

Kershaw County Planning and Zoning Commission
Minutes - Regular Session
September 9, 2010, 5:30 p.m.
County Council Chambers, 515 Walnut Street
Camden, SC 29020

Members in Attendance: David Brown, George Gibson, Dan Matthews, and Richard Simmons

Members Absent: Lewis Shaw, Charles Cottingham, and Karen Eckford

Staff in Attendance: Carolyn Hammond and John Newman

Call to Order

Vice Chairman, Richard Simmons, called the meeting to order at 5:30 p.m.

Public Comment Period

There were no comments from the public.

Approval of Minutes

David Brown motioned that the minutes of the August 12, 2010 regular meeting be approved. George Gibson seconded, and all voted in favor.

Rezoning Application

Vice-chairman Richard Simmons opened the public hearing. Mr. Richardson, applicant, said he had lived in a manufactured home on the subject property from 1989 until it burned down six years ago. He said he could and would have reestablished the manufactured home on the property much sooner had he been aware of the regulations concerning nonconforming manufactured housing. He added that he had a severe automobile accident which has left him disabled and unable to work. He said that if his aunt, with whom he lives, decided he could no longer live with her, he would be homeless with no place to go if he could not put a manufactured house on the lot. Ms. Pearl Brown, his aunt, said the properties around the subject lot are family-owned and none of them objected.

No one else signed up to speak and the public hearing was closed. At the request of the vice-chairman, John Newman gave a summary of staff's findings and recommendations adding that staff did not recommend approval of the rezoning because the establishment of manufactured housing in the area where the lot is located will not promote the County's zoning and land use policies.

George Gibson said he had looked at the site and, given the large size and depth of the lot and Mr. Richardson's particular circumstances, he would support the rezoning. Dan Matthews asked John Newman what kind of housing is allowed under the current R-15 zoning, and Newman replied that modular and site-built housing are allowed. Richard Simmons said he was sympathetic for Mr. Richardson's circumstances, but agreed with staff that allowing manufactured housing would be against the zoning rules and policies.

There being no further discussion, George Gibson made the motion to recommend approval of the rezoning request from R-15 to RD-2. The motion was seconded by Dan Matthews. George Gibson and Dan Matthews voted in favor of the motion. David Brown and Richard Simmons voted against.

The Commission made it clear to Mr. Richardson that, because the vote was tied, the action of the Planning Commission did not result in a recommendation for or against the request and that the final decision lies with the County Council, no matter what the Planning Commission does or does not recommend. Mr. Richardson was informed that his re-zoning request would be heard by Council at their September 28th meeting.

Capital Sales Tax Commission Presentation

Don Witham distributed brochures and gave the Commission an overview of the projects in the penny sales tax referendum. The Commission spoke in support of this funding mechanism and asked what they

could do to support the effort. Knowing that there are restrictions on who can and cannot actively support the initiative, they asked John Newman to ask Planning Commission Attorney, Jon Robinson, to give his opinion on the appropriateness, if not legality, of the Commission individually and/or collectively advocating for the sales tax.

Campaign Signs

In reference to Jimmy Jones' request that the Commission consider an amendment to ban political signs in Kershaw County, the Commission discussed the County Attorney's determination that they had requested due to their concern that banning political signs may be unconstitutional. Mr. DuBose's memo stated that as political speech, campaign signs are entitled to First Amendment protection, and banning them would indeed be unconstitutional. When the vice chairman called for a motion in response to Mr. Jones' request, Dan Matthews moved that a statement be sent to Councilman Jones saying that it is the Planning and Zoning Commission's opinion that banning political signs is not feasible. Richard Simmons seconded, and all voted in favor.

Staff Report on County Council Actions Concerning the Planning and Zoning Commission

John Newman reported the following actions at the August 24, 2010 County Council meeting:

- Councilman Jones made a motion to amend the agenda to table the sign fee ordinance and the ZLDR text amendment ordinance at the request of the Home Builders Association and others as they were not aware of these amendments and wanted time to review them. The motion failed for lack of a second.
- Second Reading on setting fees on sign permits and registration passed 4-2 with Councilmen Jones and Miles voting against.
- The Planning Commission's recommended language on the Tucker hardship amendment was taken up separately. It passed unanimously.
- Second reading on the text amendments to the ZLDR (including the hardship amendment) passed 5-1 with Councilman Jones voting against.

Other Items

The date for the November Commission meeting was changed from November 11th to November 18th because the 11th is a County holiday. At the November 18th meeting, department heads with new or changed capital projects will present to the Commission.

John Newman stated that the CIP timetable recommends penciling in work session dates. He proposed December 2nd and either January 6th, 20th, or 27th. He will send an e-mail so everyone can check their calendars so the dates can be confirmed at the October meeting.

Adjournment

At 6:12 p.m., George Gibson made the motion to adjourn. It was seconded by Dan Matthews, and all voted in favor.

Respectfully submitted,

Carolyn B. Hammond

Carolyn B. Hammond
Secretary