

Minutes
Florence County Planning Commission Meeting
Tuesday, January 26, 2010 at 6:30 p.m.
City/County Complex, Room 803
180 N. Irby St., Florence, South Carolina

The Florence County Planning Department staff posted the agenda for the meeting on the information boards at the main entrance and the back entrance of the City/County Complex and on the information board at the entrance of the Planning, Zoning, and Building Inspections Department building.

The agenda was also mailed to the media.

I. Call to Order:

Chairman Peter Knoller called the meeting to order at 6:31 p.m. and declared a quorum of members present.

II. Attendance:

Members Present: Peter M. Knoller, Chairman
Bill Lockhart, Vice-Chairman
Linda Borgman
Cecil Cunha
David Hobbs
Roger Kirby
Jody Lane
King Lowery

Members Absent: Ted Greene
Doris Lockhart
Virginia Talbert

Staff Present: J. Kevin Griffin, Director, Planning and Building Inspection Department
Pearlie D. McDaniel, Development and Zoning Services Officer
Angela C. Thomas, Secretary

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

III. Review and Motion of Minutes:

Vice-Chairman Bill Lockhart made a motion to approve the minutes of the November 24, 2009 meeting and the December 22, 2009 meeting. Mr. King Lowery seconded the motion. The vote carried unanimously.

IV. Public Hearings:

Comprehensive Plan:

None

Map Amendments:

None

Text Amendments:

None

V. Requests for Plat/Plan Approval:

None

VI. Other Business:

PC#2009-39 Text amendment request for Article V, Sections 30-205, 30-211 and 30-212 of the Florence County Code of Ordinances for Portable Signs.

Mr. Kevin Griffin presented the staff report to the Commission.
(copy available at the Florence County Planning Department)

Mr. Jody Lane stated there's one thing I wanted to add to that; could we revisit the safety issue of the sign and where the setbacks were mentioned; could we add just a brief statement to other considerations if there are complaints that it could be viewed and looked at to see if the sign needs to be moved back further than the normal five or ten feet; I would hate for someone to feel uncomfortable trying to pull onto a road and for the sign companies to say its in the minimum distance of the ordinance and we're not going to move it.

Mr. Griffin responded we do have geometrical standards for things such as corners and when you're coming out at intersections; they have a different standard than just the five or ten foot setback; in those areas you have to have additional clearances and some geometry done to make sure you're not blocking what actually comes out in the right-of-way itself to those major intersections and roads.

Mr. Lane responded I guess what I'm trying to say is to just make sure we have a good viewing easement so we don't pull out in open traffic.

Ms. Linda Borgman asked who would the public complain to; would they complain to the business.

Mr. Lane responded currently they call into the codes office and there is a gentleman there they can send out to look at the sign.

Mr. Griffin responded when there are issues, many times the sign is not meeting that setback requirement; like I said, if you come into an intersection you have the five and ten foot setbacks in unzoned and zoned areas but you also have, when you come into a corner, some geometry that's defined within the ordinance that says you have to meet a certain setback from that corner so you're not blocking traffic; generally what we have is adequate now and I think that's how we may have gotten where we are is that we had a number of folks call and it may have brought this issue to light; we can certainly revisit that to make sure it meets what standards we need.

Mr. Lane responded I guess I'm just saying from an individual basis, I hate to lock something in and then there are complaints and there is nothing we can do and we've already passed it; if we put something in there about a viewing easement or a section on an individual basis to be considered and we could send someone out and they could make a judgment call as to whether it is a safety issue or not; it just gives us a little leeway there.

Mr. Griffin responded as long as it has a rational nexus as the state law requires we can do that.

Ms. Borgman responded Mr. Hobbs mentioned one time that he had trouble looking out.

Mr. David Hobbs responded like he said, it depends on the geography of the highway, how the two highways come together; like Jody said, in some cases five or ten feet wouldn't be enough; you don't always have a 90 degree turn necessarily.

Ms. Borgman responded could you mention something about multiple intersection roads.

Mr. Hobbs responded it could be just one intersection; it doesn't have to be a multiple intersection; like I said, every road in Florence County is not 90 degrees; that's where you get into a little bit of trouble just setting a five or ten foot setback.

Mr. Lane responded I think if we just put that one statement in there that gives us a little bit of leeway to look at individual signs and how they're set up.

Mr. Hobbs responded however it needs to be worded to where it can be determined by the road conditions or the geometry or whatever we need to say.

Mr. Griffin responded we'll take a look at what we have now and if it needs to be upgraded we'll certainly look at that as well.

Mr. Cecil Cunha asked under permitting it says, if possible, make the sign company responsible for permitting; that's not exclusive to sign company's right.

Vice-Chairman Lockhart responded an individual can do it too.

Mr. Griffin responded no sir; that was a committee recommendation and exactly how we'd enact that, I'm not quite sure we've figured that out yet as far as the permitting side; we would handle that outside of what the actual amendment to the ordinance would be.

Chairman Knoller responded the committee decided to make the sign company responsible because they're supposed to know the law and if you wanted to rent a sign then you may not know about the setbacks, you may not know about how many colors you can have and what size; these guys know the law so its up to them to make it right.

Mr. Cunha asked what if a person decides they are going to make a sign themselves.

Chairman Knoller responded they would have to go and get a permit just like everyone else; there will be an ordinance in place for that; it doesn't matter if the sign company owns them or you own them.

Mr. Hobbs responded if I'm following what the committee is recommending, you would have four different times you could put the sign out in one year; two months at a time.

Chairman Knoller responded no, one month at a time.

Mr. Hobbs asked would you have to have a permit four times in that one year.

Mr. Griffin responded that's what we were defining here; you would have one annual permit and we would have a schedule on the permit for what 30 day segments or increments throughout the year that you would have that displayed.

Mr. Hobbs asked would it be the same if I just wanted it one time for 30 days.

Mr. Griffin responded that would be on the same permit.

Mr. Hobbs asked would it be the same amount for 30 days as it would for four different times.

Mr. Griffin responded we really haven't gotten to the actual permit fee itself; that's why tonight we're just bringing you these as recommendations; we don't have an actual ordinance amendment change in front of you; that wouldn't actually be defined in the text amendment itself; we would do that through our fee section; more than likely it would be a nominal fee anyway.

Chairman Knoller responded the committee's trying to make it as nominal as possible so it's not a deterrent to people; when we said 30 days each quarter you could do it every other week; you don't have to do it 30 days at one time; we're giving them the leeway to do it the first week or the second week or whatever they wanted to do; trying to give them as much leeway as possible is what the committee tried to do.

Mr. Cunha asked is everything enforceable.

Chairman Knoller responded yes, it will be.

Mr. Cunha asked even the timeframe.

Chairman Knoller responded they'll pass the amendment or they won't and if they do they'll have to enforce it.

Mr. Lane responded the whole issue with pulling the permit and putting identification on the sign is a way to identify and control and enforce what's out there now; we have an ordinance but we really don't have any way to police it to control what's going on because nobody really knows.

Mr. Cunha responded as long as it's enforceable.

Chairman Knoller responded it's supposed to be enforceable; the county in their wisdom says that they will pass something that's enforceable.

Ms. Borgman asked what about Jody's comment, will that be added to it.

Chairman Knoller responded it can be.

Mr. Jody Lane made a motion to move forward as staff has recommended with the amendment that I've asked for with the viewing easement to be handled by an exceptional case. Vice-Chairman Bill Lockhart seconded the motion. Mr. Cecil Cunha asked can we have another review of what exactly it is that you're trying to do. Mr. Jody Lane responded there is a regulation in place that from the setback in the zoned areas is five feet and unzoned areas its ten feet; Mr. Hobbs had identified in some areas that traffic moves quicker, lots are odd shaped, there is a safety concern of pulling out into oncoming traffic and I'm only making a recommendation that we add verbiage in to this section, more or less like a viewing easement that would be handled on an individual basis if there were concerns or complaints from the public on a particular sign that someone from the codes office or whomever's designated would go out and take a look to see if there's a problem and if the sign needed to be adjusted other than what the limits are set in the ordinance; the sign may need to go further back so there is a viewing easement so people can safely come out into the flow of traffic. Mr. Cecil Cunha asked so you're basically saying the sign may meet these requirements but still be a safety hazard. Mr. Jody Lane responded yes. Ms. Linda Borgman asked would there ever be an incident where a sign could be prohibited because of a safety factor. Chairman Peter Knoller responded I would think there's a possibility if when the enforcement officer goes there and they move the sign all the way they want and they still can't get clearance, I would think they would deny the sign permit; in fact I'm sure they would. Mr. Kevin Griffin responded if it can't meet the requirements it certainly could; you could have some buildings that are extremely close to the road and they could only move the sign so far back; some instances like that could possibly happen. Mr. Roger Kirby responded I'm trying to understand how we can hold the vendors of these signs responsible for permitting them; I'm just thinking hypothetically, if I'm a sign vendor that lives in Columbia and a resident from Florence County comes and purchases a sign from me, why do I need to be liable for his obtaining a permit to use that sign. Chairman Peter Knoller responded if he sells the sign to Joe Blow in Florence County then that sign belongs to Joe Blow so he has to do all the right stuff; if you're renting a sign, the sign company has to buy the permit. Vice-Chairman Bill Lockhart responded if the store owner doesn't know the rules he might stick it anywhere. Chairman Peter Knoller responded if you buy your sign you have to get a permit and then you will have to check to see what you can do. Mr. Jody Lane responded I think what Mr. Kirby is saying and maybe we can clarify this in the ordinance, is just simply say the sign owner not necessarily the parcel owner, so that way if it's a temporary sign that Mr. Kirby's purchased from Columbia or if it's a rented sign from Myrtle Beach, the owner of the sign pulls the permit; we're just trying not to have the property owner pull the permit because they may or may not be aware of the ordinance and certainly if you own the sign you should be aware of the ordinance. Mr. Roger Kirby asked would there be then the onus on the county to notify all the vendors of signs in our geography of what we're talking about. Mr. Kevin Griffin responded once we get an amendment we would certainly try to do that. Mr. David Hobbs asked does what you are proposing cover occupied as well as unoccupied properties. Vice-Chairman Bill Lockhart asked are you talking about off premise signs; we talked about that; the sign had to be where the business is at. Mr. Jody Lane responded its my understanding that there are already other ordinances in place to address that such as dilapidated signs and also when you advertise for your business it needs to be on that property; the other thing that we're trying to identify here is the difference between temporary and permanent signage because there is already an ordinance for the permanent sign that's being adhered to but not necessarily the temporary so that was one of the first goals that our committee addressed was identifying what is temporary and that's where we came up with once a quarter. Mr. Cecil Cunha asked I gather later on we are going to vote on the entire thing. Mr. Kevin Griffin responded yes sir, all we would be taking would be direction from the commission tonight how to move forward if we move forward and put this into a text amendment and we still have a couple of other issues that the committee would probably likely need to meet again before we brought it back as a full amendment. Chairman Peter Knoller stated there is

a motion on the floor that we have asked staff to put together an amendment. The vote carried unanimously for staff to draft additional verbiage.

VII. Director's Report:

Mr. Griffin's comments were as follows:

➤ Building Report

We had 14 new residential permits as opposed to 13 in November; on the commercial new building side we did have four new commercial building permits that came in and in November we had two.

➤ Summary Plats

We had summary plats for a total of 72 lots and 402 acres.

VIII. Adjournment:

Chairman Peter Knoller declared the meeting adjourned at 7:00 p.m.

Respectfully submitted,

Angela C. Thomas
Secretary

Approved by:

J. Kevin Griffin
Director, Planning and Building Inspections

Approved by:

Peter M. Knoller
Chairman, Florence County Planning Commission

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