\_\_\_\_  
James W. Peterson, Jr.  
City Attorney

\_\_\_\_\_  
Dianne M. Rowan  
Municipal Clerk

CITY OF FLORENCE COUNCIL MEETING

**DATE:** December 8, 2009

**AGENDA ITEM:** Ordinance  
First Reading

**DEPARTMENT/DIVISION:** City of Florence Urban Planning & Development Department

---

**I. ISSUE UNDER CONSIDERATION:**

*Rezone 178 E. Palmetto St. from B-1 Limited Business District to B-3 General Commercial District. Tax Map 90087-06-008. The request is being made by the owner, City of Florence. & Rezone adjacent 180 E. Palmetto St. from B-6 Industrial District to B-3 General Commercial District Tax Map 90087-05-001. The request is being made by the owner, Ernest Pennell.*

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**

*No previous action has been taken on this request. A Public Hearing for rezoning was held at the November 10, 2009 Planning Commission meeting. Planning Commission members voted to approve the requests 7-0.*

**III. POINTS TO CONSIDER:**

*This item is being introduced for first reading only.*

**IV. OPTIONS:**

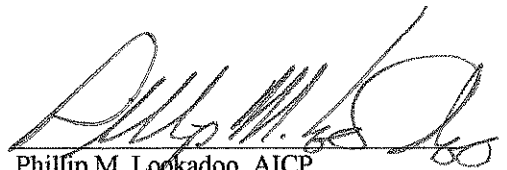
*City Council may:*


- (1) Approve request as presented based on information submitted.*
- (2) Defer request should additional information be needed.*
- (3) Suggest other alternatives.*
- (4) Deny request.*

**V. PERSONAL NOTES:**

**VI. ATTACHMENTS:**

*Map showing the location of the property.  
Zoning Map  
Comprehensive Plan Map  
Staff Report*

  
Phillip M. Logakadoo, AICP  
Urban Planning and Development Director

  
David N. Williams  
City Manager

# ZONING REQUEST PC#2009-22



140

Feet



Urban Planning &  
Development Department



Rezoning Request

**ORIGINAL PREPARATION**  
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Urban Planning & Development Department

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# ZONING REQUEST

## PC#2009-22



210

Feet



Urban Planning & Development Department

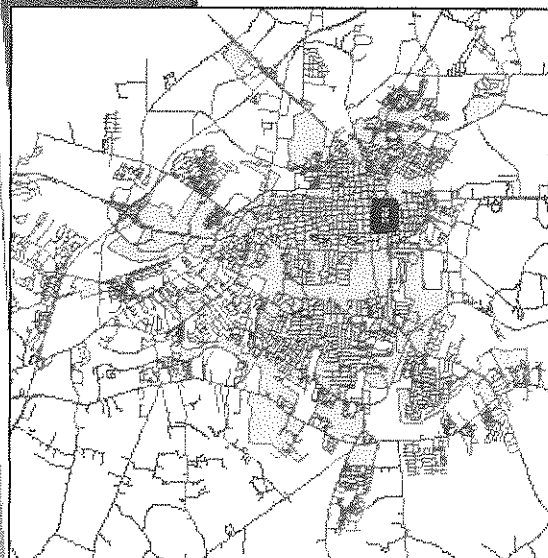


### Legend

- Planning, DBO, Roads
- Planning, DBO, Parcels
- R-1, SINGLE FAMILY, LARGE LOTS
- R-2, SINGLE FAMILY, MEDIUM LOTS
- R-3, SINGLE FAMILY, SMALL LOTS
- R-4, MULTI-FAMILY, LIMITED
- R-5, MULTI-FAMILY
- PD, PLANNED DEVELOPMENT
- B-1, LIMITED
- B-2, CONVENIENCE
- B-3, GENERAL
- B-4, CENTRAL
- B-5, OFFICE-LIGHT INDUSTRIAL
- B-6, INDUSTRIAL
- RU-1, COMMUNITY
- RU-2, RESOURCE
- UNZONED

ORIGINAL PREPARATION  
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 Urban Planning & Development Department

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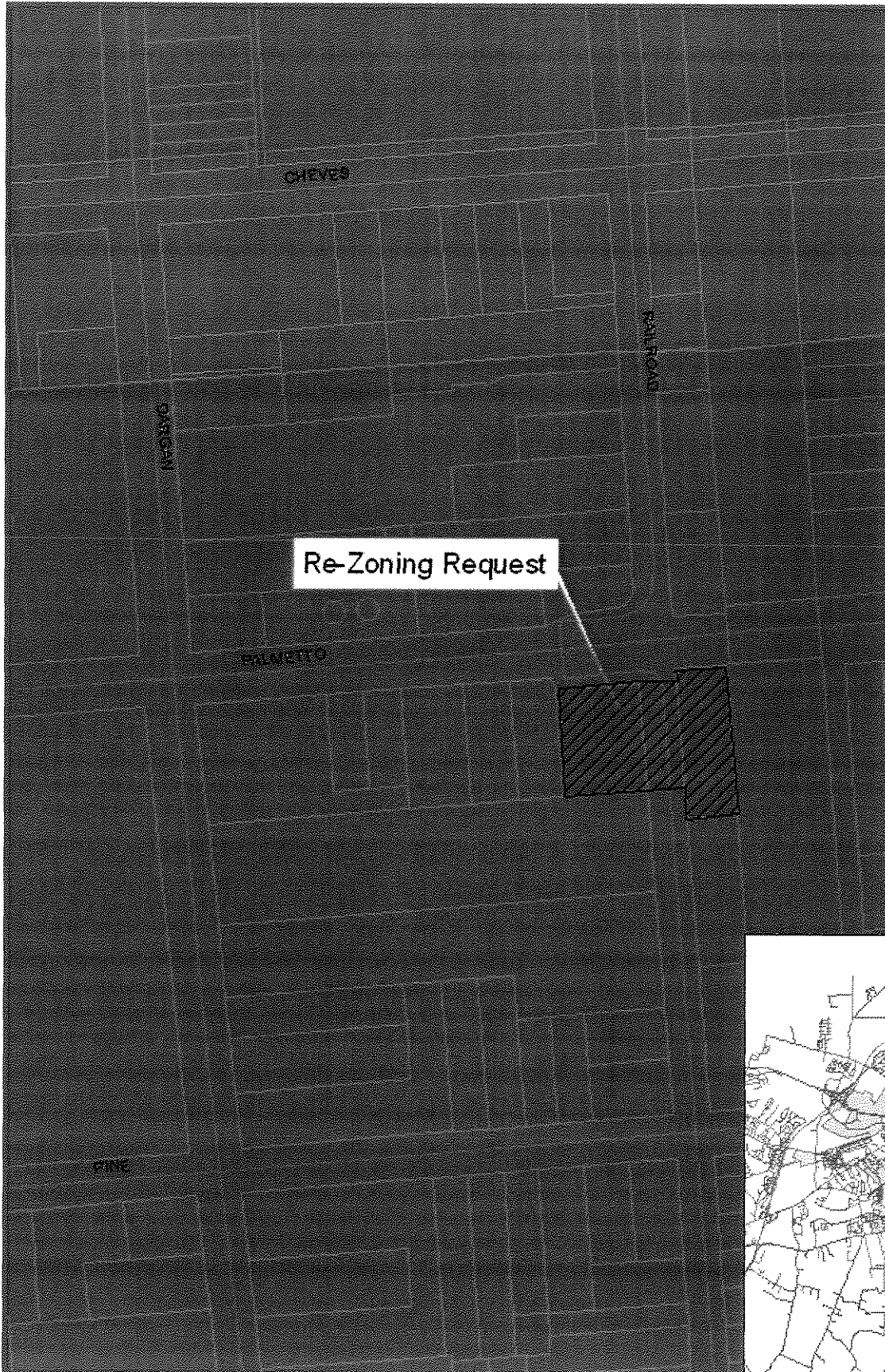
# COMPREHENSIVE MAP PLAN

## Rezoning Request

### PC # 2009-22














Urban Planning &  
Development Department



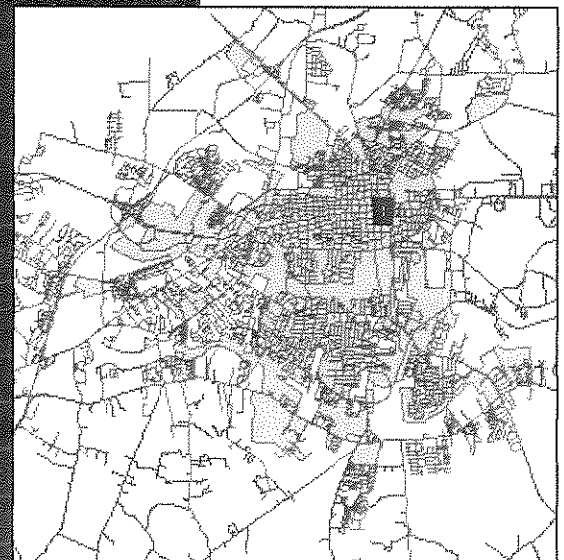
### Legend

#### Land Use Categories

-  DVR
-  EXR
-  HEC
-  HEN
-  IB
-  LEN
-  NC
-  OPN
-  RCN
-  RRL
-  TRN

This map was prepared by:  
City of Florence  
Urban Planning & Development Department

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# ZONING PETITION STAFF CHECKLIST

PC#22-2009

November 4, 2009

**IDENTIFYING DATA**

Name of Owner: City of Florence  
 Address: 178 E. Palmetto  
 Tax Parcel Number(s): 90087-06-008  
 Proposed Zoning Change: B-1 Limited Business District to B-3 General Commercial  
 Current Use: Admin Office  
 Proposed Use: Admin Offices \*

Name of Owner: Ernest Pennell  
 Address: 180 E. Palmetto  
 Tax Parcel Number(s): 90087-05-001  
 Proposed Zoning Change: B-6 Industrial District to B-3 General Commercial  
 Current Use: Vacant Building  
 Proposed Use: Not Stated by Applicant \*

*\*any B-3 use would be permitted, present and future*

**DIMENSIONAL REQUIREMENTS**

B-1 and B-3 have similar: lot size, lot width, front, rear, and side setback requirements. B-3 requires less impervious surface area coverage than B-1 and has no max floor area, whereas B-1 max floor ratio is 30%. B-1 has a 38ft height maximum and B-3 has no height restriction but does require for additional setbacks for heights greater than 38ft. B-3 requires less total lot area than B-6 and has a lesser 5ft side and rear setback. Heights for B-3 and B-6 are indeterminate but do require increased setbacks for heights greater than 38ft.

**Section 2.5 Table III**

District	Minimum Lot Area (a)		Lot Width (ft) (b)	Front Yard Setback	Side Yard Setback		Rear Yard Setback		Max Hgt. (ft) (c)	Max Impervious Surface Ratio (%)	Max. Floor Area Ratio: Non-Res. Uses (d)
B-1	5,000	5,000	50	35	5	5	20	20	38	70	0.30
B-3	5,000	5,000	50	35	5	5	20	20	(e)	90	None
B-6	NA	10,000	10,000	35	NA	10	NA	25	(e)	90	None

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

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



# ZONING PETITION STAFF CHECKLIST

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## MISCELLANEOUS PROVISIONS

Is any portion of this property in floodplain? NO

Are there any known zoning violations on this site? NO

Tax records indicate the owner(s) are: City of Florence & Ernest Pennell

This application is submitted by:                     the owners listed above  
    an agent for the owner  
    other

## LAND USE PLAN CONFORMANCE

The current Land Use Plan blankets several land classifications across large portions of the City. The area along Palmetto & Railroad is classified as Industrial Business (IB). The current land use plan defines IB as follows:

*“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 interest 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).”*

The definition of IB to create business supports a B-3 zoning. Much of the area zoned B-3 in and around downtown is classified IB by the Land Use Plan.

## ADDITIONAL CRITERIA FOR CONSIDERATION

1. What changes have, or are, occurring in the area to justify a change in zoning?  
The Design Guidelines establish the basis for urban design criteria and recommended uses to support a vibrant downtown. A zoning change to B-3 would allow for more compatible uses within a downtown.

## ZONING PETITION STAFF CHECKLIST

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2. What are adjacent properties zoned, and what are adjacent land uses?

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	B-3	Meeting Hall
Northeast	B-1	Railroad
East	R-4	Railroad
Southeast	B-3	Railroad
South	B-6	Manufacturing
Southwest	B-3	Vacant
West	B-3	Fire Station
Northwest	B-3	Vacant Restaurant

3. What are development plans in the area – roads, schools, future commercial development, etc.?

The Performing Arts Center located one block to the west is under construction and serves as a focal point in downtown. There are other downtown enhancement projects ongoing.

4. Is there a reason the current land use cannot continue to be feasible as it now exists?

The current B-6 zoning allows for mostly industrial manufacturing uses. The property owner (Ernest Pennell) wishes to expand his lease options to include other potential tenants due to economic conditions that have reduced demand for industrial space. The Fire Department Administrative office in B-1 is also a feasible use in B-3. The rezoning from B-1 to B-3 creates a more unified zoning layer.

5. List some potential uses under existing zoning.

Utility Operations	Building Construction Operations
Manufacturing	Wholesale Trades
Eating Place	Public Administration
Warehousing	Finance, Insurance, Real estate (FIREA)
Medical Labs	Parks & Playgrounds

6. List some potential uses under proposed zoning.

General Commercial less Manufacturing

## ZONING PETITION STAFF CHECKLIST

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7. Are any of these uses inappropriate for this location, and if so, why?  
Parking requirements under current zoning are dependent on the specific use of a site. The current use of 178 E. Palmetto as an administrative support service requires 1 space per 750 sqf of gross floor area (GFA). This site does meet parking requirements.
- There is no stated use for 180 E. Palmetto and due to the size of the building, potential conflicts with use and parking may exist. The most intense parking requirement for a specific B-3 use is 1 space per 150 sqf of GFA. Per the Auditor bldg. size 7166sqf, 47 spaces would be required under the most parking intense B-3 uses.
- Shared parking is encouraged for downtown. The intent is to enhance a stronger visual urban form by reducing the need for gapping open asphalt parking areas. A parking plan would be reviewed as part an application for zoning compliance and at this time the applicant must verify adequate parking exists to support their intended use.
8. (a) What is applicant's stated reason for requesting zoning?  
The applicant, Ernest Pennell, seeks more potential lease options created by the B-3 General Commercial zoning classification.
- The City re-zoning B-1 to B-3 creates more uniform zoning along the east Palmetto corridor and a more cohesive zoning layer.
9. (a) What will be the benefits to the surrounding properties?  
More permitted land uses that compliment the recommended character of downtown as established by the design guidelines.
- (b) What will be the detriments to the surrounding properties?  
None are readily known. Increased traffic flow on Railroad as accessed by E. Palmetto may create a point of congestion due to the 90 degree bends on Railroad.
10. Is a traffic study required for this petition?  
No. These re-zoning applications do not meet The Land Subdivision Ordinance Sec 5.1 G. of projects the requiring a traffic studies
11. What does the purpose statement of the proposed zoning district say?  
**B-3 General Commercial District:** The intent of this district is to provide for the development and maintenance of commercial and business uses strategically located to serve the community and the larger region in which it holds a central position.

## ZONING PETITION STAFF CHECKLIST

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12. Will this proposal meet the intent of the above purpose statement?  
Yes. B-3 provides for more retail trade uses that accommodate an active downtown.

ORDINANCE NO. 2009 \_\_\_\_\_

**AN ORDINANCE TO REZONE PROPERTY OWNED BY THE CITY OF FLORENCE, 178 E. PALMETTO ST. & REZONE ADJACENT PROPERTY OWNED BY ERNEST PENNELL, 180 E. PALMETTO ST.**

**WHEREAS**, a Public Hearing was held in Room 603 of the City-County Complex on November 10, 2009 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

**WHEREAS**, an application by the City of Florence, owner of 178 E. Palmetto St. & Ernest Pennell, owner of 180 E. Palmetto St. were presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be zoned B-3:

**The property 178 E. Palmetto St. requesting zoning amendment is shown more specifically on Florence County Tax Map 90087, block 06, parcel 008 (0.38 Acres). & property 180 E. Palmetto is shown more specifically on Florence County Tax Map Tax Map 90087, block 05, parcel 001 (0.31 Acres).**

**WHEREAS**, Florence City Council concur in the aforesaid application, findings and recommendations:

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:**

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence of the aforesaid properties to B-3, General Commercial District
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009**

Ordinance No. 2009-\_\_\_\_\_  
December 8, 2009

**Approved as to form:**

\_\_\_\_\_  
James W. Peterson, Jr.  
**City Attorney**

\_\_\_\_\_  
Stephen J. Wukela,  
**Mayor**

**Attest:**

\_\_\_\_\_  
Dianne Rowan  
**Municipal Clerk**

**VIII. a.  
Resolution  
No. 2009-14**

FLORENCE CITY COUNCIL MEETING

DATE: December 14, 2009  
AGENDA ITEM: Resolution No. 2009-\_\_\_\_\_  
DEPARTMENT: Administration

I. ISSUE UNDER CONSIDERATION

Before the close of the legislative session of 2009, the South Carolina House of Representatives introduced H.3272, a bill which would limit, for property tax purposes, increases in assessed value at the point of sale of a piece of property to no more than 15% above the previous assessed value, rather than the actual market value as determined by the sales price. Studies of the effects of this legislation, if passed in the upcoming legislative session, indicated that municipalities, counties, and school districts will suffer a significant loss of tax revenues in future years, thus adversely affecting local government budgets which are already suffering at the hands of the economy.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

No previous action taken.

III. POINTS TO CONSIDER

The attached resolution states the opposition of the Florence City Council to H.3272 and respectfully requests that members of the City's delegation vote in opposition to the bill and work toward comprehensive tax reform in this state rather than piecemeal efforts such as H.3272.

IV. STAFF RECOMMENDATION

Adoption of the resolution.

V. ATTACHMENTS

Copy of the proposed Resolution No. 2009-\_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
CITY OF FLORENCE )

**H.3272 Resolution**

**A RESOLUTION STATING THE CITY OF FLORENCE’S OPPOSITION TO H.3272,  
AMENDING POINT-OF-SALE REQUIREMENTS FOR REAL PROPERTY  
VALUATION**

**WHEREAS**, under current state law, a “reassessment cap” limits increases in assessed value for property tax purposes to 15% higher than the previous assessed value, regardless of the actual increase in real property values since the previous assessment occurred, so long as an “assessable transfer of interest” does not occur; and

**WHEREAS**, when real property is sold or transferred to a new owner, an assessable transfer of interest occurs, and the new assessed value for the property is established based on its actual value at the time of the sale. This allows property to “true-up” to its actual fair market value for property tax purposes; and

**WHEREAS**, a bill (H.3272) has been introduced in the South Carolina General Assembly to eliminate the current assessable transfer of interest provisions, and instead, to limit increases in assessed value after an assessable transfer of interest occurs to 15% higher than the previous assessed value, thus prohibiting properties from ever truing up to their actual fair market value; and

**WHEREAS**, the South Carolina Board of Economic Advisors has estimated that the statewide impact of H.3272 will be \$44 million in a typical year. Compounded annually, this bill would have a disastrous effect on municipal, county, and school district budgets across the state for many years to come; and

**WHEREAS**, if adopted by the state legislature, H.3272 would require local elected officials to shift the property tax burden, to the extent allowed by state-mandated millage caps, to existing residents and businesses, or alternatively, to limit and/or eliminate essential public services such as police, fire, and public schools; and

**WHEREAS**, this, and other recent piecemeal legislative changes to the state’s property tax structure, have resulted in a tax system that is inequitable, administratively burdensome, and fails to meet the needs and desires of local communities across the state of South Carolina;

**NOW THEREFORE BE IT RESOLVED**, that the City Council for the City of Florence does hereby declare its opposition to H.3272, a bill amending point-of-sale requirements for the assessed value of real property; and

**BE IT FURTHER RESOLVED**, that the City Council for the City of Florence does hereby respectfully request that its Representatives and Senators in the South Carolina General Assembly vote “no” to H.3272; and



**BE IT FURTHER RESOLVED**, that the City Council for the City of Florence urges the South Carolina General Assembly, in the spirit of cooperation and home rule, to consider the needs and desires of local communities – municipalities, counties, and school districts – before making piecemeal changes to the state’s tax structure that will inhibit our collective ability to provide the public services our residents expect and demand; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be sent to all Representatives and Senators representing the City of Florence in the South Carolina General Assembly within seven days from its adoption.

**SIGNED AND SEALED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009, having been duly adopted by the City Council for the City of Florence on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Stephen J. Wukela  
Mayor

Approved as to Form:

\_\_\_\_\_  
James W. Peterson, Jr.  
City Attorney

Attest:

\_\_\_\_\_  
Dianne M. Rowan  
Municipal Clerk

**VIII. b.  
Resolution  
No. 2009-15**

**FLORENCE CITY COUNCIL MEETING**

**DATE:** December 7, 2009  
**AGENDA ITEM:** Resolution No. 2009-\_\_\_\_  
**DEPARTMENT/DIVISION:** Councilman Williams

**I. ISSUE UNDER CONSIDERATION**

A Resolution by the City of Florence to authorize the expenditure of the additional sum of \$1,186.36 for Councilman Williams' trip to the NLC Legislative Conference in Washington, DC during the time period of September 23 - 26, 2009.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN**

(a) The current travel policy adopted by City Council allows each Council Member to expend up to \$4,285.71 for travel on behalf of the City without seeking approval, and provides that a Council Member may incur additional travel expenses on behalf of the City upon approval of such additional amounts by Council.

(b) Councilman Williams, as of September 23, 2009, had properly expended the sum of \$3,731.56 in travel expenses, leaving him with a balance of \$554.15.

(c) Councilman Williams, on behalf of the City, needed to participate in the NLC Legislative Conference in Washington, DC during September 23 - 26, 2009 in order to continue to make important contacts on behalf of the City with members of the U.S. Congress and their staffs, a trip which costs a total of \$1,740.51.

(d) The expenditures for this trip exceed the balance available on Councilman Williams travel account by \$1,186.36.

(e) Since Councilman Williams contends that the trip made was beneficial to the interests of the City and its citizens, he seeks Council authorization for the payment of the travel expenses incurred to the extent they exceed the balance in his travel account.

**III. POINTS TO CONSIDER**

- (a) The resolution requires one reading.
- (b) This is the process envisioned by the current travel policy.

**IV. STAFF RECOMMENDATION**

Staff stands ready to carry out the wishes of Council.

**V. ATTACHMENTS**

- (a) Copy of the proposed Resolution 2009-\_\_\_\_.
- (b) Copy of Summary of City Council Travel and Conference Expenses as of September 30, 2009.

RESOLUTION 2009-\_\_\_\_\_

**A RESOLUTION BY THE CITY OF FLORENCE TO AUTHORIZE THE EXPENDITURE OF THE ADDITIONAL SUM OF \$1,186.36 FOR COUNCILMAN WILLIAMS' TRIP TO THE NLC LEGISLATIVE CONFERENCE IN WASHINGTON, DC DURING THE TIME PERIOD OF SEPTEMBER 23 - 26, 2009.**

WHEREAS, the current travel policy adopted by City Council allows each member of Council to expend up to \$4,285.71 for travel on behalf of the City without seeking approval, and provides that a Council Member may incur additional travel expenses on behalf of the City upon approval of such additional amounts by Council; and

WHEREAS, Councilman Williams, as of September 23, 2009, had properly expended the sum of \$3,731.56 in travel expenses, leaving him with a balance of \$554.15; and

WHEREAS, Councilman Williams, on behalf of the City, needed to participate in the NLC Legislative Conference in Washington, DC during September 23 - 26, 2009 in order to continue to make important contacts on behalf of the City with members of the U.S. Congress and their staffs, a trip which costs a total of \$1,740.51, \$1,186.36 over the balance available on Councilman Williams travel account; and

WHEREAS, the trip made by Councilman Williams was in the interests of the City, and the City and its citizens have benefitted from his efforts;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of Florence, at a duly assembled meeting of the Florence City Council, that the City Manager is hereby authorized to cover the total costs of Councilman Williams trip during September 23 - 26, 2009 as outlined above.

AND IT IS SO RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 2009.

**APPROVED AS TO FORM:**

\_\_\_\_\_  
JAMES W. PETERSON, JR.  
City Attorney

\_\_\_\_\_  
STEPHEN WUKELA  
Mayor

ATTEST:

\_\_\_\_\_  
DIANNE M. ROWAN  
Municipal Clerk

CITY OF FLORENCE, SC  
 SUMMARY OF CITY COUNCIL TRAVEL AND CONFERENCE EXPENSES  
 AS OF SEPTEMBER 30, 2009

	<u>TOTAL</u>	<u>BRADHAM</u>	<u>BRAND</u>	<u>POWERS</u>	<u>ROBINSON</u>	<u>WILLIAMS</u>	<u>WILLIAMS-BLAKE</u>	<u>WUKELA</u>
FY 2009-2010 BUDGET AMOUNT	30,000.00	4,285.71	4,285.71	4,285.71	4,285.74	4,285.71	4,285.71	4,285.71
<u>TOTAL EXPENSES @09/30/2009:</u>								
NLC NBC-LEO - HARTFORD, CONN - JULY 21-26, 2009	(3,971.87)				(2,059.91)	(1,911.96)		
MASC MEETING - HH, SC - AUGUST 5-9, 2009 (Includes Elected Officials Institute)	(8,501.41)		(989.98)	(1,687.62)	(2,450.47)	(1,819.60)	(1,553.74)	
NLC ANNUAL LEGISLATIVE CONF. - WASHINGTON, DC SEPTEMBER 23-26, 2009	(1,740.52)					(1,740.51)		
	<u>(14,213.80)</u>	<u>(989.98)</u>	<u>(1,687.62)</u>	<u>(4,510.38)</u>	<u>(5,472.07)</u>	<u>(1,553.74)</u>		
REMAINING BALANCE - ACTUAL (OVER) UNDER BUDGET	<u>15,786.20</u>	<u>4,285.71</u>	<u>3,295.73</u>	<u>2,598.09</u>	<u>(224.64)</u>	<u>(1,186.36)</u>	<u>2,731.97</u>	<u>4,285.71</u>

**IX. a.  
Audit Report**

**FLORENCE CITY COUNCIL MEETING**

**DATE:** December 14, 2009  
**AGENDA ITEM:** **Presentation of Audited Financial Statements**  
**DEPARTMENT/DIVISION:** Finance

**I. ISSUE UNDER CONSIDERATION**

Presentation of the City of Florence, SC Comprehensive Annual Financial Report and audited financial statements by the independent certified public accounting firm of WebsterRogers LLP.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN**

Pursuant to state law the City of Florence contracts with an independent firm of certified public accountants to annually audit and certify the financial records and transactions of the City using generally accepted accounting standards.

**III. POINTS TO CONSIDER**

The accounting firm WebsterRogers LLP has completed its audit of the City's financial statements for the year ending June 30, 2009. Mr. Bud Addison of the firm will present the report and will distribute copies of the completed audit report to members of Council at the meeting.



Thomas W. Chandler  
Finance Director



David N. Williams  
City Manager

# Memorandum

**To:** Mayor Wukela and Members of City Council

**From:** City of Florence Accommodations Tax Advisory Committee

**Subject:** **Review of Qualifications of Four Applicants for Accommodations Tax Funding**

**Date:** December 14, 2009

1. On November 9, 2009 City Council requested that the City of Florence Accommodations Tax Advisory Committee meet to review the applications of four organizations not recommended by the committee for FY 2009-10 Accommodations Tax funding. Council requested that the committee meet to determine if these organizations and their related programs or events, meet the requirements for Accommodations Tax funding based on the information provided by the organizations.
2. As requested by City Council, the Accommodations Tax Advisory Committee met on December 1, 2009 to review the applications for the following programs or events: South Carolina Watermedia Society Annual Exhibition, Florence County Investing in Women, Florence Area Sports Council, and Beyond February: Black History Year Round.
3. Six of the seven committee members were in attendance at the meeting on December 1. Members in attendance included Steven Doulaveris, David Frazier, Henry Hepburn, Margaret Nash, Larry Norris, and Benjamin Woods. Sylvia Perkins was unable to attend the meeting.
4. Following a review of each of the four applications, the committee voted on each application separately to determine if, in the committee's opinion, the program or event is qualified for Accommodations Tax funding.
5. By unanimous vote on each of the four applications reviewed, the committee determined that, in their opinion, only the South Carolina Watermedia Society Annual Exhibition, and the Florence Area Sports Council applications for funding met the requirements for funding for "Tourism Related Expenditures". This opinion was based on the committee's interpretation of Section 6-4-10 of the SC Code of Laws pertaining to the allocations of Accommodations Tax. The committee's decision was also based on its understanding of the Tourism Expenditure Review Committee's *Policy on the Interpretation of "Tourism Related Expenditures"* and on its understanding of guidelines provided in the SC Department of Revenue Ruling # 98-22 pertaining to the use of Accommodations Tax funds
6. In addition, the Accommodations Tax Advisory Committee respectfully requests that City Council meet with the Advisory Committee in a work session sometime in 2010 before the next Accommodations Tax funding cycle. The Committee would like to discuss with City Council the law and related policies pertaining to the allocation of Accommodations Tax revenues. The Committee would also like to develop, with City Council's guidance and direction, a better understanding of the City's goals and objectives for these funds in compliance with the requirements of state law.