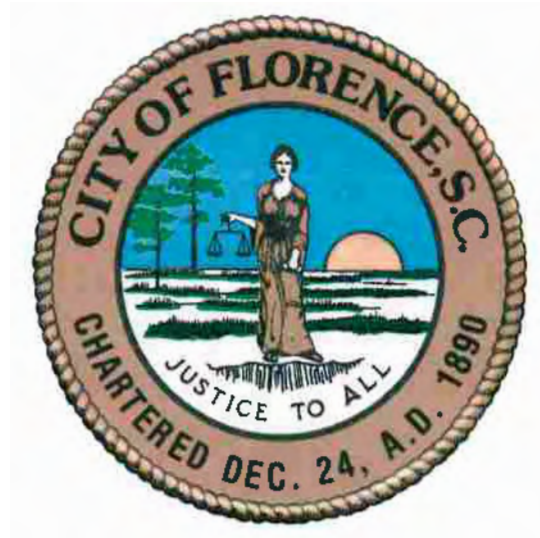


REGULAR MEETING
OF
FLORENCE CITY COUNCIL



COUNCIL CHAMBERS
324 W. EVANS STREET
FLORENCE, SOUTH CAROLINA

MONDAY
MAY 9, 2016
1:00 P.M.

REGULAR MEETING OF FLORENCE CITY COUNCIL

MONDAY, MAY 9, 2016 – 1:00 P.M.

CITY CENTER – COUNCIL CHAMBERS

324 W. EVANS STREET

FLORENCE, SOUTH CAROLINA

AGENDA

I. CALL TO ORDER

II. INVOCATION

III. APPROVAL OF MINUTES

April 6, 2016 – Special Meeting

April 11, 2016 – Regular Meeting

IV. HONORS AND RECOGNITIONS

SERVICE RECOGNITIONS

Wallace Wingate – 20 years – Sanitation

V. PUBLIC HEARING

- a. *A Public Hearing will be held to receive input on the City of Florence Fiscal Year Budget 2016-2017.*
- b. *A Public Hearing to receive public comment regarding the adoption of a Local Government Development Agreement between the City of Florence and the developer of “The Grove at Ebenezer” as required by the South Carolina State Code.*

VI. ORDINANCES IN POSITION

- a. Bill No. 2016-12 – Second Reading**
An Ordinance establishing a new Article IV in Chapter 16 of the City of Florence Code of Ordinances and adopting Code Section 16-41 pursuant to Section 6-31-30 of the South Carolina Code of Laws in order to authorize the City of Florence to utilize the provisions the South Carolina Local Government Development Agreement Act to enter into Development Agreements.
- b. Bill No. 2016-13 – Second Reading**
An Ordinance to rezone property being specifically designated in the Florence County Tax Records as Tax Map Parcel 00075-01-214; and zone properties 00075-01-018 and 00075-01-054, pending annexation; to Planned Development District, identified as PDD 2016-01.
- c. Bill No. 2016-14 – Second Reading**
Proposed Development Agreement between the City of Florence and the developer of The Grove at Ebenezer, properties being specifically designated in the Florence County Tax Records as Tax Map Parcel 00075-01-214, 00075-01-018 and 00075-01-054.
- d. Bill No. 2016-15 – Second Reading**
An Ordinance to annex and zone property owned by Georgia Belin, Tax Map Number 90059-03-022.

VII. INTRODUCTION OF ORDINANCES

- a. Bill No. 2016-16 – First Reading**
*An Ordinance to declare surplus property owned by the City of Florence and to convey the property to Sisters 4 the Future.
(Staff is requesting this item be deferred)*
- b. Bill No. 2016-17 – First Reading**
An Ordinance to amend the City of Florence Zoning Ordinance Article 2, Section 2.9 Florence Downtown Overlay Districts by adding Section 2.9-12 Expiration Of Certificate of Appropriateness.
- c. Bill No. 2016-18 – First Reading**
An Ordinance to annex and zone property owned by Corbett Norris Rental, LLC, TMN 90029-02-016.
- d. Bill No. 2016-19 – First Reading**
An Ordinance to annex and zone property owned by First Reliance Bankshares, TMN's 90010-01-003 and 90010-01-004.

- e. **Bill No. 2016-20 – First Reading**
An Ordinance to annex and zone property owned by Detroit Dials, TMN 90045-01-010.
- f. **Bill No. 2016-21 – First Reading**
An Ordinance to rezone Tax Map Numbers 90104-01-003, 90104-01-004, 90104-01-005, and 90104-01-010, property located along Barringer Street, Church Street, and Cohen Street, from B-1, Limited Business District and R-4, Multi-Family District to B-5, Office and Light Industrial District.
- g. **Bill No. 2016-22 – First Reading**
An Ordinance to amend the City of Florence Zoning Ordinance Sections 2.9-4 and 2.9-8 regarding requirement of a Certificate Of Appropriateness for the removal of trees and/or shrubs of a certain size.
- h. **Bill No. 2016-23 – First Reading**
An Ordinance to amend the City of Florence Zoning Ordinance Section 3.14 to set forth Conditional Use Regulations for unattended donation receptacles.
- i. **Bill No. 2016-24 – First Reading**
An Ordinance authorizing the transfer of land to McLeod Regional Medical Center for the purposes of developing an emergency shelter, specifically a portion of Tax Parcel, 90087-06-008.

VIII. INTRODUCTION OF RESOLUTION

- a. **Resolution No. 2016-10**
A Resolution designating May, 2016 as Lupus Awareness Month

IX. REPORT TO COUNCIL

- a. **Appointments to Boards and Commissions**

X. ADJOURN

**SPECIAL MEETING OF FLORENCE CITY COUNCIL
WEDNESDAY, APRIL 6, 2016 – 3:00 P.M.
CITY CENTER – LIVE OAK CONFERENCE ROOM
324 W. EVANS STREET
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT: Mayor Wukela called the special meeting to order at 3:10 p.m. with the following members present: Mayor Pro tem Frank J. Brand, II; Councilman Robby L. Hill; Councilwoman Teresa Myers Ervin; Councilwoman Octavia Williams-Blake; and Councilman George D. Jebaily.

ALSO PRESENT: Mr. Drew Griffin, City Manager; Mrs. Dianne M. Rowan, Municipal Clerk; Mr. James W. Peterson, Jr., City Attorney; Mr. Phillip Lookadoo, Director of Planning, Research and Development; Mr. Michael Hemingway, Director of Utilities; Mr. Chuck Pope, Director of Public Works; Mr. Ray Reich, Downtown Development Manager; Chief Allen Heidler, Florence Police Department; Chief Randy Osterman, Florence Fire Department; Mr. Scotty Davis, Director of General Services; and Mr. Thomas Chandler, Director of Finance.

Notices of this special meeting were sent to the media and individuals requesting a copy of the agenda, informing them of the date, time and location of the meeting.

MEDIA PRESENT

Joshua Lloyd of the Morning News was present for the meeting.

INVOCATION

Councilwoman Ervin gave the invocation for the meeting. The Pledge of Allegiance to the American Flag followed.

INTRODUCTION OF RESOLUTION

RESOLUTION NO. 2016-07

A RESOLUTION TO ADOPT THE 2016-2017 CDBG BUDGET

A Resolution to adopt the 2016-2017 CDBG Budget was adopted by Council.

Mr. Drew Griffin, City Manager stated that the \$52,350 allocated for Planning and Administration in the CDBG Budget will be offset by a General Fund appropriation to the neighborhoods.

Mr. Scotty Davis, Director of Community Services reported to Council that the City of Florence will receive \$261,850 this year; approximately a \$13,000 reduction from last year.

The 2016-2017 proposed CDBG Budget is as follows:

Planning and Administration	\$	52,350
Recreational Improvements – Section 108	\$	100,000
Emergency Rehabilitation	\$	70,250
Pee Dee Transitional Shelter	\$	22,000
Salvation Army	\$	6,000
Manna House	\$	6,000
Lighthouse Ministries	\$	5,250
TOTAL	\$	261,850

Mayor Pro tem Brand made a motion to adopt Resolution No. 2016-07. Councilman Jebaily seconded the motion, which carried unanimously.

REPORT TO COUNCIL

GENERAL DISCUSSION RELATING TO 2016-2017 CITY OF FLORENCE BUDGET

Mr. Drew Griffin, City Manager stated that the following items are on the agenda for discussion:

- General Fund Revenue Growth Analysis
- Operating Millage Considerations
- Employee Compensation Considerations
- Road and Street Maintenance
- Sanitation Trucks Replacement Funding
- Stormwater Fees
- Jeffries Creek Sewer Interceptor
- Water Quality and Zika Virus Discussion
- Executive Session

GENERAL FUND REVENUE GROWTH ANALYSIS

Mr. Griffin stated that every year staff looks at growth. The reality is the City of Florence is not seeing very much growth and is not anticipating much growth. This year staff is looking at an increase of revenue of about 1-2%.

General Fund Revenue Growth Analysis		
Fiscal Year	Budgeted Revenue	% Change
2012	\$29,215,000	N/A
2013	\$29,200,000	-0.05% ^a
2014	\$20,470,000	0.92%
2015	\$30,400,000	3.16% ^b
2016	\$31,120,000	2.37% ^b
2017	\$31,480,000	1.16% ^b
Average Change		1.51%

^aThis reduction in FY 2013 budgeted revenues is due to an over-estimation of Revenues in FY 2012 original budget. FY 2012 revenues budgeted were significantly decreased at mid-year by \$591,000.

^bFor FY 2015, 2016, and 2017 the additional \$1 million in funds collected from 50% of the Municipal Revenue portion of the Local Option Sales Tax for the FMU Health Sciences facility and neighborhood redevelopment are not included in the Budget Revenue column.

OPERATING MILLAGE INCREASE CONSIDERATIONS

Mr. Griffin reported on how millage is calculated and if the City were in a position to increase millage then what are the limitations that the City faces. The City is limited by what millage it can raise by state law. State law allows a three year look back to bring the millage forward in any given year as long as the City has not increased the millage in that three year period. State law would allow the City to increase millage to a maximum of 4.78 mills. The value of one mill in the City is \$160,000. A 4.5 mill increase would generate about \$720,000 per year. With an increase of 4.5 mills, the City’s millage rate would increase from 56.5 to 61.0 mills. The addition of 4.5 mills would result in an increase of \$18.00 to the net tax amount per \$100,000 of residential property.

Operating Millage Increase Considerations

- Section 6-1-320 (A)(1) of the SC Code of Laws establishes millage caps for local government operating purposes for each year equal to the increase in the average 12 month Consumer Price Index (CPI) for the most recent 12 month period consisting of January through December of the preceding calendar year, plus the percentage increase in the previous year in the population of the entity as determined by the Office of Research and Statistics (ORS) of the State Budget and Control Board.
- Section 8-1-320 (A)(2) of the SC Code of Laws provides that any millage increase allowed by Section 6-1-320 (A)(1) above, but not previously imposed, may be added for the three property tax years preceding the year to which the tax limit applies.

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- Based on the information provided by the ORS, the CPI for 2014 increased 1.62% from 2013 and the population for 2014 increased 0.71% from 2013 based on information from the U.S. Bureau of the Census, Population Division released in May 2015. Combining these two components per state law yields a millage cap for the FY 2015-16 of 2.33% or 1.25 mills.
Note: The CPI and Census information for FY 2016 millage calculation will not be received from ORS until May 2016.
- The cumulative total of the FY 2016 millage cap and the previous three years millage increase allowed, but not previously imposed, equals 8.91% or 4.78 mills (53.7 mills x 8.91% = 4.78 mills)
- The value of one mill for the City is approximately \$160,000. A millage increase of 4.5 mills would generate approximately \$720,000 per year.

COMPENSATION CONSIDERATIONS FOR CITY EMPLOYEES

Mr. Griffin stated that one of the things that has been discussed for a little over a year is compensation considerations for the city employees. As a result of the recession, city employees, like many municipal and public sector employees across the state, have seen limited or no growth within their salary structure. One of the effects of that limited or no growth is over this 7-8 year period of time, the city, at best, has given a cost of living increase. This has resulted in the compression of the employees into steps one and two of the City's Grade Step Compensation Schedule. 42% of City employees fall within step one or step two.

With regard to balancing the budget, if all General Fund positions, with salaries and benefits, were fully funded and fully staffed as of July 1, 2016, the total General Fund liability would be approximately \$23,000,000. The result of this is a \$1.6 million shortfall in balancing the budget. For the last 4-6 years, staff has followed the City's attrition trends and implemented deferred hiring for every position that becomes vacant. Positions are held vacant for a 15 week period before the hiring process begins. This action saves the City \$1.6 million. When the \$1.6 million is extracted from salaries and benefits, then the budget is basically balanced with the employees and the directors minimizing, to the level possible, the operating costs in their departments. The key consideration when balancing the budget in this manner is the inability to increase the cost of living or to provide merit increases. The budget is balanced, but it does not cover any cost of living or merit increases for the city employees.

FY 2016-17 General Fund

Salaries and Benefits

- Salaries and benefits for all General Fund positions fully funded and fully staffed are estimated to be **\$22,934,870**.
- Based on attrition trends and deferred hiring, the above estimated figure may be reduced by **\$1,609,720** for a total of **\$21,325,150** in FY 2017 General Fund salaries and benefits.
- The reduction of salaries and benefits to the requested \$21,325,150 will balance the budget; however, this figure is attained by continued hiring deferrals and projecting attrition trends. **This figure does not allow for any salary increases or adjustments for FY 2017.**

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As staff approached this issue, there was a discussion regarding a Classification and Compensation Study. This study basically completes or allows us to understand the following:

- It tells us whether our pay structure is appropriate
- It tells whether we have internal equity between positions, thereby alleviating compression
- It creates consistent position classification and clearer career paths for employees
- Establishes objectivity in evaluating and compensating staff

Cost of Living and merit increases are generally applied January 1 of the fiscal year. COLAs are an overall percentage increase for all employees (2% in recent years), and merit increases vary among employees.

- COLAs apply to all employees and help offset increase in insurance, retirement, and taxes.
- Merit increases reward employees for performance and achievements.
- Applying both COLA and merit would increase all salaries by 2% and then add an additional 0%-4% per employee based on evaluation outcome, or approximately 2.4% increase in the budget based on FY 2016 merit increase average.

**Analysis of Classification and
Compensation Study Results Combined
with COLA and Merit Increases**

The City of Florence estimates the overall results of the Classification and Compensation Study will add approximately \$350,000 in salary adjustments beginning January 1, 2017. This combined with COLA and Merit increases are reflected below.

FY 2017	Estimated Totals	Increase
Original Budget	\$21,325,150	N/A
Study Results	\$21,675,150	\$350,000
Study Results and COLA	\$21,816,170	\$491,020
Study Result and Merit	\$21,860,610	\$535,460
Study Results with COLA and Merit	\$22,033,100	\$707,950*

***Note: The \$707,950 represents a six-month compensation period plus the impact of a classification and compensation study. Therefore, the total compensation cost for any given 12-month period approximates \$1.4 million.**

From past experience, if the City performed a Classification and Compensation Study it would cost approximately \$350,000. Part of the reason for this is, about 1/3 of the employees would go up in grade based upon the classification. When an employee goes up they also move back in step because the classification study is not a promotion; it is a reclassification. A reclassification does not necessarily look for reward. Historically, the employees will go up in grade and then back in step until they approximate their old wage. The concern is because so many positions are already compressed into steps one and two, a number of positions will be recompressed with the Study. As illustrated in the chart below, if the study results and the COLA were applied, it would increase the budget \$491,020; if the study results and a merit increase were applied, the increase would be \$535,460; and if the study results along with the COLA and merit increase were applied, the increase to the budget would be \$707,950.

The chart below shows the cost for a COLA and Merit for a six month period to be \$352,170. For a 12 month period it would be \$705,000. If City Council is willing to look at a millage increase in the amount of 4.5 mills, a \$700,000 base could be built to begin implementing these activities.

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At the time the budget is presented to Council, staff would propose, unless directed otherwise, that a COLA and Merit increase would be included in the budget for Council's consideration. This action will require an increase in millage; it can not be accomplished without raising millage.

**Analysis of COLA and
Merit Increases**

Budgetary impact of General Fund increases effective 1/1/2017

FY 2017	Estimated Totals	Increase
Original Budget	\$21,325,150	N/A
COLA Only	\$21,463,900	\$138,750
Merit Only	\$21,507,610	\$182,460
COLA and Merit	\$21,677,320	\$352,170*

***Note: The \$352,170 represents a six-month compensation period. Therefore, the total compensation cost for any given 12-month period approximates \$705,000.**

ROAD AND STREET MAINTENANCE ISSUES

Mr. Griffin stated that road maintenance, in the City of Florence as it is in Florence County and the State of South Carolina, is a significant problem. The City of Florence funds a two man crew and an asphalt truck for street repairs on streets within the City of Florence. The City also funds a rights-of-way two man crew that repairs edge of R-O-W issues within the City of Florence which may also include minor sidewalk repair.

There is a Florence Area Transportation Committee (FLATS) that receives funding through the State to make certain decisions about what roads are repaired. There is also some local input into the process by the City, an individual or a neighborhood. The City receives absolutely no appropriation from the state. The county has imposed a \$30.00 per vehicle fee and these funds are expended by the County. Currently FLATS receives approximately \$2,000,000 annually to use for roads, sidewalks or whatever they choose.

On March 9, 2016 the South Carolina Senate passed Bill H 3579 to allocate \$400 million to the State Highway Fund. It was then returned to the House with amendments and on March 24, 2016 the House passed the budget of \$415 million. This money, in every bit of discussion that is being held, is about state roads. There is nothing being said that any of these monies are going to be returned to either cities or counties for local road maintenance. The city is the sole owner and is responsible for the maintenance and repair of 108 miles of streets and roads in the City of Florence. The state has not accepted a road that has been built by a developer into their system since 1984. This issue is and will be a pivotal problem for the city in the near future unless some action is taken in the state or locally to raise funds. Huge strides have been made with the adoption of the one cent referendum in the sense that we had many Florence County councilmembers who did resurfacing as a part of their \$4 million allotment. The City received \$20 million from the one cent referendum and a number of resurfacing projects are being accomplished with those funds. Not only does the City have the obligation of maintaining the roads, the state has given the city the inability to raise money to solve the problem.

The one opportunity that the city has to raise money, if done like the county, is basically charge a fee for each registered vehicle in the city. A city road maintenance fee based on 34,500 registered vehicles (in the City) would generate revenue as follows:

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Per Vehicle Rate	Revenue
\$5.00	\$172,500
\$10.00	\$345,000
\$15.00	\$517,500
\$20.00	\$690,000
\$30.00	\$1,035,000

Mr. Griffin stated he is not necessarily advocating putting this in this year's budget, but there comes a time, that as an organization or the state has to figure out what you do with locally owned roads. This fee would be collected by the County Treasurer as part of the vehicle registration process and would be remitted back to the city.

SANITATION TRUCKS REPLACEMENT FUNDING

Mr. Griffin stated the City runs eleven residential garbage and yardwaste trucks and four commercial garbage trucks. These trucks eventually have to be replaced. Over the last four years they have been replaced when City Council has amended the Ordinance regarding the \$0.75 monthly garbage

fee. A reserve of approximately \$600,000 had been built up in this fund and five sanitation trucks were purchased using these funds. In FY 2018 these funds will be depleted. The city is trying to maintain and run fourteen trucks that cost about \$250,000 each. The life expectancy of these trucks are about 8-9 years. The methodology being considered is to increase the \$0.75 monthly garbage fee by an additional \$1.50 over a three year period beginning in FY 2018. If this increase is implemented it would fully fund the existing trucks as well as fund future trucks.

**Sanitation Trucks
Replacement Funding**

- In March 2012 City Council adopted an ordinance amending Section 9-80 of the City's Code of Ordinances pertaining to the use of the 75¢ monthly garbage fee collected for users of the rollcart collection system.
- The amending ordinance provides for the use of this monthly fee to cover costs not only for rollcarts and recycling bins, but for the purchase of replacement residential garbage collection capital equipment (garbage and yardwaste trucks).
- Through FY 2016 the City has funded several six-year debt service financings for five garbage trucks using proceeds from the monthly garbage fee. Three additional trucks funded through six-year debt service financings have been included in the FY 2016 budget.
- The 75¢ monthly charge does not generate sufficient revenues to fully cover debt service for these eight trucks beginning FY 2018, which means that the debt service shortfall will have to be covered with other General Fund Operating revenues.
- Additionally, the City currently has no dedicated funding mechanism to replace commercial garbage trucks.
- The City has had no increase in the 75¢ monthly garbage fee collected for users of the rollcart collection system since the adoption of the original rate ordinance 20 years ago in April 1996.

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- In order to fully fund the required replacement schedule for eleven residential garbage and yardwaste trucks, the City will need to consider increasing the 75¢ monthly garbage fee over three years by an additional \$1.50 over a three year period beginning in FY 2018.
- The increases required to fully cover debt service for ongoing residential garbage and yardwaste truck replacement would be as follows:

Current Rate	\$0.75
FY 2018 Increase	\$1.00
FY 2019 Increase	\$0.25
FY2020 Increase	\$0.25
Recommended Rate	\$2.25

Staff would recommend replacing commercial trucks in the same manner as the residential garbage and yardwaste trucks. In 2018 \$1.00 would be added to the disposal fee and \$0.25 would be added in FY 2020 for a total increase of \$1.25. These increases would fully cover the debt service required for ongoing commercial garbage truck replacement

- As noted, the City currently has no dedicated funding mechanism to replace commercial garbage trucks.
- To fully fund the required replacement schedule for five commercial garbage trucks the City will need to consider adding a \$1.00 per cubic yard increase to the City's commercial landfill/disposal fee beginning in FY 2018 and an additional \$0.25 in FY 2020.
- The City currently charges \$7.16 per cubic yard for commercial garbage collection and disposal. Current cubic yard rates for private haulers in the area are approximately double the City's rate.
- The increases required to fully cover debt service for ongoing commercial garbage truck replacement would be as follows:

Current Cubic Yard Rate	\$7.16
FY 2018 Increase	\$1.00
FY 2020 Increase	\$0.25
Total	\$8.41

STORMWATER FEES

A Stormwater Fee was imposed 15 years ago and \$4,000,000 worth of projects were bonded. The City has spent that \$4,000,000 but out of that money staff has been able to, through management, been able to maintain a balance of approximately \$150,000-\$200,000. The concern is that balance is going to deplete itself in a few years. To provide for increased transfers to the Stormwater Utility Construction Fund sufficient to accomplish increasing demands and larger projects, a small adjustment to the current stormwater rates should be considered; not this year but is should be planned for. The City currently bills 42,285 ERUs monthly. With an increase of \$0.10 per ERU per month, an additional \$50,700 per year in revenue can be generated. Those funds will provide needed fiscal resources for the Stormwater Utility Enterprise Fund.

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- In August 2001 City Council adopted a Stormwater Management Ordinance establishing a stormwater fee structure. At that time, City Council also adopted a rate ordinance and a budget for the Stormwater Utility Enterprise Fund for Fiscal year 2001-02.
- In June 2006 City Council adopted a Bond Ordinance authorizing and providing for the issuance of Stormwater System Revenue Bonds and a supplemental bond ordinance authorizing financing in the amount of \$4,000,000 for fifteen (15) years to fund twenty stormwater projects, identified as the most critical major stormwater problem areas at that time in the City.
- Debt service for this bond issue is paid from the stormwater fees adopted and authorized in 2001.
- Since 2006, the Stormwater Utility has funded additional stormwater construction projects not financed by the 2006 Revenue Bond on a year-to-year payment basis through annual transfers to the Stormwater Utility Construction Fund.
- Most of the projects in the Construction Fund have, to-date, been smaller in nature with a cost of generally no greater than \$100,000 per project.
- The City has had no increase in the stormwater fee schedule since the adoption of the original rate ordinance nearly 15 years ago in August 2001.
- Since the first year the City has been collecting stormwater fees (FY 2001-02), revenues have grown very slowly each year.
- To provide for increased transfers to the Stormwater Utility Construction Fund sufficient to accomplish increasing demands and larger projects, and in anticipation of issuing a new Revenue Bond in 2021 (when the 2006 Revenue Bond is fully paid) for even larger projects, a small adjustment to the current stormwater rates should be considered.
- Current rates are established based on an Equivalent Residential Unit (ERU), or 2,500 sq. ft. of impervious surface area. Declining rates apply after 12 ERUs.
- The City currently bills a total 42,285 Stormwater ERUs.
- With a normal adjustment of \$0.10 per ERU per month, an additional \$50,700 per year in revenue can be generated to provide needed fiscal resources for the Stormwater Utility Enterprise Fund.

FUTURE SEWER UTILITY PROJECT

One of the City's major trunk sewer systems resides in Jeffries Creek. The City has completed a flow monitoring and hydraulic analysis of Jeffries Creek and essentially it shows this line to be at 90% capacity. During certain events, particularly wet weather events, the manholes surcharge. This means that there is no capacity for those peaks and that is an issue. Because of the demand that anticipated new development will create, staff believes a new sewer line that is a combination of gravity and force main should be considered. Staff is also concerned about the DHEC requirement CMOM. This is a regulatory environment that the City is required by law to do. The estimated construction cost of this project is \$25 million. Staff does not believe a new sewer line should be laid in Jeffries Creek. The existing pipe would be kept in place but there may be sections of the pipe that would be abandoned. The idea is to get the sewer line out of Jeffries Creek, increase the capacity and flow it to the Wastewater Treatment Facility.

One of the critical issues associated with Jeffries Creek is when the old sewer lines were designed in the 1950s, they were placed in the bottom land of Jeffries Creek before the introduction of beavers. With the reintroduction of beavers in the Creek and the dams they have built, it has caused the base flood

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level of Jeffries Creek to rise about a foot and a half to two feet. The manholes that were built in the '50s now do not have any real capacity and often overflow. Staff will continue to work on this and probably some time this year will make a proposal to City Council regarding funding a project of this nature. This project would be developed to a 20 year capacity.

**Jeffries Creek Sewer Interceptor
Preliminary Engineering Report (PER)**

- Flow monitoring and hydraulic analysis of Jeffries Creek and manhole inspection of the interceptor – Completed
- Results show interceptor flows regularly create a surcharge of existing manholes which create slow flow within various portions of the interceptor
- SC DHEC requirements of the Capacity Management Operation and Maintenance (CMOM)
- Limited capacity for future growth and expansion exists within the present interceptor
- Location of the existing interceptor will create a major environmental and quality of life impact if maintenance upgrade is to occur in place
- PER proposal
- Estimated construction cost of \$25 million dollars

(Councilwoman Williams-Blake left the meeting 4:58 p.m.)

WATER QUALITY & ZIKA VIRUS DISCUSSION

Mr. Griffin stated he feels it is important to understand what is happening in Flint, Michigan, as relates to their water issues and how the City of Florence is different from Flint. It is apparent that in the community of Flint there were decisions made regarding the source of water and the treatment of that water that lead to the leaching of lead into the community water source. The community went from a non-corrosive water source to a corrosive water source that was responsible for the leaching of the lead. As relates to the City of Florence, homes that are at risk are typically homes that were built in the early 1950s to about 1986. Action taken by the City of Florence, so that we are not in the same environment as Flint, was to raise the pH level in the water to prevent the leaching of lead from the pipes that are located in our homes. By raising the pH level to a neutral level of between 7.4 and 7.6, the corrosive water is kept out of the system and lead is not leached from the water pipes. The City has never exceeded a violation set by either DHEC or EPA for lead. Every year by regulatory standards, the City is required to place on the city's website a Consumer Confidence Report. This is a brochure that is given out to individuals, at community meetings, and is available in the City's water department. It is also posted on the city's website. It gives basic, but good information regarding the water quality in the City of Florence. It also includes those communities that the City now services such as Timmonsville, Quinby and Florence County. There is no concern about level of lead or condition of water quality that occurs within the City of Florence.

Because of the news, people are concerned about the Zika Virus and the mosquitos. These mosquitos can reproduce in a very small amount of water. The message that staff would like to get out is that it is not just the storm drain ponds that can cause the mosquitos to hatch but can be discarded cups, tires, glasses or any type of litter debris that sits along the side of the road, in people's back yards or storm drain ditches that don't drain very well. Because there will be concern in certain neighborhoods, this is a good opportunity for the City to provide, as has been done in the past, larvacide briquettes to homeowners that they can place in a ditch or in a back yard or where they may have a particular concern. Also through

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the City's social media, citizens will be directed to websites where they can obtain factual information that is supported by DHEC, CDC and others.

The City of Florence is sensitive to both the water quality and mosquito control in the community as we move into spring and summer.

**Plan for Proactive Approach to Mosquito Control
and Zika Virus Concerns**

- City staff will share educational information and resources on mosquito prevention and protection with residents through various social media outlets.
- Codes Enforcement will address nuisance concerns where residents are negligent in maintenance which creates breeding environments for mosquitos.
- City Crews will resume normal Mosquito Operations as temperatures permit with the fogger truck and larval control.
- City Public Works, Utilities and Codes Enforcement Personnel will notify residents of the availability of larvacide briquettes for distribution at the request of residents with standing water areas that would benefit from treatment.

EXECUTIVE SESSION

Mayor Pro tem Brand made a motion to go in to Executive Session to discuss negotiations incident to proposed contractual arrangements. Councilman Hill seconded the motion, which carried unanimously.

Council entered into Executive Session at 5:10 p.m.

ADJOURN

Following a discussion in Executive Session, the consensus of Council was to direct staff to allocate a donation of \$25,000 to the House of Hope for the purpose of acquiring needed property for an emergency homeless shelter with the stipulation that the House of Hope will agree to working with other agencies and individuals in the community to establish a coordinated effort regarding the homeless.

Without objection, the meeting was adjourned at 6:25 p.m.

Dated this 9th day of May, 2016.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, APRIL 11, 2016 – 1:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 W. EVANS STREET
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT: Mayor Wukela called the regular meeting to order at 1:03 p.m. with the following members present: Mayor Pro tem Frank J. Brand, II; Councilman Robby L. Hill; Councilwoman Teresa Myers Ervin; Councilwoman Octavia Williams-Blake; and Councilman George D. Jehaily.

ALSO PRESENT: Mr. Drew Griffin, City Manager; Mrs. Dianne M. Rowan, Municipal Clerk; Mr. James W. Peterson, Jr., City Attorney; Mr. Phillip Lookadoo, Director of Planning, Research and Development; Mr. Michael Hemingway, Director of Utilities; Mr. Chuck Pope, Director of Public Works; Mr. Ray Reich, Downtown Development Manager; Chief Allen Heidler, Florence Police Department; Chief Randy Osterman, Florence Fire Department; Mr. Scotty Davis, Director of General Services; and Mr. Thomas Chandler, Director of Finance.

Notices of this regularly scheduled meeting were sent to the media and individuals requesting a copy of the agenda, informing them of the date, time and location of the meeting.

MEDIA PRESENT

Joshua Lloyd of the Morning News and Curtis Graham of WBTW TV-13 were present for the meeting.

INVOCATION

Councilwoman Ervin gave the invocation for the meeting. The Pledge of Allegiance to the American Flag followed.

MOMENT OF SILENCE

A moment of silence was observed in remembrance of Councilman Edward Robinson. Councilman Robinson served on City Council from May 8, 1989 until his sudden passing on March 23, 2016. Councilman Robinson served the citizens of City Council District 2 for nearly 27 years and was the City's longest serving member.

Mayor Stephen Wukela, Councilman George Jehaily, Mayor Pro tem Buddy Brand and Councilwoman Teresa Ervin spoke of Councilman Robinson's commitment, dedication and passion in representing his constituents of District 2 in the City of Florence.

ADDENDUM TO THE AGENDA

Mayor Wukela explained that by City Ordinance there is a Wednesday deadline (the Wednesday that is 13 days before the regularly scheduled meeting) for submission of matters to appear on the agenda and also a 24 hour deadline by State Statute that sets a different and higher standard for the addition of items to the agenda. The standard for dates after Wednesday but before 24 hours before the meeting, which the following two items fall into, would be that matters on the agenda may not be considered upon request by a member if two members object.

The following matters are to be considered for addition to today's agenda.

APPEARANCE BEFORE COUNCIL

MS. TERESTER MCALISTER – TO MAKE A REQUEST FOR THE CONSIDERATION OF THE CITY OF FLORENCE TO ALLOW THE NON-PROFIT CORPORATION, SISTERS 4 THE FUTURE, TO BE THE RECIPIENTS OF A PARCEL OF PROPERTY.

INTRODUCTION OF RESOLUTION

RESOLUTION NO. 2016-08

A RESOLUTION CERTIFYING NINE (9) BUILDING SITES AS ABANDONED BUILDINGS PURSUANT TO THE SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT, TITLE 12, CHAPTER 67, SECTION 12-67-100 et seq., OF THE SOUTH CAROLINA CODE OF LAWS (1976), AS AMENDED, REGARDING PROPERTY LOCATED AT 117 WEST EVANS STREET, 101 WEST EVANS STREET AND 119 NORTH DARGAN STREET IN FLORENCE, SOUTH CAROLINA, FLORENCE COUNTY TMS #90167-02-011.

Mayor Wukela asked if there was any objection to add the Appearance Before Council and Resolution No. 2016-08 to the agenda. There was no objection; therefore the items will be added to the agenda at the appropriate location.

APPROVAL OF MINUTES

Mayor Pro tem Brand made a motion to approve the minutes of the March 14, 2016 Regular meeting. Councilwoman Williams-Blake seconded the motion which carried unanimously.

HONORS AND RECOGNITIONS

SERVICE RECOGNITIONS

Ernest Hickmon received a Certificate of Recognition from Mayor Wukela in acknowledgement of completing 25 years of service with the City of Florence Sanitation Division of the Public Works Department.

Mayor Wukela presented Anthony Nettles a Certificate of Recognition for completing 20 years of service with the City of Florence Sanitation Division of the Public Works Department.

Steven Allen was presented a Certificate of Recognition by Mayor Wukela for 15 years of service with the City of Florence Engineering Division of the Planning, Research and Development Department.

Mayor Wukela presented Ludwie Titus a Certificate of Recognition in acknowledgement of completing 15 years of service with the Collection Operations Division of the Utilities Department.

Anson Shells received a Certificate of Recognition from Mayor Wukela in recognition of completing 15 years of service with the City of Florence Police Department.

Mayor Wukela presented Angela Watson a Certificate of Recognition for completing 15 years of service with the City of Florence Police Department.

In recognition of completing 10 years of service with the Beautification and Facilities Division of the City of Florence Public Works Department, Isaiah Harley was presented a Certificate of Recognition by Mayor Wukela.

EDUCATIONAL RECOGNITIONS

Johnathan English and Coley Moore received an Educational Recognition for passing their “E” Water Operator Certification Exam. Johnathan passed his exam on March 4, 2016 and Coley passed his exam on March 15, 2016.

INTRODUCTION

Councilwoman Teresa Ervin introduced Ms. Faith Scott. Ms. Scott is currently completing the Nurse Practitioner Program and as a requirement of her studies she is to observe local government and be familiar with how it operates.

APPEARANCE BEFORE COUNCIL

MRS. ELLEN HAMILTON, PEE DEE COALITION AND MS. GLORIA DAVIS, DURANT CHILDREN’S CENTER – SEXUAL ASSAULT AWARENESS AND CHILD ABUSE PREVENTION MONTH.

Ms. Hamilton spoke about how the program began and how far it has come over the last 30 years. She thanked the Police Department for their help and support. Ms. Hamilton also thanked City Council for their service and support.

Ms. Davis spoke regarding April being Sexual Assault Awareness and Child Abuse Prevention Month. The goal is to raise public awareness of how violent this issue is. It is not only a personal issue but also a community issue, a public health issue, a human rights issue and a social issue.

Ms. Davis also spoke about the different programs that the Coalition offers and the work they are doing with the school districts in reaching out to the school population.

ADDENDUM TO THE AGENDA

MS. TERESTER MCALISTER – TO MAKE A REQUEST FOR THE CONSIDERATION OF THE CITY OF FLORENCE TO ALLOW THE NON-PROFIT CORPORATION, SISTERS 4 THE FUTURE, TO BE THE RECIPIENTS OF A PARCEL OF PROPERTY.

Ms. Katrina Graham spoke on behalf of Ms. McAlister. Ms. Graham is representing Sisters 4 the Future; a non-profit organization that began in 2014. Their goals and objectives are to provide empowerment, educational services and training opportunities for women and children who are victims of domestic violence. Sisters 4 the Future would like to provide a location where these services, and perhaps some transitional shelter, can be provided. The SC DOT, in connection with its road widening project on Pamplico Highway, has donated a house to Sisters 4 the Future to be used for providing these services. Ms. Graham stated they are now trying to locate a piece of property that the house can be moved to. Ms. Graham requested that a piece of property owned by the City and located at 600 Layton Street be donated to Sisters 4 the Future to be used for the relocation of the house that has been donated by SC DOT.

Mr. Griffin, City Manager reported that Sisters 4 the Future has been in contact with the City and a piece of property has been identified as surplus by the City. If it is Council’s desire, Staff can move forward with gifting this property to them. This will require the property to be declared surplus, followed by two readings of an Ordinance by City Council, in order for the conveyance to take place.

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Mayor Pro tem Brand made a motion for staff to move forward with this request and to present it to Council at a subsequent meeting. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

ORDINANCES IN POSITION

BILL NO. 2016-07 – SECOND READING

AN ORDINANCE TO AMEND THE PLANNED DEVELOPMENT DISTRICT ORDINANCE 2007-42, SAID PROPERTIES BEING SPECIFICALLY DESIGNATED IN THE FLORENCE COUNTY TAX RECORDS AS TAX MAP PARCEL 00101-01-642, 00101-01-655 THROUGH 698, 00101-01-700, 00101-01-702 THROUGH 705.

An Ordinance to amend the Planned Development District Ordinance 2007-42, said properties being specifically designated in the Florence County Tax Records as Tax Map Parcel 00101-01-642, 00101-01-655 through 698, 00101-01-700, 00101-01-702 through 705 was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2016-07 on second reading. Councilman Hill seconded the motion, which carried unanimously.

BILL NO. 2016-08 – SECOND READING

AN ORDINANCE TO AMEND THE PLANNED DEVELOPMENT DISTRICT ORDINANCE 2008-25, TO ALLOW FOR SINGLE FAMILY RESIDENTIAL HOMES WITHIN THE CANAL PLACE SUBDIVISION, SAID PROPERTIES BEING SPECIFICALLY DESIGNATED IN THE FLORENCE COUNTY TAX RECORDS AS TAX MAP PARCEL NUMBERS; 18016-01-056, 057, 064, 065, 070, 071, 074, 075, 076, 077, 082, 083, 084, 085, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141.

An Ordinance to amend the Planned Development District Ordinance 2008-25, to allow for Single-Family Residential homes within the Canal Place Subdivision, said properties being specifically designated in the Florence County Tax Records as Tax Map Parcel numbers; 18016-01-056, 057, 064, 065, 070, 071, 074, 075, 076, 077, 082, 083, 084, 085, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141 was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2016-08 on second reading. Councilman Hill seconded the motion.

Council voted unanimously to adopt Bill No. 2016-08.

BILL NO. 2016-09 – SECOND READING

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY KIRBY GROUP PROPERTIES, LLC, TAX MAP NUMBER 90112-04-002.

An Ordinance to annex and zone property owned by Kirby Group Properties, LLC, Tax Map Number 90112-04-002 was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2016-09 on second reading. Councilman Hill seconded the motion.

The motion to adopt Bill No. 2016-09 on second reading carried unanimously.

BILL NO. 2016-10 – SECOND READING

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY HOFFMEYER ROAD DEVELOPMENT, LLC, TAX MAP NUMBER 00098-01-189.

An Ordinance to annex and zone property owned by Hoffmeyer Road Development, LLC, Tax Map Number 00098-01-189 was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2016-10 on second reading. Councilman Jebaily seconded the motion, which carried unanimously.

BILL NO. 2016-11 – SECOND READING

AN ORDINANCE TO REZONE TAX MAP NUMBER 90035-12-009, LOCATED AT 1506 WEST PALMETTO STREET, FROM B-1, LIMITED BUSINESS DISTRICT TO B-2, CONVENIENCE BUSINESS DISTRICT.

An Ordinance to rezone Tax Map Number 90035-12-009, located at 1506 West Palmetto Street, from B-1, Limited Business District to B-2, Convenience Business District was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2016-11 on second reading. Councilman Hill seconded the motion.

Council voted unanimously to adopt Bill No. 2016-11 on second reading.

INTRODUCTION OF ORDINANCES

BILL NO. 2016-12 – FIRST READING

AN ORDINANCE ESTABLISHING A NEW ARTICLE IV IN CHAPTER 16 OF THE FLORENCE CODE OF ORDINANCES AND ADOPTING CODE SECTION 16-41 PURSUANT SECTION 6-31-30 OF THE SOUTH CAROLINA CODE OF LAWS IN ORDER TO AUTHORIZE THE CITY TO UTILIZE THE PROVISIONS THE SOUTH CAROLINA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT TO ENTER INTO DEVELOPMENT AGREEMENTS.

An Ordinance establishing a new Article IV in Chapter 16 of the Florence Code of Ordinances and adopting Code Section 16-41 pursuant Section 6-31-30 of the South Carolina Code of Laws in order to authorize the City to utilize the provisions the South Carolina Local Government Development Agreement Act to enter into development agreements was passed on first reading.

Mr. Drew Griffin, City Manager stated this Ordinance will allow the City to adopt the Development Agreement that is required in order for the City to take the future steps being requested of the City.

Mr. Jim Peterson, City Attorney reported that in the early 1990's the South Carolina Legislature established the South Carolina Local Government Development Agreement Act authorizing local governmental entities to enter into development agreements. The state recognized this as a valuable tool that could be utilized to encourage planned and thought out development of large tracts. In essence, the Development Agreement is a contract that would allow the City to work with a developer of a large tract of land and enter into a long term agreement with them on how that development can occur. In order to utilize this tool provided by the State Legislature, any municipality or county who wants to utilize a Development Agreement for these types of large developments needs to adopt an enabling act. This proposed Ordinance allows the City to recognize that this tool is available, and once the Ordinance is adopted, it authorizes the City to use development agreements in the future. This Ordinance would allow

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the City of Florence to enter in to development agreements as referenced in the South Carolina State Code and does not approve any particular development agreement.

Mayor Pro tem Brand made a motion to pass Bill No. 2016-12 on first reading. Councilman Jebaily seconded the motion, which carried unanimously.

BILL NO. 2016-13 – FIRST READING

AN ORDINANCE TO REZONE PROPERTY BEING SPECIFICALLY DESIGNATED IN THE FLORENCE COUNTY TAX RECORDS AS TAX MAP PARCEL 00075-01-214 ZONED B-3; AND ZONE PROPERTIES 00075-01-018 AND 00075-01-054, PENDING ANNEXATION TO PLANNED DEVELOPMENT DISTRICT.

An Ordinance to rezone property being specifically designated in the Florence County Tax Records as Tax Map Parcel 00075-01-214 zoned B-3; and zone property 00075-01-018 and 00075-01-054, pending annexation to Planned Development District was passed on first reading.

This item will be discussed in Executive Session.

BILL NO. 2016-14 – FIRST READING

AN ORDINANCE TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FLORENCE AND THE DEVELOPER OF “THE GROVE AT EBENEZER” (PDD 2016-01) AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS ASSOCIATED THEREWITH, PROPERTIES BEING SPECIFICALLY DESIGNATED IN THE FLORENCE COUNTY TAX RECORDS AS TAX MAP PARCEL 00075-01-214, 00075-01-018 AND 00075-01-054.

An Ordinance to enter into a Development Agreement between the City of Florence and the developer of “The Grove At Ebenezer” (PDD 2016-01) and authorizing the City Manager to execute all documents associated therewith, properties being specifically designated in the Florence County Tax Records as Tax Map Parcel 00075-01-214, 00075-01-018 and 00075-01-054 was passed on first reading.

This item will be discussed in Executive Session.

BILL NO. 2016-15 – FIRST READING

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY GEORGIA C. BELIN, TAX MAP NUMBER 90059-03-022.

An Ordinance to annex and zone property owned by Georgia C. Belin, Tax Map Number 90059-03-022 was passed on first reading.

Mayor Pro tem Brand made a motion to pass Bill No. 2016-15 on first reading. Councilwoman Williams-Blake and Councilman Hill seconded the motion.

Mr. Phillip Lookadoo, Director of Planning, Research and Development reported to Council that the property is currently the site of a single-family dwelling. City water and sewer services are currently available and there is no cost to extend the utility services.

A Public Hearing for zoning was held at the March 8, 2016 Planning Commission meeting.

City Staff recommends annexation and concurs with the Planning Commission’s recommendation to zone the property R-4, Multi-Family Residential District.

Council voted unanimously to pass Bill No. 2016-15 on first reading.

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 2016-04

A RESOLUTION CELEBRATING MASTERWORKS CHOIR'S ITALY TOUR.

A Resolution celebrating Masterworks Choir's Italy Tour was adopted by Council.

Mayor Pro tem Brand made a motion to adopt Resolution No. 2016-04. Councilwoman Ervin seconded the motion, which carried unanimously.

RESOLUTION NO. 2016-05

A RESOLUTION AUTHORIZING A REVISION OF THE FRANCHISE AGREEMENT BETWEEN THE FLORENCE COUNTY COUNCIL AND THE CITY OF FLORENCE AS IT RELATES TO THE WATER AND WASTEWATER SYSTEM OWNED AND OPERATED BY THE CITY OF FLORENCE BY AMENDING THE CITY OF FLORENCE'S FRANCHISE AREA AS SHOWN ON EXHIBIT "A" AND TO INCLUDE IN THE TOWN OF PAMPILICO'S FRANCHISE AREA THE SAME AREA AS SET FORTH IN EXHIBIT "A".

A Resolution authorizing a revision of the Franchise Agreement between the Florence County Council and the City of Florence as it relates to the Water and Wastewater System owned and operated by the City of Florence by amending the City of Florence's franchise area as shown on Exhibit "A" and to include in the Town of Pamplico's franchise area the same area as set forth in Exhibit "A" was adopted by Council.

Mayor Pro tem Brand made a motion to adopt Resolution No. 2016-05. Councilwoman Ervin and Councilman Hill seconded the motion.

Mr. Griffin, City Manager reported to Council that some time back the City donated to the Town of Pamplico an abandoned well. The Town of Pamplico now has plans to redevelop that well. As they redevelop the well, over time, they would like to extend water infrastructure within a 10 square mile area that would allow them to develop water customers that the City of Florence currently does not serve. The other concept they would like to put forward with this request is an emergency connection to the City of Florence's water system. If a failure occurred at the well or some other location, this would allow them to turn on the City's meter and be able to access water. The City would adopt Resolution No. 2016-05 and Florence County would adopt a similar Resolution. The City would release from our franchise area the designated area. The county would re-designate this same area, to the Pamplico franchise area. Currently we have no interest or request to develop water within that immediate area. This would allow the Town of Pamplico to slightly expand and be able to use their well. More importantly, particularly the position that the City is in today, this would provide emergency assistance to the Town of Pamplico in the event that they had some failure in their system. They are a relatively small system and several months ago they actually lost their ability to provide water to their customers because of equipment failure. They see this as a real advantage for them and it is really no net loss to the City.

Council voted unanimously to adopt Resolution No. 2016-05.

RESOLUTION NO. 2016-06

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, DECLARING ITS INTENT PURSUANT TO UNITED STATES TREASURY DEPARTMENT, INTERNAL REVENUE SERVICE, REGULATION 1.150-2 TO REIMBURSE CERTAIN FUNDS OR ACCOUNTS OF THE CITY FROM PROCEEDS OF TAX INCREMENT FINANCING BONDS FOR PUBLIC IMPROVEMENTS IN THE CITY'S DOWNTOWN REDEVELOPMENT DISTRICT PROJECT AREA.

A Resolution by the City Council of the City of Florence, South Carolina, declaring its intent pursuant to United States Treasury Department, Internal Revenue Service, Regulation 1.150-2 to reimburse certain funds or accounts of the City from proceeds of Tax Increment Financing Bonds for public improvements in the City's Downtown Redevelopment District project area was adopted by Council.

Mayor Pro tem Brand made a motion to adopt Resolution No. 2016-06. Councilman Jebaily seconded the motion.

Mr. Thomas Chandler, Director of Finance reported that in December 2006 City Council adopted an Ordinance establishing the TIF District in downtown Florence. In May 2014, City Council authorized the issuance of approximately \$12.9 million in Tax Increment Revenue Bonds for downtown public infrastructure improvements. Since the time of the bond issuance, additional infrastructure improvements have been identified due to the redevelopment and growth that has occurred. As provided by State Law, the cost of these additional public improvements may be funded by extending the term of the bond obligations issued under the TIF and issuing additional revenue bonds. These improvements that have been identified total approximately \$20 million. They include parking, street improvements, and other enhancements. Also included in this total is \$12 million for the revitalization and redevelopment of several Florence School District 1 facilities as agreed upon in a Memorandum of Understanding with the District and Francis Marion University, authorized by City Council in February of 2016. Because design and/or construction costs may be incurred prior to a second TIF bond, closing later this year, the city may need to make reimbursement for expenditures from these TIF bond proceeds. The City's Bond Attorney, and in conformance with IRS regulations, has recommended that a Reimbursement Resolution be adopted by City Council making a declaration of intent to reimburse such expenditures prior to the issuance of the new TIF obligation.

City Council voted unanimously to adopt Resolution No. 2016-06.

ADDENDUM TO THE AGENDA

RESOLUTION NO. 2016-08

A RESOLUTION CERTIFYING NINE (9) BUILDING SITES AS ABANDONED BUILDINGS PURSUANT TO THE SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT, TITLE 12, CHAPTER 67, SECTION 12-67-100 ET SEQ., OF THE SOUTH CAROLINA CODE OF LAWS (1976), AS AMENDED, REGARDING PROPERTY LOCATED AT 117 WEST EVANS STREET, 101 WEST EVANS STREET AND 119 NORTH DARGAN STREET IN FLORENCE, SOUTH CAROLINA. FLORENCE COUNTY TMS #90167-02-011.

A Resolution certifying nine (9) building sites as abandoned buildings pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, Section 12-67-100 et seq., of the South Carolina Code of Laws (1976), as amended, regarding property located at 117 West Evans Street, 101 West Evans Street and 119 North Dargan Street in Florence, South Carolina, Florence County TMS #90167-02-011 was adopted by Council.

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Mayor Pro tem Brand made a motion to adopt Resolution No. 2016-08. Councilwoman Williams-Blake seconded the motion.

Mr. Jim Peterson, City Attorney reported to Council that in 2013, as part of the tax credit for abandoned buildings, the State Legislature passed the Act that is referred to in this Resolution. In essence, it put a certification process in place where the local government involved is to issue a Resolution certifying that the buildings in question were abandoned before the development began. Mr. Peterson has worked closely with the attorney for the developer team in analyzing the Statues and is very comfortable in representing that Resolution No. 2016-08 is in accordance with the Statues.

Mayor Wukela added that this does not pertain to any grant from the City. It is merely a certification by the City that the State requires for these developers to be eligible for state tax credits.

For clarification, Councilman Jebaily noted that to qualify to be an abandoned building, the building must be 66% abandoned and not 100%.

Council voted unanimously to adopt Resolution No. 2016-08.

REPORT TO COUNCIL

APPOINTMENTS TO BOARDS AND COMMISSIONS

PARKS AND BEAUTIFICATION COMMISSION

Mayor Pro tem Brand deferred his appointment to the Parks and Beautification Commission.

CITY OF FLORENCE PLANNING COMMISSION

Mayor Wukela made a motion to appoint Mr. Kevin Gause to serve on the City of Florence Planning Commission. Mayor Pro tem Brand seconded the motion, which carried unanimously.

Mr. Kevin Gause was appointed to serve on the City of Florence Planning Commission for a term to begin immediately and end June 30, 2019.

APPROVAL OF REDEVELOPMENT GRANTS FOR QUARTER

This matter will be taken up after Executive Sesson.

EXECUTIVE SESSION

Councilwoman Williams-Blake made a motion to enter into Executive Session to discuss three different matters, all of which are contractual and qualify as discussions of negotiations incident to proposed contractual arrangements. There was no objection to enter into Executive Session.

Council entered into Executive Session at 2:25 p.m.

Mayor Wukela reconvened the regular meeting at 3:40 p.m.

**REGULAR MEETING OF FLORENCE CITY COUNCIL
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Mayor Wukela stated a number of matters were discussed in Executive Session. Among those discussed were Bill Nos. 2016-13 and 2016-14; both being before Council for first reading. Bill No. 2016-13 is a proposed Planned Development District and Bill No. 2016-14 is a Development Agreement that is part of the Planned Development District. Both of these items are enabled by Bill No. 2016-12 that was passed on first reading. These items will require that the Planning Commission hold a public hearing, which is scheduled for April 12, 2016 and which may result in amendments to the application and both are subject to second reading before City Council.

Councilman Jebaily made a motion that Bill No. 2016-13 be adopted on first reading with the aforementioned understanding. Mayor Pro tem Brand and Councilman Hill seconded the motion, which carried unanimously.

Mayor Pro tem Brand made a motion that Bill No. 2016-14 be adopted on first reading with the same pre-requisites. Councilman Jebaily seconded the motion, which carried unanimously.

Also discussed in Executive Session, was the approval of the Redevelopment Grants for this quarter. Council reviewed the applications and the analysis by City Staff for the grant applications received for this quarter.

Mayor Pro tem Brand made a motion to approve, upon recommendations by City Staff, the grants for Mr. Davis and Mr. Blakely. Councilwoman Ervin seconded the motion, which carried unanimously.

The next matter for Council's consideration is the discussion of the Property Swap Agreement with regard to the House of Hope relocating into the Circle Park facility. There is a coalition of a number of entities that have come together to make this relocation possible; one being the City of Florence. This Property Swap Agreement entails the swapping and obtaining of a variety of different parcels that include and surround the current Circle Park facility. Also a part of this agreement is the explicit understanding that the House of Hope, as a condition of this agreement, is going to work with the City and all other agencies and individuals involved that provide services to the homeless in the area, to ensure that such services are done cooperatively.

Councilman Hill made a motion to direct the City Manager to complete the negotiations and execute the Property Swap Agreement which, by law, will be followed by an Ordinance requiring two votes of this Council to adopt. Mayor Pro tem Brand seconded the motion, which carried unanimously.

RESOLUTION NO. 2016-08

A RESOLUTION APPROVING AN INCENTIVE PACKAGE TO ENCOURAGE THE DEVELOPER TEAM TO DEVELOP THE DOWNTOWN LOCATION AS A PROJECT REFERRED TO AS PROJECT TULIP.

Mayor Wukela reported that over the last several months the City has been negotiating with the developer who intends to make an investment of at least \$13 million in the downtown area. It will involve 60 jobs and will be a service related business. It will be located on the parcel that has been created in part by the relocation of Evans Street at the southeast corner of Evans and Dargan Streets. This will involve approximately a \$2.2 million incentive by the City that is entirely represented by the granting of the parcel for the development of the property and the provision of the parking associated with the property. Pursuant to State Law, the incentive shall be no greater than the value received directly by the City as an economic benefit. The direct ratio of incentive to economic benefit is 1.15; the City anticipates the end direct benefit to the City to far exceed that amount. Given those parameters the Resolution and Conditional Grant Agreement associated with the Resolution are before Council for consideration of adoption.

Mayor Pro tem Brand made a motion to adopt Resolution No. 2016-08. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

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ADJOURN

Mayor Pro tem Brand made a motion to adjourn the meeting. There was no objection.
The meeting was adjourned at 3:47 p.m.

Dated this 9th day of May, 2016.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

CITY OF FLORENCE COUNCIL MEETING

DATE: April 11, 2016

AGENDA ITEM: Ordinance to amend Code of Ordinances
First Reading

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

An ordinance establishing Article IV in Chapter 16 of the City of Florence Code of Ordinances and adopting code Section 16-41 pursuant to Section 6-31-30 of the South Carolina code of laws in order to authorize the City of Florence to utilize the provisions the South Carolina Local Government Development Agreement Act to enter into development agreements.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

This issue is before the City Council for adoption. It has not been considered, nor has any previous action been taken.

III. POINTS TO CONSIDER:

- (1) The City of Florence municipal code currently has no provision allowing the City of Florence to enter in to a development agreement.
- (2) The State of South Carolina established the South Carolina Local Government Development Agreement Act in 1993 authorizing local governmental entities to enter into development agreements which the state recognized as a potentially valuable tool to be utilized to encourage healthy and appropriate growth through facilitation of private development.
- (3) The proposed amendment would allow the City of Florence to enter in to development agreement's prescribed in the above referenced South Carolina State Code.

IV. OPTIONS

City Council may:

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. NOTES:

VI. ATTACHMENTS:

(1) Ordinance



Phillip M. Lookadoo, AICP
Planning, Research, & Development Director



Andrew H. Griffin
City Manager

ORDINANCE NO. 2016-____

AN ORDINANCE ESTABLISHING ARTICLE IV IN CHAPTER 16 OF THE CITY OF FLORENCE CODE OF ORDINANCES AND ADOPTING CODE SECTION I6-41 PURSUANT TO SECTION 6-31-30 OF THE SOUTH CAROLINA CODE OF LAWS IN ORDER TO AUTHORIZE THE CITY OF FLORENCE TO UTILIZE THE PROVISIONS THE SOUTH CAROLINA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT TO ENTER INTO DEVELOPMENT AGREEMENTS.

WHEREAS, the City Council (the "Council") of the City of Florence, South Carolina recognizes that it is necessary and in the best interests of the City of Florence to encourage the economic development and redevelopment in the City and the surrounding areas to provide for the increased benefit and prosperity of its citizens;

WHEREAS, the Council desires to facilitate healthy growth in in the Florence area;

WHEREAS, it is the desire of the Council to create new tools to encourage private capital investment and reinvestment in the Florence area;

WHEREAS, the State of South Carolina established the South Carolina Local Government Development Agreement Act in 1993 authorizing local governmental entities to enter into development agreements which the state recognized as a potentially valuable tool to be utilized to encourage healthy and appropriate growth through facilitation of private development; and

WHEREAS, the Council of the City of Florence, South Carolina, consistent with the South Carolina Legislature, hereby finds and determines:

- (a) The City of Florence, South Carolina (the "City"), is an incorporated municipality located in Florence County, South Carolina, and as such possesses all powers granted to municipalities by the Constitution and the laws of the State of South Carolina, including the powers enumerated in S.C. Code § 5-7-30.
- (b) The lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning.
- (c) Assurance to a developer that upon receipt of its development permits it may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, reduces the economic costs of development, allows for the orderly planning of public facilities and services, and allows for the equitable allocation of the cost of public services.

(d) Because the development approval process involves the expenditure of considerable sums of money, predictability encourages the maximum efficient utilization of resources at the least economic cost to the public.

(e) Public benefits derived from development agreements may include, but are not limited to, affordable housing, design standards, and on and off-site infrastructure and other improvements. These public benefits may be negotiated in return for the vesting of development rights for a specific period.

(f) Land planning and development involve review and action by multiple governmental agencies. The use of development agreements may facilitate the cooperation and coordination of the requirements and needs of the various governmental agencies having jurisdiction over land development.

(g) Development agreements will encourage the vesting of property rights by protecting such rights from the effect of subsequently enacted local legislation or from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the development agreement or in any way hinder, restrict, or prevent the development of the project. Development agreements will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public safety, health, and general welfare of the citizens of our State.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED, AND BY THE AUTHORITY THEREOF THAT A NEW ARTICLE IV IS HEREBY ESTABLISHED IN CHAPTER 16 OF THE FLORENCE CODE OF ORDINANCES AND, PURSUANT TO SECTION 6-31-30 OF THE SOUTH CAROLINA CODE OF LAWS, A NEW CODE SECTION 16-41 IS HEREBY ADOPTED AS FOLLOWS:

1. The new Article IV of Chapter 16 shall be entitled “Development Agreements” and Section 16-41 shall read in full as follows:

Sec. 16-41. Authorization of Development Agreements. Development Agreements are hereby authorized for land development in the City of Florence, subject to and in accordance with the South Carolina Local Government Development Agreement Act in Section 6-31-10 et seq., Code of South Carolina, 1976, as amended. Requests for Development Agreements shall be processed pursuant to Section 6-31-10 et seq., Code of Laws of South Carolina, 1976 as amended.

2. Codification. The Municipal Code Corporation as codifier of the City of Florence Code shall, in consultation with the City Attorney of Florence, have discretion to make such adjustments in the numbering and sequencing of the article numbers and sections numbers as will reasonably assure compliance with standard practices in codification and to codify the new provisions as soon as feasible after their effective dates.

3. Severability. If any part of this Ordinance is held to be invalid or unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such invalid or unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such as holding shall not affect the applicability thereof to any persons, property or circumstances.

4. Effective Date. This Ordinance shall become effective immediately upon its approval and adoption on Second Reading.

ADOPTED THIS ____ DAY OF _____, 2016.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: May 9, 2016 • *Second Reading*

AGENDA ITEM: An ordinance to rezone property being specifically designated in the Florence County Tax Records as Tax Map Parcel 00075-01-214; and zone properties 00075-01-018 and 00075-01-054, pending annexation; to Planned Development District, identified as PDD 2016-01.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

An ordinance to rezone property being specifically designated in the Florence County Tax Records as Tax Map Parcel 00075-01-214; and zone properties 00075-01-018 and 00075-01-054, pending annexation; to Planned Development District (PDD), identified as PDD 2016-01.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) Planning Commission held a public hearing on April 12, 2016 regarding this matter.
- (2) Planning Commission then held a work session on April 25, 2016 regarding this matter and voted unanimously (9-0) to recommend as submitted.

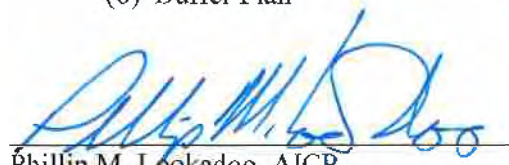
III. POINTS TO CONSIDER:

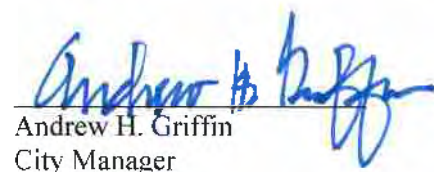
- (1) Parcel 00075-01-214 (35.18 acres) is within the city limits and zoned B-3, General Commercial District.
- (2) Parcels 00075-01-018 (152.1 acres) and 00075-01-054 (62.6 acres), are currently not within the city limits, and un-zoned.
- (3) The option holder of the above referenced properties, requests to rezone, and zone pending annexation, the above referenced properties to the Planned Development District Zoning designation. A development plan, PDD 2016-01, showing the property boundary (Attachment 3), permitted land uses (Attachment 4), development standards (Attachment 5), and Buffer Plan (Attachment 6) has been submitted.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

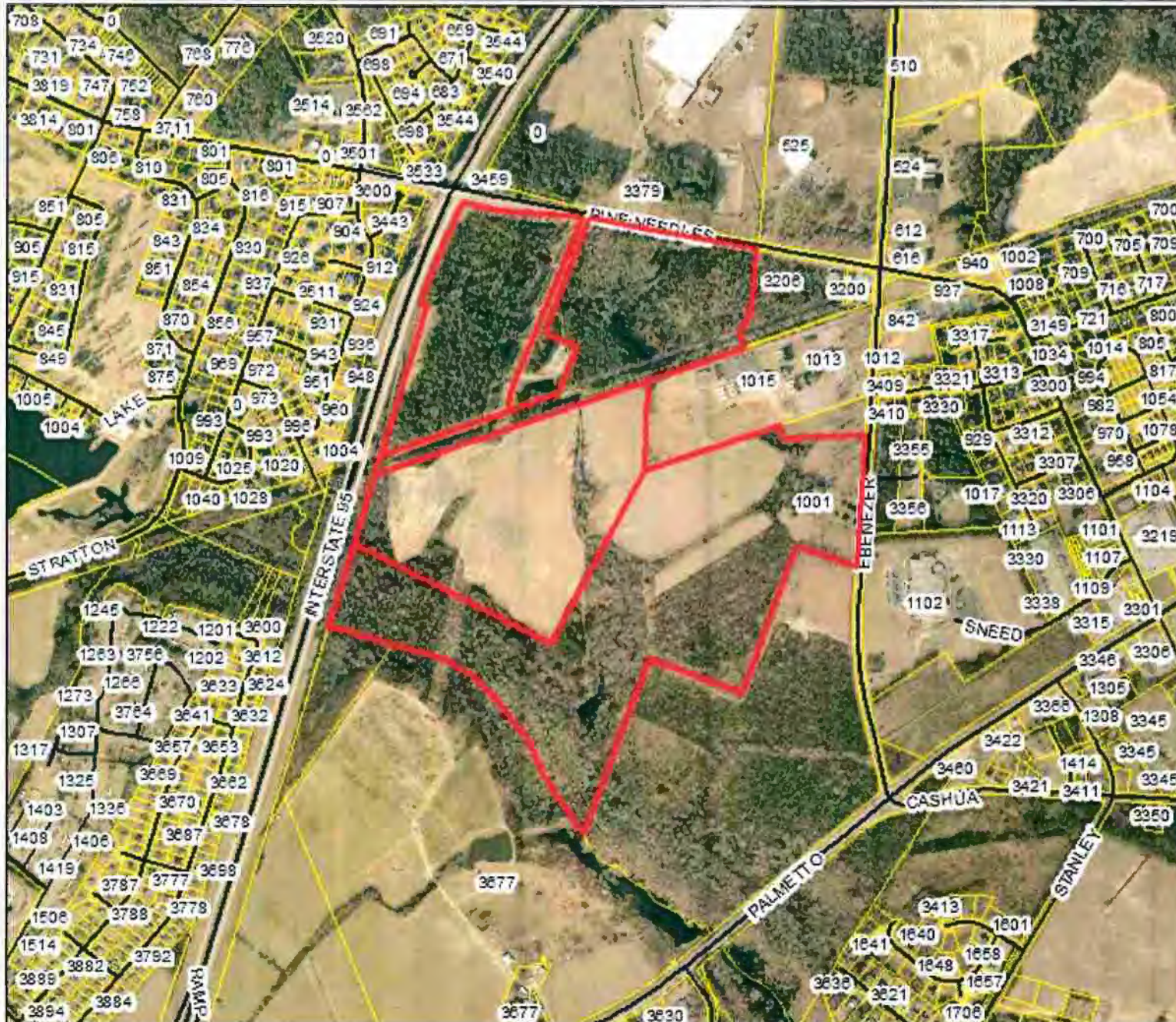
- (1) Ordinance
- (2) Location Map
- (3) Planned Development Map
- (4) Schedule A- Permitted Land Uses
- (5) Schedule B- Development Standards
- (6) Buffer Plan


Phillip M. Lookadoo, AICP
Planning, Research, & Development Director


Andrew H. Griffin
City Manager

PC 2016-18 Attachment A

Location Map 1001 S Ebenezer Rd.



Legend

- Proposed Parcel
- Address Points
- Road
- Parcel



DISCLAIMER:
 The City of Florence Department of Planning, Research, and Development data represented on this map 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.

3000 1500 0 3000 Feet



Schedule A – Permitted Land Uses

Schedule A - Residential

	NAICS	Single Family Residential
Residential Uses		
Site Built Dwellings		
Single-family detached	81411	P
Duplex	81411	P
Townhouse (Sec. 3.1)	81411	P
Patio Home (Sec. 3.2)	81411	P
Triplex	81411	P
Quadrplex	81411	P
Multi-family	81411	P
Rooming & boarding houses	72131	N
Bed & Breakfast Inns (Sec. 3.3)	721191	N
Manufactured Dwellings (Footnote)		
Residential Designed (Sec. 3.4)	81411	P
Standard Designed (Sec. 3.4)	81411	N
Mobile Home (Sec. 3.4)	81411	N
Modular Home	81411	P
Manufactured Home Park (Sec. 3.7)	81411	N
Accessory Uses (Sec. 7.6)		
Bathhouses, cabanas	NA	P
Domestic animal shelters	NA	P
Child day care services	6244	P
Satellite dishes/antennas	NA	P
Accessory Apartment (Sec. 3.7)	NA	N
Coin operated laundries & dry cleaners	81231	N
Non-commercial greenhouse	NA	P
Private garage & carport	NA	P
Storage building	NA	P
Swimming pool, tennis courts	NA	P
Auxiliary shed, work shop	NA	P
Home Occupation (Sec. 3.8)	NA	C
Horticulture, gardening	NA	P
Signs – See Article V		
Support Uses		
Recreational		
Public parks, playgrounds, & community centers	71394	P
Golf courses, public & private	71391	P
Swimming & tennis clubs	71394	P
Educational		
Elementary schools	6111	P
Secondary schools	6111	P

C – Conditional, shall meet the applicable design standards within the City of Florence Zoning Ordinance at the date of the adopted PDD 2016-01.

	NAICS	Single Family Residential
Supported Uses Cont'd		
Social		
Nursing & residential care facilities	623	P
Day care services	62441	P
Religious organizations	81311	P
Utilities		
Communication transmission only, except towers/antennas	5133	P
Communication towers & antennas	51332	N
Electric, gas, transmission only	221121	P
Sewerage treatment facilities	22132	P
Water supply & irrigation systems	22131	P
Public Order & Safety		
Fire Protection	92216	P
Temporary Uses		
Temporary Uses (Sec. 3.9)		C

C – Conditional, shall meet the applicable design standards within the City of Florence Zoning Ordinance at the date of the adopted PDD 2016-01.

Schedule A - Commercial

	NAICS		Commercial							
Sector 11: Agriculture, Forestry, Fishing, and Hunting										
Agricultural Production, crops	111		P							
Agricultural Production, Livestock, animals	112									
Livestock, except feedlots	112111		N							
Feedlots	112112		N							
Poultry & eggs	1123		N							
Animal specialties	1129		N							
Horses & other equine	11292		N							
General Farms	11299		N							
Fishing, Hunting, Trapping	1141-2		P							
Agricultural Services	115		P							
Forestry	11531		P							
Sector 21: Mining										
Mining	212		P							
Sector 22: Utilities										
Electric, gas, & sanitary services	221									
Electric	2211									
Generation	22111		P							
Transmission	22112		P							
Natural gas distribution	2212		P							
Water supply systems	22131									
Storage/Treatment	22131		P							
Transmission	22131		P							
Sewerage systems	22132									
Collection	22132		P							
Treatment	22132		P							
Steam & Air Conditioning supply	22133		P							
Sector 23: Construction										
Bldg. Construction – general contract & operative builders	233		P							
Heavy construction other than building construction-contractors	234		P							
Special Trade Contractors	235		P							
Sector 31-33: Manufacturing										
Food	311		P							
Beverage & Tobacco	312		P							
Textile mill products	313		N							
Textile Product Mills	314		N							
Apparel	315		P							
Leather & allied products	316		N							
Wood products	321		N							
Paper & allied products	322		N							
Petroleum products	324		N							
Chemical products	325		N							

	NAICS		Commercial						
Sector 31-33: Manufacturing – cont'd									
Plastic & Rubber	326		N						
Nonmetallic Mineral products	327		N						
Primary Metal Industry	331		N						
Fabricated metal products	332		N						
Machinery	333		N						
Computer & Electronic Products	334		P						
Electrical equipment, Appliances & components	335		N						
Transportation equipment	336		N						
Furniture & related products	337		P						
Misc. manufacturing Indus.	339		N						
Sector 42: Wholesale Trade									
Wholesale trade-durable goods	421		P						
Recycle materials (Sec. 3.12)	42193		N						
Wholesale trade-nondurable goods	422		P						
Sector 44-45: Retail Trade									
Motor vehicle & parts	441		P						
Automotive dealers	4411		P						
Other motor vehicle dealers	4412		P						
Automotive parts	4413		P						
Furniture & home furnishings	442		P						
Electronics & Appliances	443		P						
Building materials, garden supplies	444								
Building materials & supplies	4441		P						
Paint & wallpaper	44412		P						
Hardware stores (Sec. 3.13)	44413		P						
Lawn & garden equipment & supplies stores	4442		P						
Food stores (3.13)	445		P						
Beer, Wine, & Liquor stores (Sec 3.13)	4453		P						
Health & Personal care (Sec. 3.13)	446		P						
Gasoline stations	447		P						
Truck stops	44719		P						
Clothing & accessory stores	448		P						
Sporting goods, Hobbies, Books, & Music	451		P						
General Merchandise, except pawn shops & flea markets (Sec. 3.13)	452		P						
Miscellaneous retail	453		P						
*Florists	453110		P						
Used merchandise, except pawn shops & flea markets (Sec. 3.13)	4533		P						
Flea Markets	4533		N						
Retail not elsewhere classified except grave monuments, fireworks, sexually oriented businesses	4539		P						
Manufactured home dealers	45393		N						
Fireworks	453998		P						
	NAICS		Commercial						
Gravestones, monuments	443998		P						
Miscellaneous retail	45399		P						
Non-store retailers	454		P						
Fuel Dealers	45431		P						

Sector 48-49: Transportation Warehousing									
Air Transportation	481				P				
Rail Transportation	482				P				
Truck Transportation	484				P				
Transit and ground passenger transportation	485				P				
Scenic & Sightseeing Transportation	487				P				
Support Activities for Transportation	488				P				
U.S. Postal Service	491				P				
Couriers & Messengers	492				P				
Warehousing & Storage	493				P				
Sector 51: Information									
Publishing Industries	511				P				
Motion pictures & Sound Industries	51				P				
Motion picture theaters	512131				P				
Broadcasting & Telecommunications	513				P				
Communication Tower & Ant. (Sec. 3.11)	5131				C				
Info. Services & Data Processing	514				P				
Libraries	51212				P				
Sector 52: Finance & Insurance									
Banks	521				P				
Credit Intermediation	522				P				
Pawn Shops	522298				P				
Security & commodity contracts, financial investments	523				P				
Insurance Carriers & related activities	524				P				
Funds, Trust, & other financial vehicles	525				P				
Sector 53: Real Estate & Rental & Leasing									
Real Estate	531				P				
Mini-warehouses	53113				P				
Rental & Leasing Services	532				P				
Video tape rental (Sec. 3.13)	53223				P				
Sector 53: Real Estate & Rental & Leasing									
Professional, Scientific, Technical Svcs.	541				P				
Display advertising – Signs	54185								See Article V
Legal services	5411				P				
Engineering, accounting, research management & related services	5412-9				P				
Tax return prep. service	541213				P				
Sector 54: Professional, Scientific, Technical Services – cont'd									
Photographic studios, portraits	54192				P				
Veterinary Services	54194				P				
Sector 55: Management of Companies and Enterprises									
Mgmt. Of Companies and Enterprises	551				P				
Sector 56: Administrative and Support and Waste Management and Remediation Services									
Administrative & support services	561				P				

	NAICS		Commercial						
Landscape services	56173		P						
Refuse systems (Sec. 3.14)	562		C						
Sector 61: Educational Services									
Educational Services	6117		P						
Elementary Schools	6111		P						
Secondary Schools	6111		P						
Jr. Colleges, Colleges, Universities, professional schools	6112-3		P						
Business schools, Computer, & Management Training	6114-5		P						
Other schools and instruction	6116		P						
Education Support Services	6117		P						
Sector 62: Health Care and Social Assistance									
Ambulatory Health Care Services	62		P						
Medical & dental laboratories	6215		P						
Home health care services	6216		P						
Hospitals	622		P						
Nursing & residential care facilities	623		P						
Nursing Care Facilities	623		P						
Community Care for Elderly	623		P						
Social Services	624		P						
Individual & Family Social Services	6241		P						
Community, Food & Housing & Emergency & Relief services	6242		P						
Rehabilitation services	6243		P						
Day care services	6244		P						
Sector 71: Arts, Entertainment, and Recreation									
Performing Arts & Spectator Sports	711		P						
Performing Art Companies	7111		P						
Spectator Sports	7112		P						
Museums, Historical sites, & Similar Institutions	712		P						
Sector 71: Arts, Entertainment, and Recreation – cont'd									
Amusement, Gambling, & Recreation	713		P						
Amusement Parks & Arcades	71311		P						
Coin operated amusement, cash payouts more than 5 machines (Sec. 3.17)	7132		C						
Golf courses & Country Clubs	71391		P						
Marinas	71392		N						
Public parks & playgrounds	71394		P						
Physical fitness facilities	71394		P						
Bowling centers	71395		P						
Coin operated amusement non-cash payouts	71399		P						
All other Amusement & Recreational Industries	71399		P						
Sector 72: Accommodation and Food Services									
Accommodations	721	NAICS	Commercial						

Hotels & motels	72111			P						
Bed and Breakfast Inns (Sec. 3.3)	721191			P						
Camps & recreational vehicle parks	721191			C						
Rooming & boarding houses, dormitories, group housing	72121			P						
Eating Places	7221-3			P						
Drinking Places (Sec. 3.20)	7224			P						
Sector 81: Other Services (except Public Administration)										
Auto repair & maintenance (Sec. 3.13)	8111			P						
Car washes (multiple bays)	811192			P						
Other Repair (Sec. 3.13)	8112-4			P						
Shoe repair, shoe shine shops	81143			P						
Personal & Laundry services	812									
Personal Care Services	81221			P						
Tattoo Facilities (Sec. 3.23)	812199			C						
Funeral Homes & Services	81221			P						
Cemeteries	81221			P						
Crematories	81222			N						
Laundry & Dry Cleaning Services	8123			P						
Coin operated laundries/dry cleaning	81231			P						
Pet Care	81291			P						
Automotive parking lots & garages	81293			P						
Sexually oriented business (Sec. 3.15)	81299			N						
All other personal services	81299			P						
Religious, fraternal, professional, political, civic, business organizations	813			P						
Religious Organizations	81211			P						
All Other Organizations	8132-9			P						
Sector 92: Public Administration										
Executive, legislative, & general govt.	921			P						
Justice, public order & safety	922			P						
Courts	92211			P						
Police Protection	82212			P						
Correctional institution	92214			P						
Fire Protection	92216			P						
Administration of human resources	923			P						
Ad. of environ. Quality & housing prog.	924-5			P						
Administration of economic programs	926			P						
Space Research & Technology	927			P						
National Security & Internal Affairs	928			P						

Residential Uses									
Site Built Dwellings	NA								
	NAICS		Commercial						
Single-family detached	NA		P						
Duplex	NA		P						
Over-under Duplex	NA		P						
Multiplex/Quadraplex	NA		P						
Weak-link townhouse	NA		P						
Townhouse	NA		P						
Multi-family, apts. (Sec. 3.19)	NA		P						
Rooming & Boarding houses	72131		P						
Manufactured Dwellings	NA								
Residential designed (Sec. 3.4)	NA		N						
Standard designed (Sec. 3.4)	NA		N						
Mobile Homes (Sec. 3.5)	NA		N						
Modular Homes	NA		P						
Accessory Uses to Residential Uses									
Bathhouses & cabanas	NA		P						
Domestic animal shelters	NA		P						
Non-commercial greenhouses	NA		P						
Private garage & carport	NA		P						
Storage building	NA		P						
Swimming pool, tennis courts	NA		P						
Auxiliary shed, workshop	NA		P						
Home occupation (Sec. 3.8)	NA		P						
Horticulture, gardening	NA		P						
Family day care home	NA		P						
Satellite dishes, etc.	NA		P						
Accessory Uses to Residential Uses									
Buildings, structures	NA		P						
Open storage (Sec. 3.18)	NA		C						
Temporary Uses									
All Temporary Uses (Sec. 3.9)	NA		C						

Schedule B- Development Standards

Table A –Single Family Detached and Commercial

“The Grove” is a mixed use development consisting of various types of residential and commercial development. Development will occur in phases and be consistent with the development agreement identified as City of Florence Ordinance number 2016-____. Each phase will be submitted to staff of the Department of Planning, Research and Development for review and approval according to the zoning and development standards set forth herewith and attached to this document.

Table A

District	Minimum Lot Area (a)		Lot Width (ft) (b)	Front Yard Setback	Side Yard Setback		Rear Yard Setback Minimum		Max Hgt. (ft) (c)	Max Impervious Surface Ratio (%)
	Residential	Non-Residential			Res	Non Res	Res	Non Res		
Single Family Residential	6000	6000	50	20	5	5	15	25	48	70
Multi-Family	N/A		N/A	N/A	20	20	20	20	5 stories	75
Duplexes & Town Homes	2,200	2,200	22	20	0	0	20	20	45	75
Commercial	5,000	5,000	50	*1	5	5	20	20	(d)	90

Notes to Table A

- (a) Lot area is expressed in square feet.
- (b) Measurement from front property line.
- (c) Measurement from average elevation of finished grade of the front of the structure.
- (d) 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.

NA=Not Applicable

DENSITY*

Commercial

70 acres at 11,000 square feet commercial space per acre with land uses primarily found in the B-3 Zoning District per 2016 City of Florence Zoning Ordinance. See attached Schedule A. Property marked Commercial may also include any of the residential distinctions listed in the residential areas described below, provided a mixture of commercial and residential uses will be maintained.

Residential

140 acres of Single-family average density of 3.5 units per acre. Included in the residential acreage is a maximum of 24 acres for Multi-family Residential to include condos, townhouses, and apartments, duplex, triplex, quadraplex and any form of residential housing deemed appropriate by Developer, at an average density 18 units per acre. Development standards can be found within the adopted PDD 2016-01.

Multi-family

92 acres of multifamily with an average density of 18 units per acre. Development standards are listed in the adopted PDD 2016-01 (Exhibit C). Multifamily use is permitted within Commercial and Residential sections of PDD 2016-01. The total 92 acres consist of 24 acres within the Residential section, and 68 acres of the Commercial section.

* Densities are exclusive of the 31+- acres identified as open space in the development agreement adopted as City of Florence Ordinance Number 2016 - _____.

PHASING

Phases and sub-phases of development shall be submitted to staff of the City of Florence Department of Planning, Research and Development. All boundaries of phases and sub-phases shall be identified on an amended map of PDD 2016-01 also known as "The Grove." A plat shall be submitted prior to development of any phase or sub-phase of this development. Each plat shall identify, on said plat, with which zoning district contained within PDD 2016-01 that particular phase or sub-phase will be developed.

BUFFERING

Buffering along property lines external to "The Grove" development shall be governed by Article 4 of the City of Florence Zoning Ordinance. Interior buffering to "The Grove" shall be provided and determined by the developer at time of development.

PARKING

Parking shall be provided per use category as identified on Tables 2.3 and 2.4 of the City of Florence Zoning Ordinance, or a parking standard approved by the City of Florence which complies with current industry standards at time of development. Determination of number of parking spaces shall be consistent with the North American Industry Classification System (NAICS) code for each prescribed use in Schedule A of PDD 2016-01.

SIGNAGE

Signage within the commercial section of this Planned Development will meet the PDD and B-2 standards of the City of Florence Zoning Ordinance at the date of the adopted PDD 2016-01. The developer has the option to vary signage based on requirements of tenants and overall development concept.

ORDINANCE NO. 2016-_____

AN ORDINANCE TO REZONE PROPERTY BEING SPECIFICALLY DESIGNATED IN THE FLORENCE COUNTY TAX RECORDS AS TAX MAP PARCEL 00075-01-214; AND ZONE PROPERTIES 00075-01-018 AND 00075-01-054, PENDING ANNEXATION; TO PLANNED DEVELOPMENT DISTRICT, IDENTIFIED AS PDD 2016-01:

WHEREAS, a Public Hearing was held in the City Center Council Chambers on April 12, 2016 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given; and,

WHEREAS, a work session was held in the City Center Council Chambers on April 25, 2016 at 3:30 P.M. before the City of Florence Planning Commission and notice of said work session was duly given; and,

WHEREAS, the City of Florence Planning Commission voted unanimously (9-0) to make recommendation to City Council; and,

WHEREAS, the developer of the “The Grove at Ebenezer” made application rezone property being specifically designated in the Florence County Tax Records as Tax Map Parcel 00075-01-214; and zone properties 00075-01-018 and 00075-01-054, pending annexation; to Planned Development District, identified as PDD 2016-01; and,

WHEREAS, the developer of the “The Grove at Ebenezer” submitted for record the site plan, buffer plan, Schedule A- Permitted Land Uses, and Schedule B- Development Standards; and,

WHEREAS, Florence City Council concurs 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 to rezone property being specifically designated in the Florence County Tax Records as Tax Map Parcel 00075-01-214; and zone properties 00075-01-018 and 00075-01-054, pending annexation; to Planned Development District, identified as PDD 2016-01 with the attached PDD 2016-01 Site Plan, PDD 2016-01 PDD 2016-01 Schedule A, PDD 2016-01 Schedule B, and PDD 2016-01 Buffer Plan;

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 _____, 2016

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

CITY OF FLORENCE COUNCIL MEETING

DATE: April 11, 2016

AGENDA ITEM: Development Agreement
First Reading

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

An ordinance to enter into a Development Agreement between the City of Florence and the developer of "The Grove at Ebenezer" (PDD 2016-01) and authorizing the City Manager to execute all documents associated therewith, properties being specifically designated in the Florence County Tax Records as Tax Map Parcel 00075-01-214, 00075-01-018 and 00075-01-054.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

Planning Commission will hold a public hearing on April 12, 2016 regarding this matter.

III. POINTS TO CONSIDER:

- (1) The State of South Carolina established the South Carolina Local Government Development Agreement Act in 1993 authorizing local governmental entities to enter into development agreements which the state recognized as a potentially valuable tool to be utilized to encourage healthy and appropriate growth through facilitation of private development.
- (2) The option holder of the above referenced properties, requests to rezone, and zone pending annexation, the above referenced properties to the Planned Development District Zoning designation. A preliminary plan showing the property boundary and general land use designations has been submitted (Attachment 2).
- (3) The South Carolina Local Government Development Agreement Act allows a developer of a large tract of highland property to vest their property rights by protecting such rights from the effect of subsequently enacted local legislations or from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the development agreement or in any way hinder, restrict, or prevent the development of the project.
- (4) City staff and the Developer are currently finalizing the Development Agreement. Attached is the preliminary Development Agreements as amended by City staff.

IV. OPTIONS

City Council may:

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.

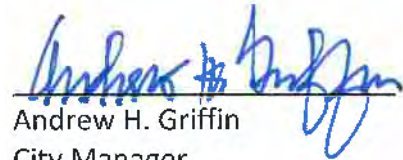
V. NOTES:

VI. ATTACHMENTS:

- (1) Ordinance
- (2) Development Agreement



Phillip M. Lookadoo, AICP
Planning, Research, & Development Director



Andrew H. Griffin
City Manager

further the health, safety, welfare and economic well being of City of Florence and its residents; and,

WHEREAS, the program for development of the Property presents an unprecedented opportunity for City of Florence to secure quality planning and growth, protection of the environment and a strengthened and revitalized tax base; and,

WHEREAS, this Development Agreement is being made and entered between Owner and City of Florence, under the terms of the Act, for the purpose of providing assurances to Owner that it may proceed with its development plan under the terms hereof, as hereinafter defined, consistent with its approved Planned Development District (PDD) plan, (as hereinafter defined) without encountering future changes in law which would materially affect the ability to develop under the plan, and for the purpose of providing important protection to the natural environment and long term financial stability and a viable tax base to City of Florence.

WHEREAS, it is the intent of the Developer and City of Florence to provide a mechanism allowing the residents of the PDD to have input in decisions that exclusively affect the PDD. When the city considers future requests for minor changes to this Agreement, the City shall give great weight to any requests approved by a two third's vote of a Homeowner's Association, contained within the adopted PDD 2016-01.

NOW THEREFORE, in consideration of the terms and conditions set forth herein, and other good and valuable consideration, including the potential economic benefits to both City of Florence and Owner by entering this Agreement, and to encourage well planned development by Owner, the receipt and sufficiency of such consideration being herby acknowledge, City of Florence and Owner herby agree as follows:

I. INCORPORATION

The above recitals are herby incorporated into this Agreement, together with the South Carolina General Assembly findings as set forth under Section 6-31-10(B) of the act.

II. DEFINITIONS

As used herein, the following terms mean:

"Act" means the South Carolina Local Government Development Agreement Act, as Codified in Sections 6-31-10 through 6-31-160 of the Code of Laws of South Carolina (1976), as amended; attached hereto as **EXHIBIT A**.

"The Grove PDD" means that certain tract of land described on **EXHIBIT B**.

"Developer" means Owner and all successors in title or lessees of the Owner who undertake Development of the Property or who are transferred Development Rights.

"Development" means the definition of development as set forth in the City of Florence Zoning Ordinance at the time of the adopted PDD 2016-01.

“Development Rights” means Development undertaken by the Owner or Developers in accordance with the Zoning Regulations and this Development Agreement.

“Duplex” means a single-family attached unit type that includes two units that are attached along a common wall or separated by a floor that is not penetrated for the purpose of interior access between the two units. The standard duplex has side-by-side units with a common wall (the units may be divided into separate lots along the common lot line for individual fee-simple ownership). The units in the over-under duplex are located on different floors (the units may be accessed via separate outside entrances or through a common foyer area). Vehicular access to duplex homes in either style is from the street or from an alley.

“Mixed Use” means development in which a combination of residential and commercial uses (e.g., residential-over-retail), or several classifications of commercial uses (e.g., office and retail), are located on the same parcel proposed for development.

“Multi-family Residential” means a building that includes three or more dwelling units, which is not designed as townhomes or multiplex buildings. Multifamily also means two or more residential units that are located on the upper floors of a mixed-use building.

“Multiplex also Quadraplex” means a residential building that is constructed to look like a large single-family detached residence.

“Owner” means _____, his heirs and assigns.

“Property” means that tract of land described on **EXHIBIT B**.

“Planned Development District” WHEREAS, means the Planned Development District adopted by the City of Florence on _____, 2016 as part of **EXHIBIT C**.

“Term” means the duration of this agreement as set for in Section III hereof.

“Townhome” means three or more attached dwelling units that are arranged in rows with common side walls.

“Zoning Regulations” means the approval by the City Council of the City of Florence, herein after referred to as “City of Florence” on _____, 2016 establishing a Planned Development District for the Property, and all the attachments thereto, including but not being limited to the PDD 2016-01 Plan, all narratives, applications, and site development standards, as same may be hereafter amended by mutual agreement of City of Florence and the Owner, (a copy of all of which is attached hereto marked **EXHIBIT ___** and incorporated herein by reference), this Development Agreement, and the Land Development Regulations and Zoning Ordinance of City of Florence in effect at the time of approval of this Development Agreement, as such regulations may be clarified or modified by the terms of the PDD approval above referenced. Specifically, it is noted that the PDD plan and all elements of that application have been approved by the City of Florence and that the adoption of this Development Agreement, by ordinance, after public hearings, shall have the effect of a properly adopted land use ordinance as well as a Development Agreement. To the extent that any provision of the PDD approval may be deemed to be a

modification of presently existing City of Florence law, such modification is hereby approved, ratified and adopted as binding upon the Property by the adoption of this Ordinance (Development Agreement).

III. TERM.

The term of this Agreement shall commence on the date this Agreement is executed by City of Florence and Owner and the terminate Ten (10) years thereafter; provided however, that if at the expiration of the term Owner or its successors or assign have commenced development under the provisions hereof, the provisions of the PDD shall be deemed vested against any future changes to City of Florence law which would materially effect the ability of the Owner or Developers to carry out the development plan as approved under the PDD approval and the Zoning Regulations.

IV. AGREEMENT TO ANNEX

The developer/assigns hereby agree to annex all property, associated with PDD 2016-01, at the time of development of each phase of PDD 2016-01. In consideration of the agreement to annex, the City of Florence hereby agrees to provide certain water and sewer infrastructure, established else where in this Development Agreement, immediately following annexation and in conjunction with the development.

V. DEVELOPMENT OF THE PROPERTY.

The Property shall be developed in accordance with the Zoning Regulations and this Development Agreement. City of Florence shall, throughout the Term, maintain or cause to be maintained, a procedure for the processing of reviews as contemplated by the Zoning Regulations.

VI. CHANGES TO ZONING REGULATIONS.

The Zoning Regulations relating to the Property subject to this Development Agreement shall not be amended or modified during the Term, without the express written consent of the Owner. Owner does, for itself and its successors and assigns, including Developers and notwithstanding the Zoning Regulations, agrees to be bound by the following:

1. The Owner shall be required to notify City of Florence, in writing, as and when Development rights are transferred to any other party. Such information shall include the identity and address of the acquiring party, a proper contact person, the location and number of acres of the Property transferred, and the number of residential units and/or commercial acreage, as applicable, subject to the transfer. Developers transferring Development Rights to any other party shall be subject to this requirement of notification, and any entity acquiring Development Rights hereunder shall be required to file with City of Florence an acknowledgment of this Development Agreement and a commitment to be bound by it.

2. The Owners and Developers, and their respective heirs, successors and assigns agree that all development, with the exception of irrigation, incidental maintenance facilities and facilities existing at the date of this Development Agreement will be served by potable water and sewer through the City of Florence, upon annexation, prior to occupancy, except as otherwise provided herein for temporary use of wells, and/or septic tanks (or similar devices) for specific development areas may enhance the overall environmental standards above the use of water and

sewer, if approved by the City of Florence and permitted by SCDHEC. For example, if a sparsely populated area of the PDD is well drained or subdivided with large lots where septic and or wells would pose no environmental threat, and where further, the running of lines and clearing and trenching to install water and/or sewer would cause environmental damage, then the use of wells and septic permitted by SCDHEC shall be approved by City of Florence. It is understood and accepted by the Developer, that should the property be developed without public water and sewer, as described above, the Developer shall be solely responsible for all costs associated with remediation of failing private water and sewer systems. In the event public water and sewer is requested, it may be provided by the City of Florence subject to ordinances and policies in place at time of request. Such a decision would be made at the time of development application, by appropriate development review authority of City of Florence, consistent with this provision.

VII. DEVELOPMENT SCHEDULE

The Development Schedule

Years 0-5 include: The rezoning of Tax Map Parcel 00075-01-214; and zoning of properties 00075-01-018 and 00075-01-054, pending annexation; to Planned Development District; Development of Phase 1 residential single-family lots.

Years 5-10 include: Anticipated 50-70 single family housing lots, with associated commercial and multi-family residential development.

Years 10-15 include: Anticipated 50-70 single family housing lots, with associated commercial and multi-family residential development.

Pursuant to the Act, the failure of the Owner and any subsequent Owner to meet an implied development schedule shall not, in and of itself, constitute a material breach of this agreement. In such an event, the failure to meet the development expectation or sequence of development shall be judged by the totality of circumstances, including but not limited to the Owners and Developer(s) good faith efforts to attain compliance with the development. Any implied phases or schedules are planning and forecasting tools only. The fact that actual development may take place at a difference pace or sequence, based on future market forces, is expected and shall not be considered a default hereunder. Furthermore, periodic adjustments which may be submitted by Owner / Developers in the future shall not be considered a material amendment or breach of the Agreement.

VIII. DEVELOPMENT STANDARDS

A. Density and Use

The Developer shall develop PDD 2016-01 to include housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and mixed-use developments, as required by applicable South Carolina laws. Mixed use, residential and commercial development on the Property shall be limited to the total densities and uses as set forth in PDD 2016-01, as attached hereto (Exhibit C), with the following amplifications and clarifications, which shall be binding upon the Owner and City of Florence in the future:

The Grove PDD encompasses \pm 239 acres. Roughly 30 acres lie in the flood plain.

The PDD designates 4 separate allowable land use classifications within The Grove. These land uses were chosen based upon current development patterns and project trends. Approximately 35.18 acres are in the City of Florence. The remainder is un-zoned in Florence County. The proposed land uses, approximate acreages, and densities are as follows:

- Commercial = 70 acres
- Residential = 140 acres
- Multifamily= 92 acres
- Open Space = 31 acres

The success of The Grove PDD is directly related to its ability to meet the changing demands of the development market. Due to the inherent uncertainty of projections such as these it is likely market conditions will dictate a different mix of land uses as those represented on the General Development Plan. The applicant does realize, however, to adequately fulfill their governmental responsibilities, City of Florence must have some idea of what the maximum scope of each land use could be if market conditions dictate a different land use mix. The following is a list of maximum densities::

- Commercial = 70 acres at 11,000 square feet commercial space per acre with land uses primarily found in the B-3 Zoning District per 2016 City of Florence Zoning Ordinance. See attached Schedule A. Property marked Commercial may also include any of the residential distinctions listed in the residential areas described below, provided a mixture of commercial and residential uses will be maintained.
- Multifamily = 92 acres of multifamily with an average density of 18 units per acre. Development standards are listed in the adopted PDD 2016-01 (Exhibit C). Multifamily use is permitted within Commercial and Residential sections of PDD 2016-01. The total 92 acres consist of 24 acres within the Residential section, and 68 acres of the Commercial section.
- Residential = 140 acres of Single-family average density of 3.5 units per acre. Included in the residential acreage is a maximum of 24 acres for Multi-family Residential to include condos, townhouses, and apartments, duplex, triplex, quadraplex and any form of residential housing deemed appropriate by Developer, at an average density 18 units per acre. Development standards can be found within the adopted PDD 2016-01.

The developer shall submit specific plans with each phase as he requests annexation to include lot area, lot dimensions, lot setbacks, max height of buildings, max impervious surface ratio, and max floor ratio for residential and commercial districts, as approved within PDD 2016-01. The PDD therefore establishes the following maximum thresholds for each land use:

- Commercial Density = 70 acres
- Multi-Family Residential = 92 acres (includes the 68 acres of commercial)
- Single-Family = 210 acres

Developer shall set interior buffer yards, impervious surface ratios, floor area ratios, building heights, lot dimensions, landscaping and setbacks for buildings when submitting annexation requests. The developer shall encourage a harmonious site design. Parking shall comply with Sections 2.3 and 2.4 of the 2016 City of Florence Zoning Ordinance. Buffer areas are not required for internal use. Landscaping for multi-family in commercial acreage shall follow the requirements of Section 4.3 and 4.4 of the 2016 City of Florence Zoning Ordinance.

The developer will meet the parking requirements as outlined in Section 2.3 and 2.4. Developer will meet Land Uses, Accessory Uses, and Support Uses as outlined in Schedule A, or a parking standard approved by the City of Florence which complies with current industry standards at time of development. Signage will be in harmony and scale with and reflective of the PDD as set by Developer or assigns. For sign regulations, see PDD 2016-01 (Exhibit C).

IX. RESTRICTED ACCESS

Owner and/or Developer shall have the right to develop restricted access communities within the Property, but shall not be required to do so in the future. In the event a restricted access community is developed, access to publicly owned infrastructure and facilities shall be afforded at all times and under any circumstances. Access shall also be afforded to emergency service providers such as police, fire, EMS, etc.

X. EFFECT OF FUTURE LAWS

Owner and Developers shall have vested rights to undertake Development of any or all of the Property in accordance with the Zoning Regulations, as defined herein and modified hereby, and as may be modified in the future pursuant to the terms hereof, and this Development Agreement for the entirety of the Term. Future enactments of, or changes or amendments to City of Florence ordinances, including zoning or development standards ordinances, which conflict with the Zoning Regulations in effect at the time of adoption of PDD 2016-01 shall not apply to the Property unless the Owner and/or Developer(s) consent to such modification.

The parties specifically acknowledge that this Agreement shall not prohibit the application of any future building, housing, electrical, plumbing, gas or other standard codes, or any tax or fee of general application throughout the City of Florence. Owner(s) shall pay all applicable service fees, connection fees, assessments and taxes that are approved and adopted by City Council which are applied to all other properties within the jurisdiction of the City of Florence. Special assessments or impact fees not levied against other properties, however, shall not be applied to the property without the consent of the Owner(s).

XI. INFRASTRUCTURE AND SERVICES

City of Florence and Owner recognize that the majority of the direct costs associated with the Development of the property will be borne by the Owner and Developer, and many other necessary services will be provided by other governmental or quasi-governmental entities, and not by City of Florence. For clarification, the parties make specific note of and acknowledge the following:

A. PRIVATE ROADS. All roads within the Property shall be constructed by the Owner, and maintained by it and/or an Owner's Association or dedicated for maintenance to other appropriate entities. City of Florence will not be responsible for the construction of any roads within the Property unless City of Florence specifically agrees to such in the future. Any private roads built or constructed within this development shall adhere to the provisions of the City of Florence Land Development and Subdivision Ordinance, in effect at the time of adoption of this agreement.

B. PUBLIC ROADS. The Property shall be served by direct access to Pine Needles Road and Ebenezer Road as shown on the PDD Conceptual Plan.

C. POTABLE WATER. Upon annexation, potable water will be supplied to the Property by the City of Florence at a location mutually agreeable between the City of Florence and the Developer. City of Florence will not be responsible for the construction of any water distribution lines within the Property. Any water distribution lines built or constructed within this development shall adhere to the provisions of the City of Florence Land Development and Subdivision Ordinance, in effect at the time of adoption of this agreement. Upon completion water distribution lines, at the discretion of the Developer, the water distribution lines maybe maintained as private or offered to the City of Florence as part of the public system. Upon acceptance by the City of Florence, the City of Florence shall maintain the water distribution system in the same manner as other developments within the City. If water distribution lines are maintained as private, the City of Florence will have no responsibility to maintain such private water systems. All fees and charges associated with the treatment and provision of potable water shall be levied and paid by the Developer or residents of the Property. Nothing contained in this Agreement shall be interpreted to allow the Developer to resell water as prohibited within the City of Florence Code of Ordinances.

D. SEWAGE TREATMENT AND DISPOSAL. Upon annexation, sewage collection and disposal will be supplied to the Property by the City of Florence at a location mutually agreeable between the City of Florence and the Developer. City of Florence will not be responsible for the construction of any sewer collection lines within the Property. Any sewer collection lines built or constructed within this development shall adhere to the provisions of the City of Florence Land Development and Subdivision Ordinance, in effect at the time of adoption of this agreement. Upon completion of sewer collection lines, at the discretion of the Developer, the sewer collection lines maybe maintained as private or offered to the City of Florence as part of the public system. Upon acceptance by the City of Florence, the City of Florence shall maintain the sewer collection system in the same manner as other developments within the City. If sewer collection lines are maintained as private, the City of Florence will have no responsibility to maintain such private

sewage systems. All fees and charges associated with the treatment and provision of sewage service shall be levied and paid by the Developer or residents of the Property. Nothing contained in this Agreement shall be interpreted to allow the Developer to resell sewer services as prohibited within the City of Florence Code of Ordinances.

E. USE OF EFFLUENT. Owner agrees that treated effluent will be disposed of only in such manner as may be approved by DHEC and the City of Florence.

F. OTHER SERVICES / FUTURE AGREEMENTS. The development activity which is authorized and vested under this Development Agreement is allowable, in general terms, under existing City of Florence law. Normal City of Florence services, such as fire protection, police protection will be made available to this Property, on the same basis as would occur for the development if a Development Agreement had not been requested or approved. The parties recognize that as future development unfolds on the Property, the Owner or Developers may request enhanced services, beyond the normal services which would otherwise be provided. The parties agree that they will work together in the future, in good faith, to modify this Agreement in the future to provide enhanced City services, if requested, if the Owner, or its successors or assigns, request negotiations for such enhanced services in the future. For instance, if The Grove development recognizes a future need for additional police services, beyond those services normally provided to the area as a part of the City of Florence, or additional fire or emergency service, then the parties may negotiate to provide additional fees to be paid by development on the Property to cover the cost of such enhancement services. Neither party is required hereby to reach such a future agreement for additional fees for enhanced services, but both parties agree to discuss such issues in the future should the need arise. In the meantime, development within the Property shall be entitled to all normal services provided to other property within the City of Florence with the understanding that all development within the Property will be subject to all City of Florence taxes of universal application within City of Florence as well as any special service district taxes which may apply to all other new and existing properties and development within the area, such as Fire District millage rates. City of Florence will not be required to provide enhanced services in the future at the expense of other City of Florence residents unless future arrangements are made by amendment to this Agreement to provide payment for such enhanced services. Normal service will be considered a matter of right within this Property on the same basis as all other City of Florence property.

XII. COMPLIANCE REVIEWS

As long as Owner owns any of the Property; Owner, or its designee, shall meet with the City of Florence, or its designee, at least once per year as required by South Carolina state law during the Term to review Development completed in the prior year and the Development anticipated to be commenced or completed in the ensuing year. The Owner, or its designee, shall be required to provide such information as may reasonably be requested to include but not be limited to acreage of the Property sold in the prior year, acreage of the Property under contract, the number of certificates of occupancy issued in the prior year, and the number anticipated to be issued in the ensuing year, Development Rights transferred in the prior year, and anticipated to be transferred in the ensuing year, the Owner, or its designee, shall be required to compile this information.

XIII. DEFAULTS

The failure of the Owner, developer or City of Florence to comply with the terms of this Agreement shall constitute a default, entitling the non-defaulting party to pursue such remedies as deemed appropriate, including specific performance and the termination of this Development Agreement in accordance with the Act; provided however no termination of this Development Agreement may be declared by the City of Florence absent its according the Owner and any relevant Developer the notice, hearing and opportunity to cure in accordance with the Act; and provided further that nothing herein shall be deemed or construed to preclude the City of Florence or its designee from issuing stop work orders or voiding permits issued for Development when such Development contravenes the provisions of the Zoning Regulations of this Development Agreement. A default of the Owner shall not constitute a default by Developer, default by a developer shall not constitute a default by the Owner.

XIV. MODIFICATION OF AGREEMENT

This Development Agreement may be modified or amended only by the written agreement of the City of Florence and the Owner. No statement, action or agreement hereafter made shall be effective to change, amend, waive, modify, discharge, terminate or effect an abandonment of this Agreement in whole or in part unless such statement, action or agreement is in writing and signed by the party against whom such change, amendment, waiver, modification, discharge, termination or abandonment is sought to be enforced.

The Director of Planning, Research and Development as the Zoning Administrator thru application shall approve minor changes in approved PDD site plans upon making a finding that such changes are less than 10 percent from the original requirements provided the changes are approved by the HOA and are consistent with Section 2.6 of the Zoning Ordinance. The Developer or HOA shall submit notification of minor changes to the Zoning Administrator. The Zoning Administrator shall have 30 days in which to review and provide findings of facts and approval or denial of the request.

XV. NOTICES

Any notice, demand, request, consent, approval or communication which a signatory party is required to and may give to another signatory party hereunder shall be in writing and shall be delivered or addressed to the other at the address below set forth or to such other address as such party may from time to time direct by written notice given in the manner herein prescribed, and such notice or communication shall be deemed to have been given or made when communicated by personal delivery or by independent courier service or by facsimile or if by mail on the fifth (5th) business day after the deposit thereof in the United States Mail, postage prepaid, registered or certified, addressed as hereinafter provided.

All notices, demands, requests, consents, approvals or communications to City of Florence shall be addressed to

The City at: _____

And to the Owner at: _____

With Copy to: _____

XVI. ENFORCEMENT

Any party hereto shall have the right to enforce the terms, provisions and conditions of the Agreement by any remedies available at law or in equity, including specific performance, and the right to recover attorney’s fees and costs associated with said enforcement.

XVII. GENERAL

SUBSEQUENT LAWS. In the event state or federal laws or regulations are enacted after the execution of this Development Agreement or decisions are issued by a court of competent jurisdiction which prevent or preclude compliance with the Act or one or more provisions of this Agreement (“New Laws”), the provisions of this Agreement shall be modified or suspended as may be necessary to comply with such New Laws. Immediately after enactment of any such New Law, or court decision, a party designated by the Owners, and Owners and City of Florence shall meet and confer in good faith in order to agree upon such modification or suspension based on the effect such New Law would have on the purposes and intent on this Agreement. During the time that these parties are conferring on such modification or suspension or challenging the new Laws, City of Florence may take reasonable action to comply with such New Laws. Should these parties be unable to agree to a modification or suspension, either may petition a court of competent jurisdiction for an appropriate modification or suspension of this Agreement. In addition, the Owner, developers and City of Florence each shall have the right to challenge the New Law preventing compliance with the terms of this Agreement. In the event that such challenge is successful, this Agreement shall remain unmodified and in full force and effect.

ESTOPPEL CERTIFICATE. City of Florence, the Owner or any Developer may, at any time, and from time to time, deliver written notice to the other applicable party requesting such party to certify in writing:

- (1) that this Agreement is in full force and effect
- (2) that this Agreement has not been amended or modified, or if so amended, identifying the amendments
- (3) whether, to the knowledge of such party, the requesting party is in default or claimed default in the performance of its obligations under this Agreement, and, if so, describing the nature and amount, if any, of such default or claimed default, and

- (4) whether, to the knowledge of such party, any event has occurred or failed to occur which, with the passage of time or the giving of notice, or both would constitute a default and if so, specifying each such event.

ENTIRE AGREEMENT. This agreement sets forth, and incorporates by reference all of the agreements, conditions and understandings among City of Florence and the Owner relative to the Property and its Development and there are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among these parties relative to the matters addressed herein other than as set forth or as referred to herein.

NO PARTNERSHIP OR JOINT VENTURE. Nothing in this Agreement shall be deemed to create a partnership or joint venture between The City of Florence, the Owner or any Developer or to render such party liable in any manner for the debts or obligations of another party.

EXHIBITS. All exhibits attached hereto and/or referred to in this Agreement are incorporated herein as though set forth in full.

CONSTRUCTION. The parties agree that each party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this agreement or any amendments or exhibits hereto.

ASSIGNMENTS. Subject to the notification provisions hereof, Owner may assign its rights and responsibilities hereunder to subsequent land owners and Developers.

GOVERNING LAW. This Agreement shall be governed by the laws of the State of South Carolina.

COUNTERPARTS. This Agreement may be executed in several counterparts, each of which shall be deemed original, and such counterparts shall constitute but one and the same instrument.

AGREEMENT TO COOPERATE. In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the parties hereby agree to cooperate in defending such action; provided, however, each party shall retain the right to pursue its own independent legal defense.

EMINENT DOMAIN. Nothing contained in this Agreement shall limit, impair or restrict the City of Florence's right and power of eminent domain under the laws of the State of South Carolina.

NO THIRD PARTY BENEFICIARIES. The provisions of this Agreement may be enforced only by the City of Florence, the Owner and Developers. No other persons shall have any rights hereunder.

XVIII. STATEMENT OF REQUIRED PROVISIONS

- A. Specific Statements.** The Act requires that a development agreement must include certain mandatory provisions, pursuant to Section 6-31-60 (A). Although certain of

these items are addressed elsewhere in this Agreement, the following listing of the required provisions is set forth for convenient reference. The numbering below corresponds to the numbering utilized under Section 6-31-60 (A) for the required items:

- 1. LEGAL DESCRIPTION OF PROPERTY AND LEGAL AND EQUITABLE OWNERS.** The legal description of the property is set forth in **EXHIBIT B** attached hereto. The present legal Owner of the Property is _____, or its affiliated entity, and the equitable owner is _____, who will take title prior to the recording hereof.
- 2. DURATION OF AGREEMENT.** The duration of this Agreement is ten (10) years.
- 3. PERMITTED USES, DENSITIES, BUILDING HEIGHTS AND INTENSITIES.** A complete listing and description of permitted uses, population densities, building intensities and heights, as well as other development – related standards, are contained in Zoning Regulations, as prescribed in PDD 2016-01 as adopted by City of Florence City Council.
- 4. REQUIRED PUBLIC FACILITIES.** The utility services available to the Property are described generally above regarding electrical services, telephone service and solid waste disposal. The mandatory procedures of the Zoning Regulations and Land Development and Subdivision Regulations will ensure availability of roads and utilities to serve the residents on a timely basis.
- 5. DEDICATION OF LAND AND PROVISIONS TO PROTECT ENVIRONMENTALLY SENSITIVE AREAS.** No dedications of land to the public are required hereunder. The Zoning Regulations described above, and incorporated herein; contain numerous provisions for the protection of environmentally sensitive areas. All relevant State and Federal laws will be fully complied with, in addition to the important provisions set forth in this Agreement.
- 6. LOCAL DEVELOPMENT PERMITS.** The Development standards for the Property shall be shall be as set forth in the Zoning Regulations. Specific permits must be obtained prior to commencing Development, consistent with the standards set forth in the Zoning Regulations and Land Development and Subdivision Ordinance. Building Permits must be obtained under applicable law for any vertical construction, and appropriate permits must be obtained from the State of South Carolina and Army Corps of Engineers, when applicable, prior to any impact upon freshwater wetlands. It is specifically understood that the failure of this Agreement to address a particular permit, condition, term or restriction does not relieve the Owner, its successors and assigns, of the necessity of complying with the law governing the permitting requirements, conditions, terms of restrictions, unless otherwise provided hereunder.

- 7. **COMPREHENSIVE PLAN AND DEVELOPMENT AGREEMENT.** The Development permitted and proposed under the Zoning Regulations, is consistent with the Comprehensive Plan and with current land use regulations of the City of Florence, South Carolina.
- 8. **TERMS FOR PUBLIC HEALTH, SAFETY AND WELFARE.** The City Council finds that all issues relating to public health, safety and welfare have been adequately considered and appropriately dealt with under the terms of this Agreement, the Zoning Regulations and existing laws.
- 9. **HISTORICAL STRUCTURES.** No specific terms relating to historical structures are pertinent to this Development Agreement. Any historical structure or sites will be addressed through the permitting process at the time of development, as required by the Zoning Regulations, and no exception from any standard is hereby granted.

IN WITNESS WHEREOF, the undersigned parties have executed this **Development Agreement** on the date set forth beneath their respective signatures.

WITNESSES:

ASSIGNEE:

City of Florence
 (Name)

By: _____

Date: _____

ASSIGNOR:

 (Name)

By: _____

Date: _____

STATE OF SOUTH CAROLINA)
)
CITY OF FLORENCE) **ACKNOWLEDGMENT**

I, the undersigned Notary Public, do hereby certify that _____ as authorized _____, on behalf of the limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official Seal this _____ day of _____, 2016.

Notary Public for South Carolina
My Commission Expires:

STATE OF SOUTH CAROLINA)
)
CITY OF FLORENCE) **ACKNOWLEDGMENT**

I, the undersigned Notary Public, do hereby certify that _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this _____ day of _____ 2016.

Notary Public for South Carolina
My Commission Expires:

EXHIBIT A

SOUTH CAROLINA LOCAL GOVERNMENT
DEVELOPMENT AGREEMENT ACT

CHAPTER 31:

SECTION 6-31-10

SECTION 6-31-160

CHAPTER 31
South Carolina Local Government Development Agreement Act

SECTION 6-31-10. Short title; legislative findings and intent; authorization for development agreements; provisions are supplemental to those extant.

(A) This chapter may be cited as the "South Carolina Local Government Development Agreement Act".

(B)(1) The General Assembly finds: The lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning.

(2) Assurance to a developer that upon receipt of its development permits it may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, reduces the economic costs of development, allows for the orderly planning of public facilities and services, and allows for the equitable allocation of the cost of public services.

(3) Because the development approval process involves the expenditure of considerable sums of money, predictability encourages the maximum efficient utilization of resources at the least economic cost to the public.

(4) Public benefits derived from development agreements may include, but are not limited to, affordable housing, design standards, and on and off-site infrastructure and other improvements. These public benefits may be negotiated in return for the vesting of development rights for a specific period.

(5) Land planning and development involve review and action by multiple governmental agencies. The use of development agreements may facilitate the cooperation and coordination of the requirements and needs of the various governmental agencies having jurisdiction over land development.

(6) Development agreements will encourage the vesting of property rights by protecting such rights from the effect of subsequently enacted local legislation or from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the development agreement or in any way hinder, restrict, or prevent the development of the project. Development agreements will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public safety, health, and general welfare of the citizens of our State.

(C) It is the intent of the General Assembly to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.

(D) This intent is effected by authorizing the appropriate local governments and agencies to enter into development agreements with developers, subject to the procedures and requirements of this chapter.

(E) This chapter must be regarded as supplemental and additional to the powers conferred upon local governments and other government agencies by other laws and must not be regarded as in derogation of any powers existing on the effective date of this chapter.

HISTORY: 1993 Act No. 150, Section 1.

SECTION 6-31-20. Definitions.

As used in this chapter:

(1) "Comprehensive plan" means the master plan adopted pursuant to Sections 6-7-510, et seq., 5-23-490, et seq., or 4-27-600 and the official map adopted pursuant to Section 6-7-1210, et seq.

Exhibit A

(2) “Developer” means a person, including a governmental agency or redevelopment authority created pursuant to the provisions of the Military Facilities Redevelopment Law, who intends to undertake any development and who has a legal or equitable interest in the property to be developed.

(3) “Development” means the planning for or carrying out of a building activity or mining operation, the making of a material change in the use or appearance of any structure or property, or the dividing of land into three or more parcels. “Development”, as designated in a law or development permit, includes the planning for and all other activity customarily associated with it unless otherwise specified. When appropriate to the context, “development” refers to the planning for or the act of developing or to the result of development. Reference to a specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this item.

(4) “Development permit” includes a building permit, zoning permit, subdivision approval, rezoning certification, special exception, variance, or any other official action of local government having the effect of permitting the development of property.

(5) “Governing body” means the county council of a county, the city council of a municipality, the governing body of a consolidated political subdivision, or any other chief governing body of a unit of local government, however designated.

(6) “Land development regulations” means ordinances and regulations enacted by the appropriate governing body for the regulation of any aspect of development and includes a local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of property.

(7) “Laws” means all ordinances, resolutions, regulations, comprehensive plans, land development regulations, policies and rules adopted by a local government affecting the development of property and includes laws governing permitted uses of the property, governing density, and governing design, improvement, and construction standards and specifications, except as provided in Section 6-31-140 (A).

(8) “Property” means all real property subject to land use regulation by a local government and includes the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as a part of real property.

(9) “Local government” means any county, municipality, special district, or governmental entity of the State, county, municipality, or region established pursuant to law which exercises regulatory authority over, and grants development permits for land development or which provides public facilities.

(10) “Local planning commission” means any planning commission established pursuant to Sections 4-27-510, 5-23-410, or 6-7-320.

(11) “Person” means an individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, state agency, or any legal entity.

(12) “Public facilities” means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

HISTORY: 1993 Act No. 150, Section 1; 1994 Act No. 462, Section 3.

SECTION 6-31-30. Local governments authorized to enter into development agreements; approval of county or municipal governing body required.

A local government may establish procedures and requirements, as provided in this chapter, to consider and enter into development agreements with developers. A development agreement must be approved by the governing body of a county or municipality by the adoption of an ordinance.

HISTORY: 1993 Act No. 150, Section 1.

SECTION 6-31-40. Developed property must contain certain number of acres of highland; permissible durations of agreements for differing amounts of highland content.

Exhibit A

A local government may enter into a development agreement with a developer for the development of property as provided in this chapter provided the property contains twenty-five acres or more of highland. Development agreements involving property containing no more than two hundred fifty acres of highland shall be for a term not to exceed five years. Development agreements involving property containing one thousand acres or less of highland but more than two hundred fifty acres of highland shall be for a term not to exceed ten years. Development agreements involving property containing two thousand acres or less of highland but more than one thousand acres of highland shall be for a term not to exceed twenty years. Development agreements involving property containing more than two thousand acres and development agreements with a developer which is a redevelopment authority created pursuant to the provisions of the Military Facilities Redevelopment Law, regardless of the number of acres of property involved, may be for such term as the local government and the developer shall elect.

HISTORY: 1993 Act No. 150, Section 1; 1994 Act No. 462, Section 4.

SECTION 6-31-50. Public hearings; notice and publication.

(A) Before entering into a development agreement, a local government shall conduct at least two public hearings. At the option of the governing body, the public hearing may be held by the local planning commission.

(B)(1) Notice of intent to consider a development agreement must be advertised in a newspaper of general circulation in the county where the local government is located. If more than one hearing is to be held, the day, time, and place at which the second public hearing will be held must be announced at the first public hearing.

(2) The notice must specify the location of the property subject to the development agreement, the development uses proposed on the property, and must specify a place where a copy of the proposed development agreement can be obtained.

(C) In the event that the development agreement provides that the local government shall provide certain public facilities, the development agreement shall provide that the delivery date of such public facilities will be tied to defined completion percentages or other defined performance standards to be met by the developer.

HISTORY: 1993 Act No. 150, Section 1.

SECTION 6-31-60. What development agreement must provide; what it may provide; major modification requires public notice and hearing.

(A) A development agreement must include:

(1) a legal description of the property subject to the agreement and the names of its legal and equitable property owners;

(2) the duration of the agreement. However, the parties are not precluded from extending the termination date by mutual agreement or from entering into subsequent development agreements;

(3) the development uses permitted on the property, including population densities and building intensities and height;

(4) a description of public facilities that will service the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development;

(5) a description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property as may be required or permitted pursuant to laws in effect at the time of entering into the development agreement;

(6) a description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing the permitting requirements, conditions, terms, or restrictions;

Exhibit A

(7) a finding that the development permitted or proposed is consistent with the local government's comprehensive plan and land development regulations;

(8) a description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens; and

(9) a description, where appropriate, of any provisions for the preservation and restoration of historic structures.

(B) A development agreement may provide that the entire development or any phase of it be commenced or completed within a specified period of time. The development agreement must provide a development schedule including commencement dates and interim completion dates at no greater than five year intervals; provided, however, the failure to meet a commencement or completion date shall not, in and of itself, constitute a material breach of the development agreement pursuant to Section 6-31-90, but must be judged based upon the totality of the circumstances. The development agreement may include other defined performance standards to be met by the developer. If the developer requests a modification in the dates as set forth in the agreement and is able to demonstrate and establish that there is good cause to modify those dates, those dates must be modified by the local government. A major modification of the agreement may occur only after public notice and a public hearing by the local government.

(C) If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the development agreement.

(D) The development agreement also may cover any other matter not inconsistent with this chapter not prohibited by law.

HISTORY: 1993 Act No. 150, Section 1.

SECTION 6-31-70. Agreement and development must be consistent with local government comprehensive plan and land development regulations.

A development agreement and authorized development must be consistent with the local government's comprehensive plan and land development regulations.

HISTORY: 1993 Act No. 150, Section 1.

SECTION 6-31-80. Law in effect at time of agreement governs development; exceptions.

(A) Subject to the provisions of Section 6-31-140 and unless otherwise provided by the development agreement, the laws applicable to development of the property subject to a development agreement, are those in force at the time of execution of the agreement.

(B) Subject to the provisions of Section 6-31-140, a local government may apply subsequently adopted laws to a development that is subject to a development agreement only if the local government has held a public hearing and determined:

(1) the laws are not in conflict with the laws governing the development agreement and do not prevent the development set forth in the development agreement;

(2) they are essential to the public health, safety, or welfare and the laws expressly state that they apply to a development that is subject to a development agreement;

(3) the laws are specifically anticipated and provided for in the development agreement;

(4) the local government demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement which changes, if not addressed by the local government, would pose a serious threat to the public health, safety, or welfare; or

(5) the development agreement is based on substantially and materially inaccurate information supplied by the developer.

(C) This section does not abrogate any rights preserved by Section 6-31-140 herein or that may vest pursuant to common law or otherwise in the absence of a development agreement.

HISTORY: 1993 Act No. 150, Section 1.

SECTION 6-31-90. Periodic review to assess compliance with agreement; material breach by developer; notice of breach; cure of breach or modification or termination of agreement.

(A) Procedures established pursuant to Section 6-31-40 must include a provision for requiring periodic review by the zoning administrator, or, if the local government has no zoning administrator, by an appropriate officer of the local government, at least every twelve months, at which time the developer must be required to demonstrate good faith compliance with the terms of the development agreement.

(B) If, as a result of a periodic review, the local government finds and determines that the developer has committed a material breach of the terms or conditions of the agreement, the local government shall serve notice in writing, within a reasonable time after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the developer a reasonable time in which to cure the material breach.

(C) If the developer fails to cure the material breach within the time given, then the local government unilaterally may terminate or modify the development agreement; provided, that the local government has first given the developer the opportunity:

(1) to rebut the finding and determination; or

(2) to consent to amend the development agreement to meet the concerns of the local government with respect to the findings and determinations.

HISTORY: 1993 Act No. 150, Section 1.

SECTION 6-31-100. Amendment or cancellation of development agreement by mutual consent of parties or successors in interest.

A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

HISTORY: 1993 Act No. 150, Section 1.

SECTION 6-31-110. Validity and duration of agreement entered into prior to incorporation or annexation of affected area; subsequent modification or suspension by municipality.

(A) Except as otherwise provided in Section 6-31-130 and subject to the provisions of Section 6-31-140, if a newly-incorporated municipality or newly-annexed area comprises territory that was formerly unincorporated, any development agreement entered into by a local government before the effective date of the incorporation or annexation remains valid for the duration of the agreement, or eight years from the effective date of the incorporation or annexation, whichever is earlier. The parties to the development agreement and the municipality may agree that the development agreement remains valid for more than eight years; provided, that the longer period may not exceed fifteen years from the effective date of the incorporation or annexation. The parties to the development agreement and the municipality have the same rights and obligations with respect to each other regarding matters addressed in the development agreement as if the property had remained in the unincorporated territory of the county.

(B) After incorporation or annexation the municipality may modify or suspend the provisions of the development agreement if the municipality determines that the failure of the municipality to do so would place the residents of the territory subject to the development agreement, or the residents of the municipality, or both, in a condition dangerous to their health or safety, or both.

(C) This section applies to any development agreement which meets all of the following:

(1) the application for the development agreement is submitted to the local government operating within the unincorporated territory before the date that the first signature was affixed to the petition for incorporation or annexation or the adoption of an annexation resolution pursuant to Chapter 1 or 3 of Title 5; and

(2) the local government operating within the unincorporated territory enters into the development agreement with the developer before the date of the election on the question of incorporation or

Exhibit A

annexation, or, in the case of an annexation without an election before the date that the municipality orders the annexation.

HISTORY: 1993 Act No. 150, Section 1.

SECTION 6-31-120. Developer to record agreement within fourteen days; burdens and benefits inure to successors in interest.

Within fourteen days after a local government enters into a development agreement, the developer shall record the agreement with the register of mesne conveyance or clerk of court in the county where the property is located. The burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

HISTORY: 1993 Act No. 150, Section 1.

SECTION 6-31-130. Agreement to be modified or suspended to comply with later-enacted state or federal laws or regulations.

In the event state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, the provisions of the agreement must be modified or suspended as may be necessary to comply with the state or federal laws or regulations.

HISTORY: 1993 Act No. 150, Section 1.

SECTION 6-31-140. Rights, duties, and privileges of gas and electricity suppliers, and of municipalities with respect to providing same, not affected; no extraterritorial powers.

(A) The provisions of this act are not intended nor may they be construed in any way to alter or amend in any way the rights, duties, and privileges of suppliers of electricity or natural gas or of municipalities with reference to the provision of electricity or gas service, including, but not limited to, the generation, transmission, distribution, or provision of electricity at wholesale, retail or in any other capacity.

(B) This chapter is not intended to grant to local governments or agencies any authority over property lying beyond their corporate limits.

HISTORY: 1993 Act No. 150, Section 1.

SECTION 6-31-145. Applicability to local government of constitutional and statutory procedures for approval of debt.

In the event that any of the obligations of the local government in the development agreement constitute debt, the local government shall comply at the time of the obligation to incur such debt becomes enforceable against the local government with any applicable constitutional and statutory procedures for the approval of this debt.

HISTORY: 1993 Act No. 150, Section 1.

SECTION 6-31-150. Invalidity of all or part of Section 6-31-140 invalidates chapter.

If Section 6-31-140 or any provision therein or the application of any provision therein is held invalid, the invalidity applies to this chapter in its entirety, to any and all provisions of the chapter, and the application of this chapter or any provision of this chapter, and to this end the provisions of Section 6-31-140 of this chapter are not severable.

HISTORY: 1993 Act No. 150, Section 1.

Exhibit A

SECTION 6-31-160. Agreement may not contravene or supersede building, housing, electrical, plumbing, or gas code; compliance with such code if subsequently enacted.

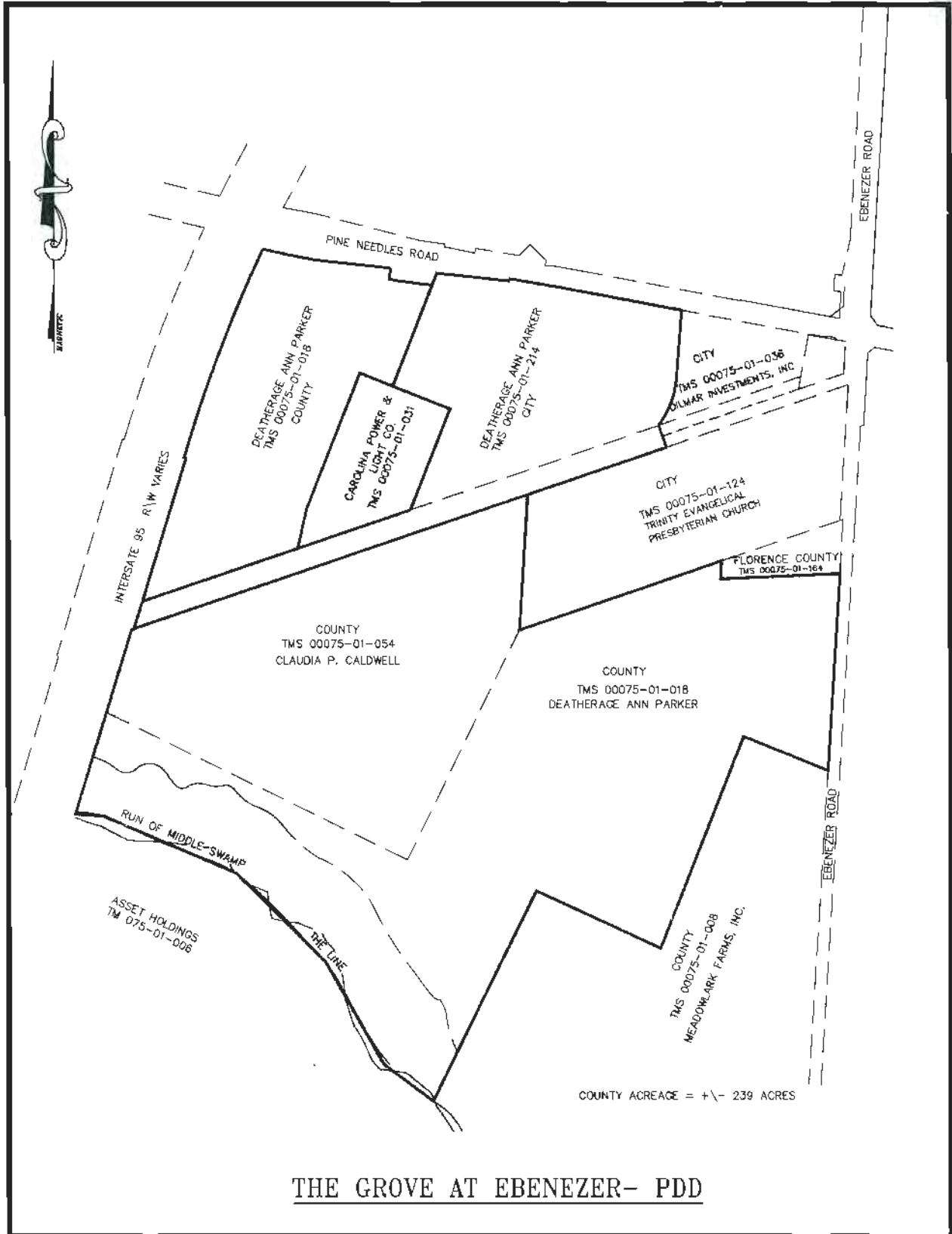
Notwithstanding any other provision of law, a development agreement adopted pursuant to this chapter must comply with any building, housing, electrical, plumbing, and gas codes subsequently adopted by the governing body of a municipality or county as authorized by Chapter 9 of Title 6. Such development agreement may not include provisions which supersede or contravene the requirements of any building, housing, electrical, plumbing, and gas codes adopted by the governing body of a municipality or county.

HISTORY: 1993 Act No. 150, Section 1.

EXHIBIT B

PARKER TRACT BOUNDARY AND LEGAL
DESCRIPTION

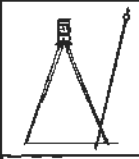
Exhibit B - Boundary and Legal Description



THE GROVE AT EBENEZER- PDD

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS IN THE STANDARD OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS " " SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO ENCROACHMENTS, PROJECTIONS, OR SETBACKS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN. ALSO I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD MAP _____, EFFECTIVE DATE _____ AND FOUND THE SUBJECT PROPERTY TO NOT BE IN A FLOOD ZONE.

NOTE: THIS PROPERTY IS SUBJECT OF ANY AND ALL RIGHTS-OF-WAY, EASEMENTS, COVENANTS AND RESTRICTIONS, RECORDED OR UNRECORDED, THAT MAY APPLY. UNLESS NOTED HEREON THIS MAP DOES NOT ADDRESS ENVIRONMENTAL CONCERNS OR SUBSURFACE INVESTIGATION.



NESBITT SURVEYING CO., INC.
 4340 ALLIGATOR ROAD
 U.S. HIGHWAY 76 & ALLIGATOR ROAD
 TIMMONSVILLE, S.C. 29161
 PHONE (843) 346-3302
 FAX (843) 346-5902
 email davidn@nesbittsurveying.com

DAVID A. NESBITT RLS NO 7823

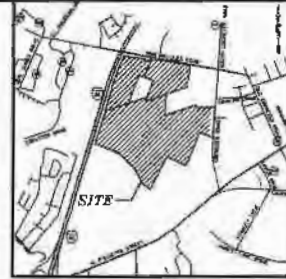
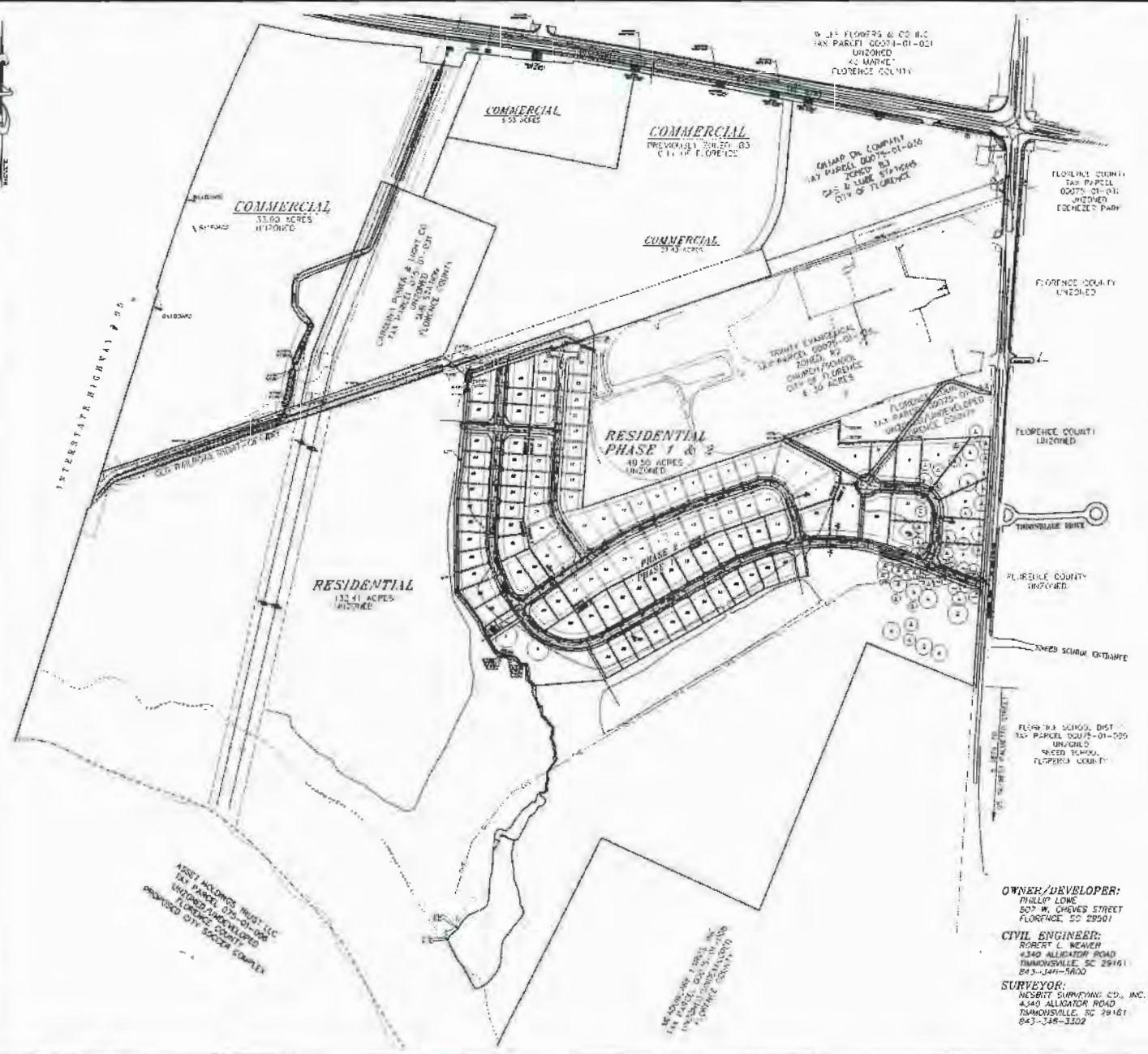


DATE: FEBRUARY 19, 2016
 JOB NO: 16111Z
 FLD BK:
 PAGE:
 REF JOB#:
 TAX MAP #:
 SCALE 1" = 500 FT
 GRAPHIC SCALE: 0, 250, 500, 1000

FILE#

EXHIBIT C

PARKER TRACT GENERAL DEVELOPMENT PLAN
(PDD)



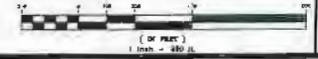
LOCATION MAP SCALE 1"=2000'

SITE DATA
 TAX MAP NO'S: 20725-01-018, 20725-01-021, K 00928-01-214
 TOTAL ACRES: 246.78 ACRES
 PHASE 1 AND PHASE 2 43.50 ACRES
 NUMBER OF LOTS: PHASE 1 58
 PHASE 2 42
 TOTAL 100

ZONED, PLANNED DEVELOPMENT DISTRICT (PDD)
 PHASE 1 & 2 BUILDING SETBACK LIMITS:
 FRONT - 20' - 25'
 SIDE - 5'
 REAR - 20'
 SIDE STREET 10'

A PORTION OF THIS PARCEL LIES IN FLOOD ZONE "AE" AS SHOWN ON FLOOD INSURANCE MAP NUMBER 45041C019E DATED 7/10/14.
 PLANNED DEVELOPMENT DISTRICT (PDD):
 DEVELOPMENT STANDARDS

- TOTAL ACRES 246.78
- DENSITY**
 COMMERCIAL: 70 ACRES AT 1,680 SQUARE FEET COMMERCIAL SPACE PER ACRE WITH LAND USES PRIMARILY FOUND IN THE B-2 ZONING DISTRICT PER 2016 CITY OF FLORENCE ZONING ORDINANCE. SEE ATTACHED SCHEDULE A PROPERTY BANNED COMMERCIAL. MAY ALSO INCLUDE ANY OF THE RESIDENTIAL DISTINCTIONS LISTED IN THE RESIDENTIAL AREAS DESCRIBED BELOW PROVIDED A MIXTURE OF COMMERCIAL AND RESIDENTIAL USES WILL BE MAINTAINED.
 RESIDENTIAL:
 1.5 ACRES OF SINGLE-FAMILY AVERAGE DENSITY OF 3.5 UNITS PER ACRE INCLUDED IN THE RESIDENTIAL ACRES IS A MAXIMUM OF 24 ACRES FOR MULTI-FAMILY RESIDENTIAL TO INCLUDE CONDOS, TOWNHOUSES AND APARTMENTS. DENSELY DEVELOPED WITH ANY FORM OF RESIDENTIAL HOUSING DENSITY APPROPRIATE BY DEVELOPER. AT AN AVERAGE DENSITY IN UNITS PER ACRE. DEVELOPMENT STANDARDS CAN BE FOUND WITHIN THE ADOPTED PDD 2016-01.
 MULTI-FAMILY:
 1.5 ACRES OF MULTI-FAMILY WITH AN AVERAGE DENSITY OF 18 UNITS PER ACRE. DEVELOPMENT STANDARDS ARE LISTED IN THE ADOPTED PDD 2016-01 (ENIGHT C). MULTI-FAMILY USE IS PERMITTED WITHIN COMMERCIAL AND RESIDENTIAL SECTIONS OF PDD 2016-01. THE TOTAL 80 ACRES CONSIST OF 24 ACRES WITHIN THE RESIDENTIAL, SECTORS AND 56 ACRES OF THE COMMERCIAL SECTION.
 * DENIMES ARE EXCLUSIVE OF THE 31+ ACRES IDENTIFIED AS OPEN SPACE
- OVERALL SITE DESIGN**
 OVERALL SITE DESIGN SHALL BE MAINTAINED IN TERMS OF LANDSCAPING, ENCLOSURE OF PRINCIPAL AND ACCESSORY USES, SIZE OF STRUCTURES, STREET PATTERNS AND USE RELATIONSHIPS. VARIETY IN BUILDING TYPES, HEIGHTS, FACADES, SETBACKS AND SIZE OF OPEN SPACES SHALL BE ENCOURAGED.
 PHASES AND SUB-PHASES OF DEVELOPMENT SHALL BE SUBMITTED TO STAFF OF THE CITY OF FLORENCE DEPARTMENT OF PLANNING, RESEARCH AND DEVELOPMENT. ALL BOUNDARIES OF PHASES AND SUB-PHASES SHALL BE IDENTIFIED ON AN AVERAGED MAP IN PDD 2016-01 ALSO KNOWN AS "THE GROVE" A PLAT SHALL BE SUBMITTED PRIOR TO DEVELOPMENT OF ANY PHASE OR SUB-PHASE OF THIS DEVELOPMENT. EACH PLAT SHALL IDENTIFY ON SAID PLAT, WITH WHICH ZONING DISTRICT CONTAINED WITHIN PDD 2016-01 THAT PARTICULAR PHASE OR SUB-PHASE WILL BE DEVELOPED.
- PARKING & LOADING** - SEE ATTACHED SCHEDULE A PDD 2016-01.
- BUFFER AREAS** - THE OLD BALDWIN RIGHT-OF-WAY WILL BE USED AS A BUFFER BETWEEN THE COMMERCIAL PROPERTY AND RESIDENTIAL PROPERTIES. NO BUFFERS WILL BE REQUIRED WITHIN THE RESIDENTIAL PROPERTY. PERMITTED BUFFERS ALONG RD AND BRANCHER ROAD WILL BE INCLUDED IN THE LOTS AT A MINIMUM OF 25 FEET.
- LANDSCAPE AND COMMON OPEN SPACE** - COMMERCIAL AND APARTMENT PROPERTY SHALL FOLLOW REQUIREMENTS OF SECTION 4.3 AND 4.4 IN THE ZONING ORDINANCE DATED OCTOBER 2014.
- STORAGE**
 STORAGE WITHIN THE COMMERCIAL SECTION OF THIS PLANNED DEVELOPMENT SHALL MEET THE PDD AND B-2 STANDARDS OF THE CITY OF FLORENCE ZONING ORDINANCE AT THE DATE OF THE ADOPTED PDD 2016-01. THE DEVELOPER HAS THE OPTION TO VARY STORAGE BASES ON REQUIREMENTS OF TENANTS AND OVERALL DEVELOPMENT CONCEPT.
- UTILITIES IMPROVEMENTS RATING**: A. COMMERCIAL IS 70%
 B. SINGLE FAMILY RESIDENTIAL IS 70%
 C. MULTI-FAMILY IS 70%
- FOR ADDITIONAL SITE INFORMATION SEE SCHEDULE A AND B
- SEE ATTACHED SCHEDULE B PDD 2016-01 FOR PERMITTED LAND USES



OWNER/DEVELOPER:
 PHILIP LOWE
 507 W. CHEVES STREET
 FLORENCE, SC 29501

CIVIL ENGINEER:
 ROBERT L. WEAVER
 4340 ALLIGATOR ROAD
 TAYLORVILLE, SC 29161
 843-349-5600

SURVEYOR:
 NESBITT SURVEYING CO., INC.
 4340 ALLIGATOR ROAD
 TAYLORVILLE, SC 29161
 843-349-3302

ASST. MANAGER INDUSTRIAL
 THE PARCEL 07-01-018
 UNZONED, UNDEVELOPED
 FLORENCE COUNTY
 ADJACENT TO 3200 ACRES COMPLEX

THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20
<p>THIS PLANING AND THE DEVELOPMENT OF THE SITE IS THE PROPERTY OF THE DEVELOPER. THE DEVELOPER HAS THE RIGHT TO REUSE THE SITE FOR ANY PURPOSES AND TO REUSE THE SITE FOR ANY PURPOSES.</p> <p>DESCRIPTION: OVERALL SITE PDD DEVELOPMENT PLAN</p> <p>PROJECT: THE GROVE</p> <p>OWNER: PHILIP LOWE</p> <p>PREPARED BY: ROBERT L. WEAVER, P.E. 4340 ALLIGATOR ROAD TAYLORVILLE, S.C. 29161</p> <p>PROJECT NO. 15030</p> <p>SHEET: 1</p>																			

Schedule A – Permitted Land Uses

Schedule A - Residential

	NAICS	Single Family Residential
Residential Uses		
Site Built Dwellings		
Single-family detached	81411	P
Duplex	81411	P
Townhouse (Sec. 3.1)	81411	P
Patio Home (Sec. 3.2)	81411	P
Triplex	81411	P
Quadraplex	81411	P
Multi-family	81411	P
Rooming & boarding houses	72131	N
Bed & Breakfast Inns (Sec. 3.3)	721191	N
Manufactured Dwellings (Footnote)		
Residential Designed (Sec. 3.4)	81411	P
Standard Designed (Sec. 3.4)	81411	N
Mobile Home (Sec. 3.4)	81411	N
Modular Home	81411	P
Manufactured Home Park (Sec. 3.7)	81411	N
Accessory Uses (Sec. 7.6)		
Bathhouses, cabanas	NA	P
Domestic animal shelters	NA	P
Child day care services	6244	P
Satellite dishes/antennas	NA	P
Accessory Apartment (Sec. 3.7)	NA	N
Coin operated laundries & dry cleaners	81231	N
Non-commercial greenhouse	NA	P
Private garage & carport	NA	P
Storage building	NA	P
Swimming pool, tennis courts	NA	P
Auxiliary shed, work shop	NA	P
Home Occupation (Sec. 3.8)	NA	C
Horticulture, gardening	NA	P
Signs – See Article V		
Support Uses		
Recreational		
Public parks, playgrounds, & community centers	71394	P
Golf courses, public & private	71391	P
Swimming & tennis clubs	71394	P
Educational		
Elementary schools	6111	P
Secondary schools	6111	P

C – Conditional, shall meet the applicable design standards within the City of Florence Zoning Ordinance at the date of the adopted PDD 2016-01.

	NAICS	Single Family Residential
Supported Uses Cont'd		
Social		
Nursing & residential care facilities	623	P
Day care services	62441	P
Religious organizations	81311	P
Utilities		
Communication transmission only, except towers/antennas	5133	P
Communication towers & antennas	51332	N
Electric, gas, transmission only	221121	P
Sewerage treatment facilities	22132	P
Water supply & irrigation systems	22131	P
Public Order & Safety		
Fire Protection	92216	P
Temporary Uses		
Temporary Uses (Sec. 3.9)		C

C – Conditional, shall meet the applicable design standards within the City of Florence Zoning Ordinance at the date of the adopted PDD 2016-01.

Schedule A - Commercial

	NAICS		Commercial							
Sector 11: Agriculture, Forestry, Fishing, and Hunting										
Agricultural Production, crops	111		P							
Agricultural Production, Livestock, animals	112									
Livestock, except feedlots	112111		N							
Feedlots	112112		N							
Poultry & eggs	1123		N							
Animal specialties	1129		N							
Horses & other equine	11292		N							
General Farms	11299		N							
Fishing, Hunting, Trapping	1141-2		P							
Agricultural Services	115		P							
Forestry	11531		P							
Sector 21: Mining										
Mining	212		P							
Sector 22: Utilities										
Electric, gas, & sanitary services	221									
Electric	2211									
Generation	22111		P							
Transmission	22112		P							
Natural gas distribution	2212		P							
Water supply systems	22131									
Storage/Treatment	22131		P							
Transmission	22131		P							
Sewerage systems	22132									
Collection	22132		P							
Treatment	22132		P							
Steam & Air Conditioning supply	22133		P							
Sector 23: Construction										
Bldg. Construction – general contract & operative builders	233		P							
Heavy construction other than building construction-contractors	234		P							
Special Trade Contractors	235		P							
Sector 31-33: Manufacturing										
Food	311		P							
Beverage & Tobacco	312		P							
Textile mill products	313		N							
Textile Product Mills	314		N							
Apparel	315		P							
Leather & allied products	316		N							
Wood products	321		N							
Paper & allied products	322		N							
Petroleum products	324		N							
Chemical products	325		N							

	NAICS		Commercial							
Sector 31-33: Manufacturing – cont'd										
Plastic & Rubber	326		N							
Nonmetallic Mineral products	327		N							
Primary Metal Industry	331		N							
Fabricated metal products	332		N							
Machinery	333		N							
Computer & Electronic Products	334		P							
Electrical equipment, Appliances & components	335		N							
Transportation equipment	336		N							
Furniture & related products	337		P							
Misc. manufacturing Indus.	339		N							
Sector 42: Wholesale Trade										
Wholesale trade-durable goods	421		P							
Recycle materials (Sec. 3.12)	42193		N							
Wholesale trade-nondurable goods	422		P							
Sector 44-45: Retail Trade										
Motor vehicle & parts	441		P							
Automotive dealers	4411		P							
Other motor vehicle dealers	4412		P							
Automotive parts	4413		P							
Furniture & home furnishings	442		P							
Electronics & Appliances	443		P							
Building materials, garden supplies	444									
Building materials & supplies	4441		P							
Paint & wallpaper	44412		P							
Hardware stores (Sec. 3.13)	44413		P							
Lawn & garden equipment & supplies stores	4442		P							
Food stores (3.13)	445		P							
Beer, Wine, & Liquor stores (Sec 3.13)	4453		P							
Health & Personal care (Sec. 3.13)	446		P							
Gasoline stations	447		P							
Truck stops	44719		P							
Clothing & accessory stores	448		P							
Sporting goods, Hobbies, Books, & Music	451		P							
General Merchandise, except pawn shops & flea markets (Sec. 3.13)	452		P							
Miscellaneous retail	453		P							
*Florists	453110		P							
Used merchandise, except pawn shops & flea markets (Sec. 3.13)	4533		P							
Flea Markets	4533		N							
Retail not elsewhere classified except grave monuments, fireworks, sexually oriented businesses	4539		P							
Manufactured home dealers	45393		N							
Fireworks	453998		P							
	NAICS		Commercial							
Gravestones, monuments	443998		P							
Miscellaneous retail	45399		P							
Non-store retailers	454		P							
Fuel Dealers	45431		P							

Sector 48-49: Transportation Warehousing										
Air Transportation	481				P					
Rail Transportation	482				P					
Truck Transportation	484				P					
Transit and ground passenger transportation	485				P					
Scenic & Sightseeing Transportation	487				P					
Support Activities for Transportation	488				P					
U.S. Postal Service	491				P					
Couriers & Messengers	492				P					
Warehousing & Storage	493				P					
Sector 51: Information										
Publishing Industries	511				P					
Motion pictures & Sound Industries	51				P					
Motion picture theaters	512131				P					
Broadcasting & Telecommunications	513				P					
Communication Tower & Ant. (Sec. 3.11)	5131				C					
Info. Services & Data Processing	514				P					
Libraries	51212				P					
Sector 52: Finance & Insurance										
Banks	521				P					
Credit Intermediation	522				P					
Pawn Shops	522298				P					
Security & commodity contracts, financial investments	523				P					
Insurance Carriers & related activities	524				P					
Funds, Trust, & other financial vehicles	525				P					
Sector 53: Real Estate & Rental & Leasing										
Real Estate	531				P					
Mini-warehouses	53113				P					
Rental & Leasing Services	532				P					
Video tape rental (Sec. 3.13)	53223				P					
Sector 53: Real Estate & Rental & Leasing										
Professional, Scientific, Technical Svcs.	541				P					
Display advertising – Signs	54185								See Article V	
Legal services	5411				P					
Engineering, accounting, research management & related services	5412-9				P					
Tax return prep. service	541213				P					
Sector 54: Professional, Scientific, Technical Services – cont'd										
Photographic studios, portraits	54192				P					
Veterinary Services	54194				P					
Sector 55: Management of Companies and Enterprises										
Mgmt. Of Companies and Enterprises	551				P					
Sector 56: Administrative and Support and Waste Management and Remediation Services										
Administrative & support services	561				P					

	NAICS		Commercial						
Landscape services	56173		P						
Refuse systems (Sec. 3.14)	562		C						
Sector 61: Educational Services									
Educational Services	6117		P						
Elementary Schools	6111		P						
Secondary Schools	6111		P						
Jr. Colleges, Colleges, Universities, professional schools	6112-3		P						
Business schools, Computer, & Management Training	6114-5		P						
Other schools and instruction	6116		P						
Education Support Services	6117		P						
Sector 62: Health Care and Social Assistance									
Ambulatory Health Care Services	62		P						
Medical & dental laboratories	6215		P						
Home health care services	6216		P						
Hospitals	622		P						
Nursing & residential care facilities	623		P						
Nursing Care Facilities	623		P						
Community Care for Elderly	623		P						
Social Services	624		P						
Individual & Family Social Services	6241		P						
Community, Food & Housing & Emergency & Relief services	6242		P						
Rehabilitation services	6243		P						
Day care services	6244		P						
Sector 71: Arts, Entertainment, and Recreation									
Performing Arts & Spectator Sports	711		P						
Performing Art Companies	7111		P						
Spectator Sports	7112		P						
Museums, Historical sites, & Similar Institutions	712		P						
Sector 71: Arts, Entertainment, and Recreation – cont'd									
Amusement, Gambling, & Recreation	713		P						
Amusement Parks & Arcades	71311		P						
Coin operated amusement, cash payouts more than 5 machines (Sec. 3.17)	7132		C						
Golf courses & Country Clubs	71391		P						
Marinas	71392		N						
Public parks & playgrounds	71394		P						
Physical fitness facilities	71394		P						
Bowling centers	71395		P						
Coin operated amusement non-cash payouts	71399		P						
All other Amusement & Recreational Industries	71399		P						
Sector 72: Accommodation and Food Services									
Accommodations	721	NAICS	Commercial						

Hotels & motels	72111			P							
Bed and Breakfast Inns (Sec. 3.3)	721191			P							
Camps & recreational vehicle parks	721191			C							
Rooming & boarding houses, dormitories, group housing	72121			P							
Eating Places	7221-3			P							
Drinking Places (Sec. 3.20)	7224			P							
Sector 81: Other Services (except Public Administration)											
Auto repair & maintenance (Sec. 3.13)	8111			P							
Car washes (multiple bays)	811192			P							
Other Repair (Sec. 3.13)	8112-4			P							
Shoe repair, shoe shine shops	81143			P							
Personal & Laundry services	812										
Personal Care Services	81221			P							
Tattoo Facilities (Sec. 3.23)	812199			C							
Funeral Homes & Services	81221			P							
Cemeteries	81221			P							
Crematories	81222			N							
Laundry & Dry Cleaning Services	8123			P							
Coin operated laundries/dry cleaning	81231			P							
Pet Care	81291			P							
Automotive parking lots & garages	81293			P							
Sexually oriented business (Sec. 3.15)	81299			N							
All other personal services	81299			P							
Religious, fraternal, professional, political, civic, business organizations	813			P							
Religious Organizations	81211			P							
All Other Organizations	8132-9			P							
Sector 92: Public Administration											
Executive, legislative, & general govt.	921			P							
Justice, public order & safety	922			P							
Courts	92211			P							
Police Protection	82212			P							
Correctional institution	92214			P							
Fire Protection	92216			P							
Administration of human resources	923			P							
Ad. of environ. Quality & housing prog.	924-5			P							
Administration of economic programs	926			P							
Space Research & Technology	927			P							
National Security & Internal Affairs	928			P							

Residential Uses									
Site Built Dwellings	NA								
	NAICS			Commercial					
Single-family detached	NA			P					
Duplex	NA			P					
Over-under Duplex	NA			P					
Multiplex/Quadraplex	NA			P					
Weak-link townhouse	NA			P					
Townhouse	NA			P					
Multi-family, apts. (Sec. 3.19)	NA			P					
Rooming & Boarding houses	72131			P					
Manufactured Dwellings									
Residential designed (Sec. 3.4)	NA			N					
Standard designed (Sec. 3.4)	NA			N					
Mobile Homes (Sec. 3.5)	NA			N					
Modular Homes	NA			P					
Accessory Uses to Residential Uses									
Bathhouses & cabanas	NA			P					
Domestic animal shelters	NA			P					
Non-commercial greenhouses	NA			P					
Private garage & carport	NA			P					
Storage building	NA			P					
Swimming pool, tennis courts	NA			P					
Auxiliary shed, workshop	NA			P					
Home occupation (Sec. 3.8)	NA			P					
Horticulture, gardening	NA			P					
Family day care home	NA			P					
Satellite dishes, etc.	NA			P					
Accessory Uses to Residential Uses									
Buildings, structures	NA			P					
Open storage (Sec. 3.18)	NA			C					
Temporary Uses									
All Temporary Uses (Sec. 3.9)	NA			C					

Schedule B- Development Standards

Table A –Single Family Detached and Commercial

“The Grove” is a mixed use development consisting of various types of residential and commercial development. Development will occur in phases and be consistent with the development agreement identified as City of Florence Ordinance number 2016-____. Each phase will be submitted to staff of the Department of Planning, Research and Development for review and approval according to the zoning and development standards set forth herewith and attached to this document.

Table A

District	Minimum Lot Area (a)		Lot Width (ft) (b)	Front Yard Setback	Side Yard Setback		Rear Yard Setback Minimum		Max Hgt. (ft) (c)	Max Impervious Surface Ratio (%)
	Residential	Non-Residential			Res	Non Res	Res	Non Res		
Single Family Residential	6000	6000	50	20	5	5	15	25	48	70
Multi-Family	N/A		N/A	N/A	20	20	20	20	5 stories	75
Duplexes & Town Homes	2,200	2,200	22	20	0	0	20	20	45	75
Commercial	5,000	5,000	50	*1	5	5	20	20	(d)	90

Notes to Table A

- (a) Lot area is expressed in square feet.
- (b) Measurement from front property line.
- (c) Measurement from average elevation of finished grade of the front of the structure.
- (d) 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.

NA=Not Applicable

DENSITY*

Commercial

70 acres at 11,000 square feet commercial space per acre with land uses primarily found in the B-3 Zoning District per 2016 City of Florence Zoning Ordinance. See attached Schedule A. Property marked Commercial may also include any of the residential distinctions listed in the residential areas described below, provided a mixture of commercial and residential uses will be maintained.

Residential

140 acres of Single-family average density of 3.5 units per acre. Included in the residential acreage is a maximum of 24 acres for Multi-family Residential to include condos, townhouses, and apartments, duplex, triplex, quadraplex and any form of residential housing deemed appropriate by Developer, at an average density 18 units per acre. Development standards can be found within the adopted PDD 2016-01.

Multi-family

92 acres of multifamily with an average density of 18 units per acre. Development standards are listed in the adopted PDD 2016-01 (Exhibit C). Multifamily use is permitted within Commercial and Residential sections of PDD 2016-01. The total 92 acres consist of 24 acres within the Residential section, and 68 acres of the Commercial section.

* Densities are exclusive of the 31+- acres identified as open space in the development agreement adopted as City of Florence Ordinance Number 2016 - _____.

PHASING

Phases and sub-phases of development shall be submitted to staff of the City of Florence Department of Planning, Research and Development. All boundaries of phases and sub-phases shall be identified on an amended map of PDD 2016-01 also known as "The Grove." A plat shall be submitted prior to development of any phase or sub-phase of this development. Each plat shall identify, on said plat, with which zoning district contained within PDD 2016-01 that particular phase or sub-phase will be developed.

BUFFERING

Buffering along property lines external to "The Grove" development shall be governed by Article 4 of the City of Florence Zoning Ordinance. Interior buffering to "The Grove" shall be provided and determined by the developer at time of development.

PARKING

Parking shall be provided per use category as identified on Tables 2.3 and 2.4 of the City of Florence Zoning Ordinance, or a parking standard approved by the City of Florence which complies with current industry standards at time of development. Determination of number of parking spaces shall be consistent with the North American Industry Classification System (NAICS) code for each prescribed use in Schedule A of PDD 2016-01.

SIGNAGE

Signage within the commercial section of this Planned Development will meet the PDD and B-2 standards of the City of Florence Zoning Ordinance at the date of the adopted PDD 2016-01. The developer has the option to vary signage based on requirements of tenants and overall development concept.

ORDINANCE NO. 2016-_____

AN ORDINANCE TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FLORENCE AND THE DEVELOPER OF “THE GROVE AT EBENEZER” (PDD 2016-01) AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS ASSOCIATED THEREWITH, PROPERTIES BEING SPECIFICALLY DESIGNATED IN THE FLORENCE COUNTY TAX RECORDS AS TAX MAP PARCEL 00075-01-214, 00075-01-018 AND 00075-01-054:

WHEREAS, the first of two a Public Hearings will be held in the City Center Council Chambers on April 12, 2016 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, the second of two Public Hearings will be held in the City Center Council Chambers on May 9, 2016 at 1:00 P.M. before the City of Florence City Council and notice of said hearing was duly given;

WHEREAS, the Developer of the “The Grove at Ebenezer”(PDD 2016-01) properties, requests to rezone, and zone pending annexation, the above referenced properties to the Planned Development District Zoning designation;

WHEREAS, the State of South Carolina established the South Carolina Local Government Development Agreement Act in 1993 authorizing local governmental entities to enter into development agreements which the state recognized as a potentially valuable tool to be utilized to encourage healthy and appropriate growth through facilitation of private development;

WHEREAS, by Ordinance No. 2016-12, City Council established a new Article IV in Chapter 16 of the Florence Code of Ordinances and adopting code Section 16-41 pursuant Section 6-31-30 of the South Carolina Code of Laws in order to authorize the City to utilize the provisions the South Carolina Local Government Development Agreement Act to enter into development agreements;

WHEREAS, Florence City Council concurs in the aforesaid Development Agreement, and the findings and recommendations contained therein.

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 to enter into a Development Agreement between the City of Florence and the developer of “The Grove at Ebenezer”(Attachment 2) and

authorizing the City Manager to execute all documents associated therewith, properties being specifically designated in the Florence County Tax Records as Tax Map Parcel 00075-01-214, 00075-01-018 and 00075-01-054;

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 _____, 2016

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: April 11, 2016

AGENDA ITEM: Public Hearing and Ordinance to Annex and Zone Property Owned by Georgia Belin, TMN 90059-03-022

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex property located at 1019 West Carver Street, Tax Map Number 90059-03-022, into the City of Florence and zone to R-4, Multi-Family Residential District. The request is being made by the property owner, Georgia C. Belin.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(1) On March 8, 2016 Planning Commission held a public hearing on this matter, and voted unanimously, 7-0 to recommend the zoning request of R-4, Multi-Family Residential District.

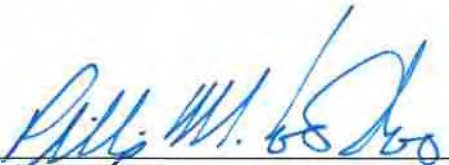
III. POINTS TO CONSIDER:

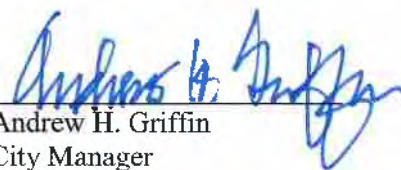
- (1) Request is being considered for first reading.
- (2) The lot is currently the site of a single-family dwelling (manufactured dwelling).
- (3) City water and sewer services are currently available; there is no cost to extend utility services.
- (4) A Public Hearing for zoning was held at the March 8, 2016 Planning Commission meeting.
- (5) City Staff recommends annexation and concurs with Planning Commission's recommendation to zone the property R-4, Multi-Family Residential District.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Map showing the location of the property
- (3) Petition for Annexation form


Phillip M. Lookadoo, AICP
Planning, Research, & Development Director


Andrew H. Griffin
City Manager

STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

Petition requesting Florence City Council to enact an Ordinance annexing the area described below, that area being the same property as shown by the map prepared by the City of Florence Planning, Research, and Development Department, attached and incorporated by reference herein:

The undersigned freeholder property owner(s) hereby respectfully certifies, petitions, and requests of the City Council of Florence as follows:

- 1. The petitioners are the sole owner(s) of real estate in the County of Florence, State of South Carolina which property lies adjacent and contiguous to the corporate limits of the City of Florence.
- 2. That the petitioner(s) desires to annex the property more particularly described below:

Florence County Tax Map 90059-03-022

- 3. Annexation is being sought for the following purposes:

To have city services esp. Trash pick up

- 4. That the petitioner(s) request that the City Council of Florence annex the above described property in accordance with subsection 31 of 5-3-150(3) of the Code of Laws of South Carolina for 1976, such section allowing the annexation of an area without the necessity of an election and referendum.

To the Petitioner: The following information needs to be completed for submittal to the City of Florence and other government agencies for records prior to and after annexation.

Total Residents	<u>1</u>
Race	<u>0</u>
Total 18 and Over	<u>1</u>
Total Registered to Vote	<u>0</u>

Date 2-2-2016

Georgio C. Belin
Petitioner

Date _____

Petitioner

Certification as to ownership on the date of petition:	FOR OFFICIAL USE ONLY
Date <u>2/16/16</u>	<u>JSD</u>

ORDINANCE NO. 2016_____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY GEORGIA C. BELIN, TMN 90059-03-022

WHEREAS, a Public Hearing was held in the Council Chambers on March 8, 2016 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, application by Georgea C. Belin, owner of TMN 90059-03-022, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property 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-4, Multi-Family Residential District:

The property requesting annexation is shown more specifically on Florence County Tax Map 90059, block 03, parcel 022 (0.11 acres).

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

WHEREAS, Florence City Council concurs 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 annexing into the City Limits of the City of Florence the aforesaid property and amending the Zoning Atlas to the aforesaid zoning classifications.**
- 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 _____, 2016

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

VII. a.
Bill No. 2016-16
First Reading

FLORENCE CITY COUNCIL MEETING

DATE: May 9, 2016

AGENDA ITEM: Public Hearing and Ordinance to declare as surplus and authorize the transfer of a parcel fronting on Layton Street and containing approximately 0.17 acres and designated as tax map 90100-04-015.

DEPARTMENT/DIVISION: General Services/Community Services

I. ISSUE UNDER CONSIDERATION:

To declare as surplus and authorize the conveyance of land, located on Layton Street and totaling approximately 0.17 acres, to Sisters 4 the Future.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) The Sister 4 the Future organization appeared before City Council on April 11, 2016 to request the conveyance of the aforementioned parcel.
- (2) City Council requested that staff investigate the request.


III. POINTS TO CONSIDER:

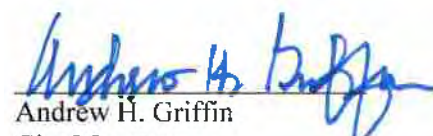
- (1) Request is being considered for first reading.
- (2) Sisters 4 the Future is a 501(3)(C) non-profit organization. The organization's mission is to house battered women in the Florence community.
- (3) The State of South Carolina has donated a house to Sister 4 the Future that is proposed to be relocated to the lot on Layton Street and used to house battered women and children. The City will not incur any expenses in the relocation of this house.
- (4) Upon closer investigation into the propose use, it was found that the proposed parcel is not zoned properly to allow a battered women's shelter.
- (5) Staff is researching other properties owned by the City that are appropriately zoned for the proposed use.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

None


Phillip M. Lookadoo, AICP
Planning, Research, & Development Director


Andrew H. Griffin
City Manager

FLORENCE CITY COUNCIL MEETING

DATE: May 9, 2016

AGENDA ITEM: **VII. INTRODUCTION OF ORDINANCES**

- a. Bill No. 2016-16 – First Reading**
An Ordinance to declare surplus property owned by the City of Florence and to convey the property to the Sisters 4 the Future.

STAFF IS REQUESTING THIS ITEM BE DEFERRED.

VII. b.
Bill No. 2016-17
First Reading

FLORENCE CITY COUNCIL MEETING

DATE: May 9, 2016

AGENDA ITEM: Ordinance for a text amendment to Article 2, Section 2.9 Florence Downtown Overlay Districts of the City of Florence Zoning Ordinance.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Proposed text amendment to Article 2, Section 2.9 Florence Downtown Overlay Districts of the City of Florence Zoning Ordinance.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) The Design Review Board recommended an amendment to the City of Florence Zoning Ordinance regarding the expiration of a Certificate of Appropriateness.
- (2) The Design Review Board, at their March 9, 2016 meeting, unanimously (8-0) approved the recommendation.
- (3) On April 12, 2016 Planning Commission held a public hearing on this matter, and voted unanimously (6-0) to recommend the attached amendment to Section 2.9 of the City of Florence Zoning Ordinance.

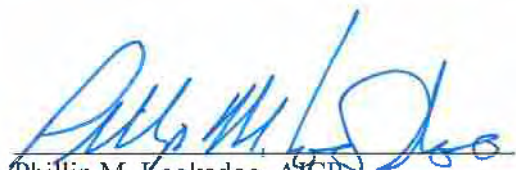
III. POINTS TO CONSIDER:

- (1) This request is being considered for first reading.
- (2) The text amendment was prepared by the Planning, Research & Development Department upon recommendation by the Design Review Board.
- (3) There is currently no expiration of a Certificate of Appropriateness.
- (4) Under the proposed amendment, a Certificate of Appropriateness issued by the Design Review Board or Downtown Planning Coordinator will expire six months after the receipt of the Certificate of Appropriateness. The applicant may request an extension of the Certificate of Appropriateness, for an additional 6 months.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Proposed Amendment
- (2) Ordinance


Phillip M. Lookadoo, AICP
Planning, Research, & Development Director


Andrew H. Griffin
City Manager

Attachment 1:

Sec. 2.9. Florence Downtown Overlay Districts

Sec. 2.9-12. Expiration of Certificate of Appropriateness

Upon receipt of the Certificate of Appropriateness, the owner or agent shall be granted six (6) months to obtain a building permit. If the owner or agent does not obtain a building permit within the allotted six (6) months, the owner or agent may request an extension from the Downtown Planning Coordinator for a period not to exceed six (6) months. The Certificate of Appropriateness shall remain valid in concurrence with an active building permit.

Should the outlined work in the Certificate of Appropriateness not require a building permit the property owner or agent shall be given six (6) months from the date of issuance for completion of work as approved and outlined in the Certificate of Appropriateness. The Certificate of Appropriateness may be granted an extension by the Downtown Planning Coordinator upon request by the property owner or agent for a period not to exceed six (6) months.

If the property owner or agent fails to initiate or complete work within the given time, the property owner or agent shall be required to re-submit an application for a Certificate of Appropriateness to the Downtown Planning Coordinator as prescribed in Section 2.9 Florence Downtown Overlay Districts.

ORDINANCE NO. 2016-_____

**AN ORDINANCE TO AMEND THE CITY OF FLORENCE ZONING ORDINANCE
ARTICLE 2, SECTION 2.9 FLORENCE DOWNTOWN OVERLAY DISTRICTS BY ADDING
SECTION 2.9-12 EXPIRATION OF CERTIFICATE OF APPROPRIATENESS**

WHEREAS, a public hearing was held in Council Chambers of the City Center located at 324 West Evans Street on April 12, 2016 before the Municipal Planning Commission, and notice of said hearing was duly given; and

WHEREAS, within the Downtown Overlay Districts there is currently no expiration of a Certificate of Appropriateness; and,

WHEREAS, the amendments contained herein will place an expiration on a Certificate of Appropriateness per the conditions set forth in Sections 2.9-12 of the City of Florence Zoning Ordinance; and,

THEREFORE, Section 2.9-12 of the City of Florence Zoning Ordinance, shall read as follows:

Sec. 2.9-12. Expiration of Certificate of Appropriateness

Upon receipt of the Certificate of Appropriateness, the owner or agent shall be granted six (6) months to obtain a building permit. If the owner or agent does not obtain a building permit within the allotted six (6) months, the owner or agent may request an extension from the Downtown Planning Coordinator for a period not to exceed six (6) months. The Certificate of Appropriateness shall remain valid in concurrence with an active building permit.

Should the outlined work in the Certificate of Appropriateness not require a building permit the property owner or agent shall be given six (6) months from the date of issuance for completion of work as approved and outlined in the Certificate of Appropriateness. The Certificate of Appropriateness may be granted an extension by the Downtown Planning Coordinator upon request by the property owner or agent for a period not to exceed six (6) months.

If the property owner or agent fails to initiate or complete work within the given time, the property owner or agent shall be required to re-submit an application for a Certificate of Appropriateness to the Downtown Planning Coordinator as prescribed in Section 2.9 Florence Downtown Overlay Districts.

WHEREAS, Florence City Council concurs 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 _____, 2016

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: May 9, 2016

AGENDA ITEM: Public Hearing and Ordinance to Annex and Zone Property Owned by Corbett Norris Realty, LLC, TMN 90029-02-016

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex property located at 1616 Patton Drive, Tax Map Number 90029-02-016, into the City of Florence and zone to R-1, Single-Family Residential District. The request is being made by the property owner, Corbett Norris Realty, LLC.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(1) On April 12, 2016 Planning Commission held a public hearing on this matter, and voted unanimously, 6-0 to recommend the zoning request of R-1, Single-Family Residential District.

III. POINTS TO CONSIDER:

- (1) Request is being considered for first reading.
- (2) The lot is currently the site of a single-family dwelling.
- (3) City water and sewer services are currently available; there is no cost to extend utility services.
- (4) A Public Hearing for zoning was held at the April 12, 2016 Planning Commission meeting.
- (5) City Staff recommends annexation and concurs with Planning Commission's recommendation to zone the property R-1, Single-Family Residential District.

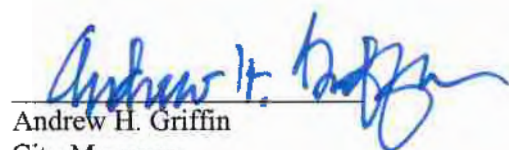
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Map showing the location of the property
- (3) Petition for Annexation form

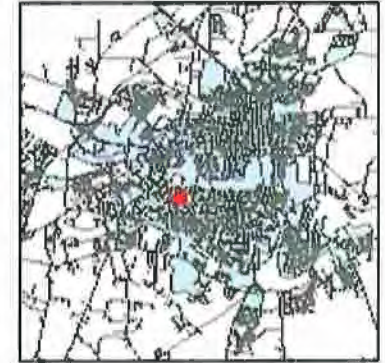


Phillip M. Lookadoo, AICP
Planning, Research, & Development Director



Andrew H. Griffin
City Manager

Location Map 1616 Patton Drive




Legend

-  Proposed Parcel
-  Address Points
-  Manhole
-  Gas Main
-  Water Main
-  Road
-  City Limits
-  Parcels



DISCLAIMER:
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50 25 0 50 Feet



1616 Patton Dr.

STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

Petition requesting Florence City Council to enact an Ordinance annexing the area described below, that area being the same property as shown by the map prepared by the City of Florence Planning, Research, and Development Department, attached and incorporated by reference herein:

The undersigned freeholder property owner(s) hereby respectfully certifies, petitions, and requests of the City Council of Florence as follows:

- 1. The petitioners are the sole owner(s) of real estate in the County of Florence, State of South Carolina which property lies adjacent and contiguous to the corporate limits of the City of Florence.
- 2. That the petitioner(s) desires to annex the property more particularly described below:

Florence County Tax Map 90029-02-016

- 3. Annexation is being sought for the following purposes:

- City Services
- Tap Fee Refund (Partwork)

- 4. That the petitioner(s) request that the City Council of Florence annex the above described property in accordance with subsection 31 of 5-3-150(3) of the Code of Laws of South Carolina for 1976, such section allowing the annexation of an area without the necessity of an election and referendum.

To the Petitioner: The following information needs to be completed for submittal to the City of Florence and other government agencies for records prior to and after annexation.

Total Residents	<u>4</u>
Race	<u>W</u>
Total 18 and Over	<u>2</u>
Total Registered to Vote	<u>?</u>

- Date 2/23/16

[Signature]
Petitioner

Date _____

Petitioner

Certification as to ownership on the date of petition:	FOR OFFICAL USE ONLY
Date <u>3/28/16</u>	<u>[Signature]</u>

ORDINANCE NO. 2016 _____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY CORBETT NORRIS RENTAL, LLC, TMN 90029-02-016

WHEREAS, a Public Hearing was held in the Council Chambers on April 12, 2016 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, application by Corbett Norris Rental, LLC, owner of TMN 90029-02-016, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property 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 property requesting annexation is shown more specifically on Florence County Tax Map 90029, block 02, parcel 016 (0.43 acres).

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

WHEREAS, Florence City Council concurs 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 annexing into the City Limits of the City of Florence the aforesaid property and amending the Zoning Atlas to the aforesaid zoning classifications.**
- 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 _____, 2016
Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: May 9, 2016

AGENDA ITEM: Public Hearing and Ordinance to Annex and Zone Property Owned by First Reliance Bankshares, TMN's 90010-01-003 and 90010-01-004

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex property located at along West Palmetto Street, Tax Map Numbers 90010-01-003 and 90010-01-004, into the City of Florence and zone to B-3, General Commercial District. The request is being made by the property owner, First Reliance Bankshares.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(1) On April 12, 2016 Planning Commission held a public hearing on this matter, and voted unanimously, 6-0 to recommend the zoning request of B-3, General Commercial District.


III. POINTS TO CONSIDER:

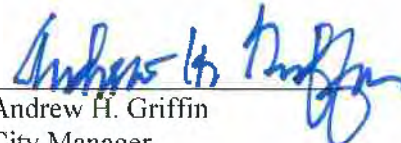
- (1) Request is being considered for first reading.
- (2) The lot is currently vacant; however, a 36,000 square foot grocery store is proposed for the site.
- (3) City water and sewer services are currently available; however, the existing sewer line that serves the lots in question as well as three lots fronting on West Evans Street lies within the proposed footprint of the grocery store. The petitioner has requested that the annexation be contingent upon the City of Florence moving the existing sewer line at the City's expense so that the site may be developed as proposed.
- (4) A Public Hearing for zoning was held at the April 12, 2016 Planning Commission meeting.
- (5) City Staff recommends annexation and concurs with Planning Commission's recommendation to zone the property B-3, General Commercial District.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

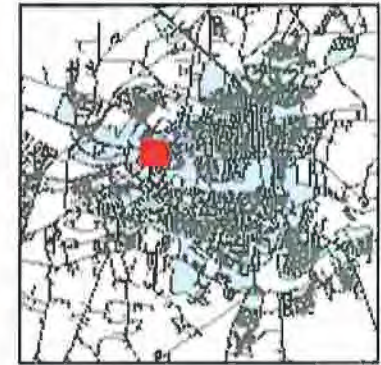
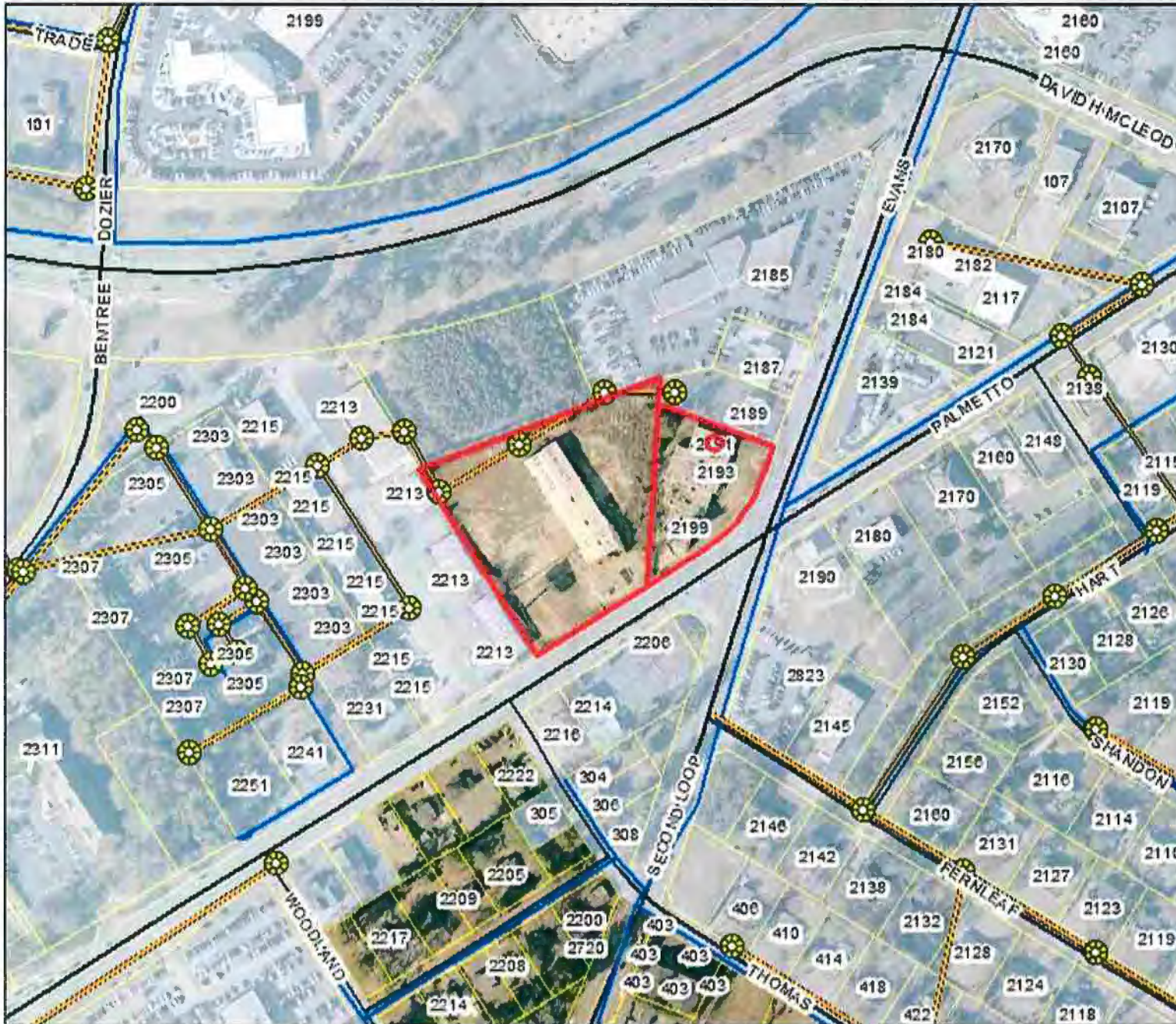
- (1) Ordinance
- (2) Map showing the location of the property
- (3) Petition for Annexation form


Phillip M. Lookadoo, AICP
Planning, Research, & Development Director


Andrew H. Griffin
City Manager

Location Map

Tax Map Parcels 90010-01-003 and 90010-01-004

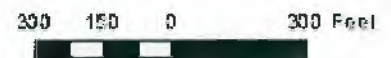


Legend

- Proposed Parcels
- Address Points
- Manhole
- Gravity Main
- Water Main
- Road
- City Limits
- Parcel



DISCLAIMER:
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STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

Petition requesting Florence City Council to enact an Ordinance annexing the area described below, this area being the same property as shown by the map prepared by the City of Florence Planning, Research, and Development Department, attached and incorporated by reference herein:

The undersigned freeholder property owner(s) hereby respectfully certifies, petitions, and requests of the City Council of Florence as follows:

- 1. The petitioners are the sole owner(s) of real estate in the County of Florence, State of South Carolina which property lies adjacent and contiguous to the corporate limits of the City of Florence.
- 2. That the petitioner(s) desires to annex the property more particularly described below:

Florence County Tax Map

90010-01-004
90010-01-003

- 3. Annexation is being sought for the following purposes:

CONTINGENT UPON THE CITY OF FLORENCE MOVING EXISTING SEWER LINE AT CITY EXPENSE

- 4. That the petitioner(s) request that the City Council of Florence annex the above described property in accordance with subsection 31 of 5-3-150(3) of the Code of Laws of South Carolina for 1976, such section allowing the annexation of an area without the necessity of an election and referendum.

To the Petitioner: The following information needs to be completed for submittal to the City of Florence and other government agencies for records prior to and after annexation.

Total Residents _____
 Race _____
 Total 18 and Over _____
 Total Registered to Vote _____

Date 2.23.16

Fred Robinson
 ✓ *[Signature]*
 Petitioner

Date _____

Petitioner _____

Certification as to ownership on the date of petition:	FOR OFFICIAL USE ONLY
Date <u>2/24/16</u>	<u>[Signature]</u>

PK # 15 246-1

ORDINANCE NO. 2016 _____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY FIRST RELIANCE BANKSHARES, TMN's 90010-01-003 AND 90010-01-004

WHEREAS, a Public Hearing was held in the Council Chambers on April 12, 2016 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, application by First Reliance Bankshares, owner of TMN's 90010-01-003 and 90010-01-004, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property 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 B-3, General Commercial District:

The property requesting annexation is shown more specifically on Florence County Tax Map 90010, block 01, parcel 003 (1.11 acres) and Florence County Tax Map 90010, block 01, parcel 004 (3.25 acres).

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

WHEREAS, Florence City Council concurs 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 annexing into the City Limits of the City of Florence the aforesaid property and amending the Zoning Atlas to the aforesaid zoning classifications.**
- 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 _____, 2016

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: May 9, 2016

AGENDA ITEM: Public Hearing and Ordinance to Annex and Zone Property Owned by Detroit Dials, TMN 90045-01-010

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex property located at 1303 West Darlington Street, Tax Map Number 90045-01-010, into the City of Florence and zone to B-3, General Commercial District. The request is being made by the property owner, Detroit Dials.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(1) On April 12, 2016 Planning Commission held a public hearing on this matter, and voted unanimously, 6-0 to recommend the zoning request of B-3, General Commercial District.


III. POINTS TO CONSIDER:

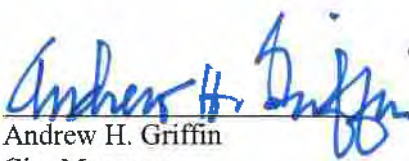
- (1) Request is being considered for first reading.
- (2) The lot is currently the site of a single-family dwelling that will be demolished.
- (3) City water and sewer services are currently available on West Darlington Street; however, there would be cost of \$26,000 to extend the water and sewer lines under the street.
- (4) City Staff recommends annexation and concurs with Planning Commission's recommendation to zone the property B-3, General Commercial District.

IV. PERSONAL NOTES:

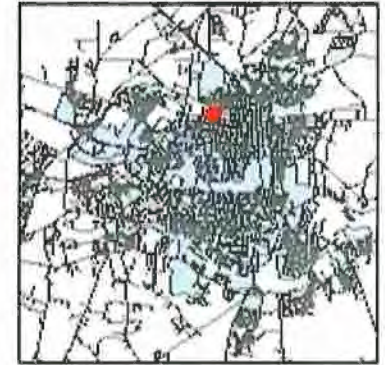
V. ATTACHMENTS:

- (1) Ordinance
- (2) Map showing the location of the property
- (3) Petition for Annexation form
- (4) Water and Sewer Economic Feasibility Analysis


Phillip M. Lookadoo, AICP
Planning, Research, & Development Director


Andrew H. Griffin
City Manager

Location Map 1303 West Darlington Street



Legend

- Proposed Parcel
- Address Points
- ⊗ Manhole
- Gravity Main
- Water Main
- Road
- City Limits
- Parcel



DISCLAIMER:
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1303 W. Darlington

STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

Petition requesting Florence City Council to enact an Ordinance annexing the area described below, that area being the same property as shown by the map prepared by the City of Florence Planning, Research, and Development Department, attached and incorporated by reference herein:

The undersigned freeholder property owner(s) hereby respectfully certifies, petitions, and requests of the City Council of Florence as follows:

- 1. The petitioners are the sole owner(s) of real estate in the County of Florence, State of South Carolina which property lies adjacent and contiguous to the corporate limits of the City of Florence.
- 2. That the petitioner(s) desires to annex the property more particularly described below:

Florence County Tax Map

90045 - 01 - 010

- 3. Annexation is being sought for the following purposes:

City Services

- 4. That the petitioner(s) request that the City Council of Florence annex the above described property in accordance with subsection 31 of 5-3-150(3) of the Code of Laws of South Carolina for 1976, such section allowing the annexation of an area without the necessity of an election and referendum.

To the Petitioner: The following information needs to be completed for submittal to the City of Florence and other government agencies for records prior to and after annexation.

Total Residents
 Race
 Total 18 and Over
 Total Registered to Vote

N/A

Date 3-14-2016

Detraht Dush
Petitioner

Date _____

Petitioner

Certification as to ownership on the date of petition:	FOR OFFICAL USE ONLY
Date <u>3/18/16</u>	<u>JRD</u>

ORDINANCE NO. 2016 _____

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY DETROIT DIALS,
TMN 90045-01-010**

WHEREAS, a Public Hearing was held in the Council Chambers on April 12, 2016 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, application by Detroit Dials, owner of TMN 90045-01-010, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property 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 B-3, General Commercial District.

The property requesting annexation is shown more specifically on Florence County Tax Map 90045, block 01, parcel 010 (0.24 acres).

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

WHEREAS, Florence City Council concurs 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 annexing into the City Limits of the City of Florence the aforesaid property and amending the Zoning Atlas to the aforesaid zoning classifications.**
- 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 _____, 2016
Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: May 9, 2016

AGENDA ITEM: Public Hearing and Ordinance to Rezone Property Tax Map Numbers 90104-01-003, 90104-01-004, 90104-01-005, and 90104-01-010, Property Located Along Barringer Street, Church Street, and Cohen Street, from B-1, Limited Business District and R-4, Multi-Family District to B-5, Office and Light Industrial District:

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to rezone the property located along Barringer Street, Church Street, and Cohen Street said property being specifically designated in the Florence County Tax Records as Tax Map Parcels 90104-01-003, 90104-01-004, 90104-01-005, and 90104-01-010. The request is being made by an option holder on the property, House of Hope of the Pee Dee. The current owner of the property is Florence City commission on Alcohol and Drug Abuse.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) On April 12, 2016 Planning Commission held a public hearing on this matter, and voted unanimously, 6-0, to recommend the rezoning request from B-1, Limited Business District and R-4, Multi-Family District to B-5, Office and Light Industrial District:

III. POINTS TO CONSIDER:

- (1) Request is being considered for first reading.
- (2) The property is currently zoned B-1, Limited Commercial and R-4, Multi-Family Residential Limited, which does not permit the proposed use of an emergency shelter.
- (3) Parcel 90104-01-005 is currently occupied by a 5,972 square foot building built in 1999. This building is currently used as a transitional home by the Florence County Commission on Alcohol and Drug Abuse. Parcel 90104-01-004 is currently occupied by a 878 square foot building built in 1965. This building is currently being used as a support use for the transitional home. The remaining two parcels are currently vacant.
- (4) The proposed zoning is B-5, Office and Light Industrial District. There are many uses permitted under the B-5 Zoning District, including the proposed emergency shelter.
- (5) The lots meet the dimensional requirements of the B-5 zoning district per the City of Florence Zoning Ordinance.
- (6) City Staff recommends the parcels be zoned B-5, Office and Light Industrial District as requested. The B-5 designation along the corridor would be harmonious with the Comprehensive Plan as well as allow the proposed use of a temporary shelter.

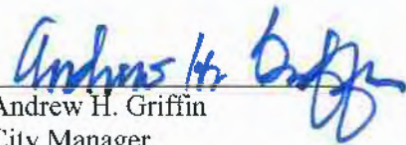
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Location Map



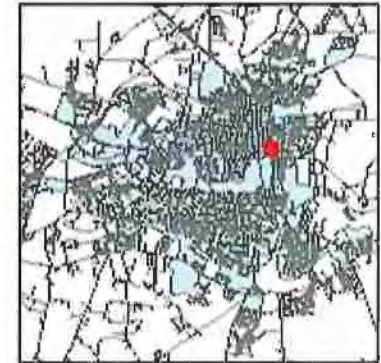
Phillip M. Lookadoo, AICP
Planning, Research, & Development Director







Andrew H. Griffin
City Manager

Location Map

Properties located on Barringer Street, Church Street, and Cohen Street

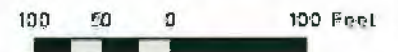


Legend

-  Proposed Parcel
-  Address Point
-  Roads
-  Parcel



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ORDINANCE NO. 2016-_____

AN ORDINANCE TO REZONE TAX MAP NUMBERS 90104-01-003, 90104-01-004, 90104-01-005, AND 90104-01-010, PROPERTY LOCATED ALONG BARRINGER STREET, CHURCH STREET, AND COHEN STREET, FROM B-1, LIMITED BUSINESS DISTRICT AND R-4, MULTI-FAMILY DISTRICT TO B-5, OFFICE AND LIGHT INDUSTRIAL DISTRICT:

WHEREAS, a Public Hearing was held in the City Center Council Chambers on April 12, 2016 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, House of Hope of the Pee Dee made application to rezone Tax Map Numbers 90104-01-003 and 90104-01-010 located on Barringer Street, Church Street and Cohen Street, from R-4, Multi-Family District to B-5, Office and Light Industrial District; and, to rezone Tax Map Numbers 90104-01-004 and 90104-01-005 located on Church Street and Barringer Street from B-1, Limited Business District to B-5, Office and Light Industrial District;

WHEREAS, Florence City Council concurs 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 for the aforesaid property to B-5, Office and Light Industrial 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 _____, 2016

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

VII. g.
Bill No. 2016-22
First Reading

FLORENCE CITY COUNCIL MEETING

DATE: May 9, 2016

AGENDA ITEM: Public Hearing and Ordinance for a text amendment to City of Florence Zoning Ordinance Sections 2.9-4 and 2.9-8 regarding requirement of a Certificate of Appropriateness for the removal of trees and/or shrubs of a certain size.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Proposed text amendment to City of Florence Zoning Ordinance Sections 2.9-4 and 2.9-8

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) The Design Review Board recommended an amendment to the City of Florence Zoning Ordinance regarding the requirement of a Certificate of Appropriateness for tree and shrub removal. The Design Review Board unanimously (8-0) approved a motion that *“enthusiastically recommends this and encourages its passage by City Council as soon as possible to avoid the wasting of time, energy, and money of citizens, this board, and staff in having these issues come before the Design Review Board”*
- (2) On April 12, 2016 Planning Commission held a public hearing on this matter, and voted unanimously (6-0) to recommend the attached amendment to Section 3.14 of the City of Florence Zoning Ordinance.

III. POINTS TO CONSIDER:

- (1) Request is being considered for first reading.
- (2) The text amendment was prepared by the Planning, Research & Development Department upon recommendation by the Design Review Board.
- (3) Within the Downtown Overlay Districts and the Timrod Park Residential Overlay District, the City of Florence Zoning Ordinance currently requires a Certificate of Appropriateness for the removal of any tree four (4) inches in caliper, or greater, or the removal of any hedge or shrub group that is at least 30 inches in height.
- (4) Under the proposed amendment, a Certificate of Appropriateness issued by the Design Review Board is required for the removal of a tree and/or shrub of a certain size. However, if the tree and/or shrub is dead, dying or shown to be dead, dying, or greater than (50) percent damaged or diseased as a result of natural factors or the tree or shrub removal is to be mitigated with replacement trees and/or shrubs, the Certificate of Appropriateness may be issued administratively. Administrative approval shall be qualified by the City Arborist, Downtown Planning Coordinator, or appropriate staff as outlined in the amendment.
- (5) Guidelines for mitigation with replacement trees and/or shrubs will be developed according to standard arboriculture practices.

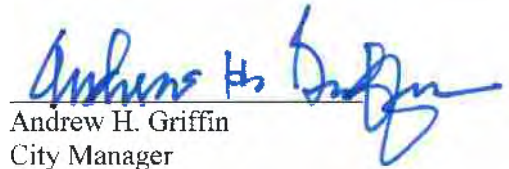
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Proposed Amendment
- (2) Ordinance

A handwritten signature in blue ink, appearing to read "Phillip M. Lookadoo".

Phillip M. Lookadoo, AICP
Planning, Research, & Development Director

A handwritten signature in blue ink, appearing to read "Andrew H. Griffin".

Andrew H. Griffin
City Manager

Attachment 1: Proposed Amendment to Section 2.9-4 and 2.9-8

Deletions have been struck through.
Additions have been underlined

Sec. 2.9-4. Actions Requiring a Certificate of Appropriateness.

Within any of the designated overlay districts established herein, an application must be submitted to the Design Review Board through the Downtown Planning Coordinator and a Certificate of Appropriateness issued before any of the following activities can be undertaken, unless such activity falls within the "major governmental construction" exception set out in (E) below:

- (A) The issuance of a permit by the Building Official and/or Zoning Administrator for erection, alteration, improvement, demolition, or moving of such structure, building, or signage.
- (B) All requests related to land use.
- ~~(C) Landscape changes which include either the removal of any tree four (4) inches in caliper, or greater, or the removal of any hedge or shrub group that is at least thirty (30) inches in height~~
- (C) Landscape changes which include tree removal, without mitigation, of any hardwood tree at least six (6) inches Diameter at Breast Height (DBH), any conifer tree at least eight (8) inches DBH, and any flowering and/or fruiting ornamental trees (e.g., dogwood, magnolia, holly, crape myrtle) at least four (4) inches DBH, or the removal of any hedge or shrub group, without mitigation, that is at least thirty (30) inches in height. If the trees or shrubs are shown to be dead, dying, or greater than (50) percent damaged or diseased as a result of natural factors or the tree or shrub removal is to be mitigated with replacement trees and/or shrubs, the Certificate of Appropriateness may be issued administratively per Section 2.9-8(F).
- (D) Exterior modifications or maintenance which may change or impact the appearance of the structure, including, but not limited to, roofing, façade repairs, fencing, grading or paving, awnings, shutters or window replacement.
- (E) There is hereby established an exception to the requirement for a Certificate of Appropriateness for the following circumstances involving major governmental construction projects.
 - (1) For the purposes of this ordinance, a "major governmental construction project" is defined as a construction project being built by a governmental agency (federal, state, county, or city) and for which the total costs of the project exceeds One Million and no/100th (\$1,000,000.00) Dollars.
 - (2) For a "major governmental construction project" as defined above, no Certificate of Appropriateness is required.
 - (3) In lieu of the requirement of applying for and obtaining a Certificate of Appropriateness for such a "major governmental construction project", the governmental agency shall, prior to seeking a permit from the Building Official and/or the Zoning Administrator, submit a detailed description of the project, including cost information establishing that the total project costs exceed \$1,000,000.00, to the Downtown Planning Coordinator to establish that the project falls within this exception and to further establish that the project substantially complies with the intent of the Design Guidelines. Upon receipt of

the application, the Downtown Planning Coordinator shall then certify that the project falls within this exception and further certify, by submitting findings of fact, that the project substantially complies with the intent of the Design Guidelines. Such certification shall be made part of the public record and shall be forwarded to the City Attorney, City Manager, Design Review Board Chair and Mayor and City Council. Upon approval of said submission, the Downtown Planning Coordinator shall issue a Certificate certifying that the project falls within the exception created herein and authorizing the Building Official and/or the Zoning Administrator to issue required permits without a Certificate of Appropriateness.

Sec. 2.9-8. Design Review Board, Application Requirements for a Certificate of Appropriateness.

- (A) Applications for a Certificate of Appropriateness shall be submitted through the office of the Downtown Planning Coordinator. Prior to the placement of an item on the agenda for the Design Review Board, an application for a Certificate of Appropriateness must be “complete” as determined by the Downtown Planning Coordinator and must be submitted with the details as set forth in the Design Guidelines which are attached hereto and incorporated herein by reference. In the event that the Downtown Planning Coordinator has made a determination that the application for a Certificate of Appropriateness is not “complete” but the owner believes that the project application is “complete”, the owner may make a written request to place the application on the agenda. To have the application placed on the agenda, the owner must provide the Chairman of the Design Review Committee with a letter outlining and documenting the reasons and facts which the owner contends make the application “complete”. The applicant has five (5) working days from the notification of denial from the Downtown Planning Coordinator to provide the letter requesting placement on the agenda.
- Unless specified elsewhere, at the time of consideration of a proposed project, the Design Review Board shall approve, approve with modifications, or disapprove the application. Additionally, action may be deferred by the Design Review Board to the next monthly meeting, but only upon concurrence of the owner/developer/agent.
- (B) Certificate of Appropriateness, Application Fee: Upon presentation of a signed application, the owner/agent must pay the required application fee of \$100.00 in order for the application to be considered. Once received by the City of Florence, the application fee is not refundable. An application fee will not be required from any local, state, or federal governmental entity. Additionally, an application fee will not be required of any owner or developer for a project which is approved by the Downtown Planning Coordinator pursuant to the authority under subparagraph (F) below.
- (C) Option for Preliminary Plan Approval: The applicant may submit for consideration by the Design Review Board a “Preliminary Plan” of the proposed project. Such a submittal shall be submitted and considered in accordance with the provisions of the Design Guidelines adopted herein.
- (D) Certificate of Appropriateness, Public Hearing Requirement: A public hearing shall be required when an application for a Certificate of Appropriateness is to be considered by the Design Review Board. The time and location of the public hearing shall be published in a newspaper of general circulation in The City of Florence at least fifteen (15) days prior to the public hearing. The property in question shall be posted for the same period as the newspaper notice. The manner of posting shall follow the same signage/notification requirements as specified in The Florence County-Municipal Consolidated Ordinance.

(E) Certificate of Appropriateness, Demolition: When it is determined by the Downtown Planning Coordinator that demolition is a part of a project covered by an application for a Certificate of Appropriateness, the Design Review Board may, if in their judgment the public is best served, postpone action for not more than two (2) scheduled monthly meetings. The initial hearing before the Design Review Board shall be counted as the first of the two monthly meetings. At the end of the above referenced deferral period the Design Review Board shall approve, disapprove, or approve with modifications. Additionally, action may be deferred further by the Design Review Board to the next monthly meeting, but only upon concurrence of the owner/developer or agent.

(F) **Certificate of Appropriateness, Approval by the Downtown Planning Coordinator:** The Downtown Planning Coordinator is hereby granted the authority to approve and issue a Certificate of Appropriateness administratively, without going before the Design Review Board, provided that the Downtown Planning Coordinator specifically determines that the materials, paint color, design, architectural features, or style of the project or signage conforms to the applicable district in the following situations:

- (1) Any project or signage for which the total cost does not exceed \$5,000 in which a specific determination is made by the Downtown Planning Coordinator that the project in question is not a part of a larger project:
- (2) Interior modifications/maintenance or exterior maintenance, which does not change or impact the appearance of the structure, including, but not limited to, roofing, façade repairs, awnings, shutters or window replacement. This power does not extend to those properties and structures listed on the State or National Register of Historic Places.
- (3) For emergency and/or permanent repairs relating to the incident to any structure resulting from a Force Majeur, fire or accident beyond the control of the property owner or tenant as long as the repair in question does not exceed 25% of the value of the structure as determined by the tax assessor and the materials used in the repairs are consistent with the Design Guidelines for the District in which it is located.
- (4) Landscape changes which include tree or shrub removal where the tree(s) or shrub(s) are shown to be dead, dying, or greater than fifty (50) percent damaged or diseased as a result of natural factors, or in such cases where tree or shrub removal is to be mitigated with replacement trees and/or shrubs. Determinations of tree health and mitigation plans shall be approved by the the Downtown Planning Coordinator upon consultation with and concurrence with the City Arborist or City staff as determined to be qualified by the Downtown Planning Coordinator, either by degree or International Society of Arboriculture certification.

In all cases, the Downtown Planning Coordinator may, in his discretion, refer the application to the Design Review Board for review and consideration with particular attention being paid to properties and structures within the H-1 Historic district.

(G) Certificate of Appropriateness, Resubmission of a Denied Application: A property owner or agent may resubmit the same application for a Certificate of Appropriateness affecting the same parcel

or project after twelve (12) months have passed. If, in the opinion of the Downtown Planning Coordinator, there are substantial changes and improvements in the application for a project, the Downtown Planning Coordinator shall allow an owner to resubmit an application for Certificate of Appropriateness affecting the same parcel or lot after a waiting period of ten (10) days from the date of the initial denial. The applicant is required to meet the forty-five (45) day submittal schedule as outlined in the Design Guidelines.

- (H) Mandatory Mediation of Dispute Between Applicant and Design Review Board: In the event an applicant for a Certificate of Appropriateness disagrees with the determination of the Design Review Board regarding the issuance of said certificate, before the applicant can file an appeal pursuant to §2.9-9 below, the applicant is required to take the administrative step of attempting to mediate the dispute by doing the following:
- (1) Within ten (10) days of receiving notice of the initial decision by the Design Review Board, the applicant must provide to the Downtown Planning Coordinator written Notice of Disagreement and Agreement to Mediate the issues.
 - (2) Within thirty (30) days of receiving said Notice of Disagreement, a mediation conference will be held regarding the issues with the following participants: a mediator selected and supplied by the Downtown Redevelopment Corporation; the applicant; a member of the Design Review Board designated as its mediation representative by the chair of the Design Review Board; and the downtown planning coordinator.
 - (3) At the mediation conference, the parties will attempt to agree upon a solution to the issues regarding the issuance of a Certificate of Appropriateness. The mediator will make a written report outlining the results of the mediation to the Design Review Board, and consideration of the Certificate of Appropriateness in light of the results of the mediation will be placed on the agenda at the first monthly meeting following the mediation for final consideration by the board.
 - (4) The decision regarding the Certificate of Appropriateness by the Design Review Board after receiving the report from the mediator shall be the final decision of the board.

ORDINANCE NO. 2016-_____

AN ORDINANCE TO AMEND THE CITY OF FLORENCE ZONING ORDINANCE SECTIONS 2.9-4 AND 2.9-8 REGARDING REQUIREMENT OF A CERTIFICATE OF APPROPRIATENESS FOR THE REMOVAL OF TREES AND/OR SHRUBS OF A CERTAIN SIZE

WHEREAS, a public hearing was held in Council Chambers of the City Center located at 324 West Evans Street on April 12, 2016 before the Municipal Planning Commission, and notice of said hearing was duly given; and

WHEREAS, within the Downtown Overlay Districts and the Timrod Park Residential Overlay District, the City of Florence Zoning Ordinance currently requires a Certificate of Appropriateness for the removal of any tree four (4) inches in caliper, or greater, or the removal of any hedge or shrub group that is at least 30 inches in height; and,

WHEREAS, the amendments contained herein will allow for administrative approval for the removal of hazard, diseased, or nuisance trees and shrubs per the conditions set forth in Sections 2.9-4 and 2.9-8 of the City of Florence Zoning Ordinance; and,

WHEREAS, it is the intent of City Council to protect healthy, non-hazardous trees and shrubs that contribute to the character of the City's historic and downtown areas; and,

THEREFORE, Sections 2.9-4 and 2.9-8 of the City of Florence Zoning Ordinance, shall read as follows:

Sec. 2.9-4. Actions Requiring a Certificate of Appropriateness.

Within any of the designated overlay districts established herein, an application must be submitted to the Design Review Board through the Downtown Planning Coordinator and a Certificate of Appropriateness issued before any of the following activities can be undertaken, unless such activity falls within the "major governmental construction" exception set out in (E) below:

- (A) The issuance of a permit by the Building Official and/or Zoning Administrator for erection, alteration, improvement, demolition, or moving of such structure, building, or signage.
- (B) All requests related to land use.
- (C) Landscape changes which include tree removal, without mitigation, of any hardwood tree at least six (6) inches Diameter at Breast Height (DBH), any conifer tree at least eight (8) inches DBH, and any flowering and/or fruiting ornamental trees (e.g., dogwood, magnolia, holly, crape myrtle) at least four (4) inches DBH, or the removal of any hedge or shrub group, without mitigation, that is at least thirty (30) inches in height. If the trees or shrubs are shown to be dead, dying, or greater than (50) percent damaged or diseased as a result of natural factors or the tree or shrub removal is to be mitigated with replacement trees and/or shrubs, the Certificate of Appropriateness may be issued administratively per Section 2.9-8(F).

- (D) Exterior modifications or maintenance which may change or impact the appearance of the structure, including, but not limited to, roofing, façade repairs, fencing, grading or paving, awnings, shutters or window replacement.
- (E) There is hereby established an exception to the requirement for a Certificate of Appropriateness for the following circumstances involving major governmental construction projects.
 - (1) For the purposes of this ordinance, a "major governmental construction project" is defined as a construction project being built by a governmental agency (federal, state, county, or city) and for which the total costs of the project exceeds One Million and no/100th (\$1,000,000.00) Dollars.
 - (2) For a "major governmental construction project" as defined above, no Certificate of Appropriateness is required.
 - (3) In lieu of the requirement of applying for and obtaining a Certificate of Appropriateness for such a "major governmental construction project", the governmental agency shall, prior to seeking a permit from the Building Official and/or the Zoning Administrator, submit a detailed description of the project, including cost information establishing that the total project costs exceed \$1,000,000.00, to the Downtown Planning Coordinator to establish that the project falls within this exception and to further establish that the project substantially complies with the intent of the Design Guidelines. Upon receipt of the application, the Downtown Planning Coordinator shall then certify that the project falls within this exception and further certify, by submitting findings of fact, that the project substantially complies with the intent of the Design Guidelines. Such certification shall be made part of the public record and shall be forwarded to the City Attorney, City Manager, Design Review Board Chair and Mayor and City Council. Upon approval of said submission, the Downtown Planning Coordinator shall issue a Certificate certifying that the project falls within the exception created herein and authorizing the Building Official and/or the Zoning Administrator to issue required permits without a Certificate of Appropriateness.

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- (B) **Certificate of Appropriateness, Application Fee:** Upon presentation of a signed application, the owner/agent must pay the required application fee of \$100.00 in order for the application to be considered. Once received by the City of Florence, the application fee is not refundable. An application fee will not be required from any local, state, or federal governmental entity. Additionally, an application fee will not be required of any owner or developer for a project which is approved by the Downtown Planning Coordinator pursuant to the authority under subparagraph (F) below.
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roofing, façade repairs, awnings, shutters or window replacement. This power does not extend to those properties and structures listed on the State or National Register of Historic Places.

- (3) For emergency and/or permanent repairs relating to the incident to any structure resulting from a Force Majeur, fire or accident beyond the control of the property owner or tenant as long as the repair in question does not exceed 25% of the value of the structure as determined by the tax assessor and the materials used in the repairs are consistent with the Design Guidelines for the District in which it is located.
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In all cases, the Downtown Planning Coordinator may, in his discretion, refer the application to the Design Review Board for review and consideration with particular attention being paid to properties and structures within the H-1 Historic district.

- (G) Certificate of Appropriateness, Resubmission of a Denied Application: A property owner or agent may resubmit the same application for a Certificate of Appropriateness affecting the same parcel or project after twelve (12) months have passed. If, in the opinion of the Downtown Planning Coordinator, there are substantial changes and improvements in the application for a project, the Downtown Planning Coordinator shall allow an owner to resubmit an application for Certificate of Appropriateness affecting the same parcel or lot after a waiting period of ten (10) days from the date of the initial denial. The applicant is required to meet the forty-five (45) day submittal schedule as outlined in the Design Guidelines.
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 - (1) Within ten (10) days of receiving notice of the initial decision by the Design Review Board, the applicant must provide to the Downtown Planning Coordinator written Notice of Disagreement and Agreement to Mediate the issues.
 - (2) Within thirty (30) days of receiving said Notice of Disagreement, a mediation conference will be held regarding the issues with the following participants: a mediator selected and supplied by the Downtown Redevelopment Corporation; the applicant; a

member of the Design Review Board designated as its mediation representative by the chair of the Design Review Board; and the downtown planning coordinator.

- (3) At the mediation conference, the parties will attempt to agree upon a solution to the issues regarding the issuance of a Certificate of Appropriateness. The mediator will make a written report outlining the results of the mediation to the Design Review Board, and consideration of the Certificate of Appropriateness in light of the results of the mediation will be placed on the agenda at the first monthly meeting following the mediation for final consideration by the board.
- (4) The decision regarding the Certificate of Appropriateness by the Design Review Board after receiving the report from the mediator shall be the final decision of the board.

WHEREAS, Florence City Council concurs 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 _____, 2016

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

VII. h.
Bill No. 2016-23
First Reading

FLORENCE CITY COUNCIL MEETING

DATE: May 9, 2016

AGENDA ITEM: Public Hearing and Ordinance for a text amendment to City of Florence Zoning Ordinance Section 3.14 to set forth conditional use regulations for unattended donation receptacles

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Proposed text amendment to City of Florence Zoning Ordinance Section 3.14 to set forth conditional use regulations for unattended donation receptacles

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(1) On December 15, 2015 Planning Commission held a public hearing on this matter, and a committee composed of three Planning Commission members was formed to further develop the amendment. After several deferrals and consultation with the City Attorney Jim Peterson, on April 25, 2015 Planning Commission voted (5-3) to recommend the attached amendment to Section 3.14 of the City of Florence Zoning Ordinance.

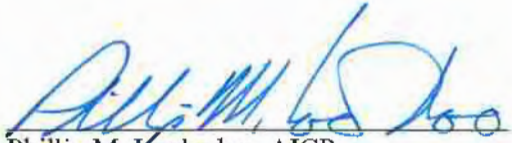
III. POINTS TO CONSIDER:

- (1) Request is being considered for first reading.
- (2) Concerns from the community regarding unattended donation receptacles were brought to the attention of Planning Commission at the November 14, 2015 meeting and a request for action was made.
- (3) Staff researched the issue and presented findings to Planning Commission.
- (4) After input from the Planning Commission, staff prepared an ordinance amending the zoning ordinance to provide for donation bins.
- (5) The ordinance in final draft form, as recommended by Planning Commission, allows donation receptacles as a conditional use in the B-3, General Commercial; B-6, Industrial; and RU-1, Rural Resource Zoning Districts per the conditions set forth in Section 3.14 of the City of Florence Zoning Ordinance. Attachment B outlines the proposed changes.

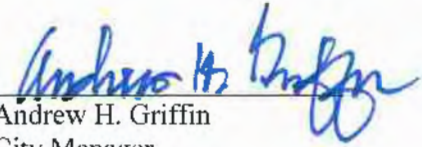
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Proposed Amendment
- (2) Ordinance



Phillip M. Lookadoo, AICP
Planning, Research, & Development Director



Andrew H. Griffin
City Manager

Attachment 1: Proposed Amendment to Section 3.14

Deletions have been struck through.
Additions have been underlined.

Section 3.14 Refuse Systems

Due to environmental concerns and consideration for public health and safety, refuse systems where conditionally permitted as a principal use by Table II shall be limited to the following and shall comply with the supplemental development standards of this Section.

Sanitary Landfills - Inert Landfills
Recycling Drop -Off Stations
Donation Receptacles

1. Sanitary Landfills
 - a. Sanitary landfills shall be located no closer than 1,000 feet to any existing residential, recreational, religious, educational, medical, or public use (measured in a straight line).
 - b. A geotechnical engineering firm approved by the Zoning Administrator shall render a written opinion that, to the best professional judgment, the formations being used to contain the waste are impermeable and that surrounding ground water sources will not be contaminated.
 - c. A drainage and sedimentation plan shall accompany the request, showing all off-site run off.
 - d. The facility shall be enclosed by an opaque fence or wall structure illustrated by Section 4.2-4, on all sides visible from the street serving the facility and an opaque cyclonic fence on the remaining unexposed boundaries.
 - e. A plan showing restoration of the site on completion of use as a landfill shall accompany the request.
2. Inert Landfill
 - a. An inert landfill may be located up to, but no closer than, 100 feet from any property line, except such landfill shall not be located closer than 300 feet from any dwelling, school building, day care center, religious, recreational, or medical facility.

- b. No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water, or other causes.
- c. All materials and activities shall be screened in such fashion as not to be visible from off-site. The provisions of this subsection may be waived by the Zoning Administrator where such facility will be utilized for a period not to exceed 90 days.
- d. The site shall be restored and re-vegetated on completion of use as a landfill.

3. Recycling Drop -Off Stations

- a. Definition. A recycling drop-off center is a location that provides for the drop-off and collection of recyclable household refuse, including but not limited to: plastic, glass, metal, paper, cardboard, batteries, oil, and grease. This does not include donation receptacles used for soliciting and collecting donations, including but not limited to: clothing, footwear, books, and other salvageable household goods; such receptacles are addressed in Section 3.14-4 below.
- b. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or pelletized.
- c. The site shall be maintained free of litter and any other undesirable materials, shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present.
- d. Space shall be provided on site for the anticipated peak load of customers to circulate, park, and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of ten (10) customers or the peak load, whichever is higher, except where the Zoning Administrator determines that allowing overflow traffic is compatible with surrounding business and public safety.
- e. Where a facility is to be located within 500 feet of property in a residential zone, it shall not be in operation between 7:00 p.m. and 7:00 a.m.
- f. No collection containers shall be located closer than 100 feet of any residential property line.

- g. Donation areas shall be kept free of litter and debris. Containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

4. Donation Receptacles

- a. Definition. A donation receptacle means any unattended container, box, or similar device that is used for soliciting and collecting donations, including but not limited to: clothing, footwear, books, and other salvageable household goods.
- b. Donation receptacle requirements, where allowed as a conditional use:
 - (1) Donation receptacles shall either be placed within the required side or rear setback area, and the receptacle shall not interfere with sight-triangles, on-site circulation, buffer-yards, landscaping, parking, or any other requirements that may have been imposed as part of the site plan approval for the premises;
 - (2) Donation receptacles shall not be placed within a designated parking space;
 - (3) Donation receptacles shall not be placed in such a manner as to cause an obstruction for pedestrians or motorists;
 - (4) Only one donation receptacle shall be permitted per lot and shall only be permitted on properties that contain a primary permitted use;
 - (5) Donation receptacles shall not exceed 6.5 feet in height;
 - (6) Signage on donation receptacles shall not exceed five-inch letter height;
 - (7) The following information must be clearly and conspicuously displayed on the exterior of the donation receptacle: The name and address of the property owner who owns the receptacle, and the name of any entity which may share, profit, or benefit from any donations collected via the receptacle.
- c. Donation receptacle maintenance. Donation receptacles shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be kept free of graffiti. All Donation Boxes shall be free of debris and shall be serviced regularly so as to prevent

overflow of donations or the accumulation of junk, debris, or other material. All donation receptacles must be maintained in a manner that prohibits individuals from being able to open or enter the donation receptacle without the consent of the donation receptacle owner or the property owner.

ORDINANCE NO. 2016-_____

**AN ORDINANCE TO AMEND THE CITY OF FLORENCE ZONING ORDINANCE
SECTION 3.14 TO SET FORTH CONDITIONAL USE REGULATIONS FOR UNATTENDED
DONATION RECEPTACLES**

WHEREAS, a public hearing was held in Council Chambers of the City Center located at 324 West Evans Street on December 15, 2015 before the Municipal Planning Commission, and notice of said hearing was duly given; and

WHEREAS, the City of Florence Zoning Ordinance currently allows Refuse Systems as a conditional use in the B-3, General Commercial; B-6, Industrial; and RU-2, Rural Resource Districts. According to the North American Industry Classification System (NAICS), Recyclable Material Collection is a subcategory of Refuse Systems and can therefore be classified as such; and,

WHEREAS, the amendments contained herein will conditionally permit unattended donation receptacles in the aforementioned zoning districts per the conditions set forth in Section 3.14 of the City of Florence Zoning Ordinance; and,

THEREFORE, Section 3.14 of the City of Florence Zoning Ordinance, shall read as follows:

Section 3.14 Refuse Systems

Due to environmental concerns and consideration for public health and safety, refuse systems where conditionally permitted as a principal use by Table II shall be limited to the following and shall comply with the supplemental development standards of this Section.

Sanitary Landfills - Inert Landfills
Recycling Drop -Off Stations
Donation Receptacles

1. Sanitary Landfills
 - a. Sanitary landfills shall be located no closer than 1,000 feet to any existing residential, recreational, religious, educational, medical, or public use (measured in a straight line).
 - b. A geotechnical engineering firm approved by the Zoning Administrator shall render a written opinion that, to the best professional judgment, the formations being used to contain the waste are impermeable and that surrounding ground water sources will not be contaminated.
 - c. A drainage and sedimentation plan shall accompany the request, showing all off-site run off.

- d. The facility shall be enclosed by an opaque fence or wall structure illustrated by Section 4.2-4, on all sides visible from the street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.
- e. A plan showing restoration of the site on completion of use as a landfill shall accompany the request.

2. Inert Landfill

- a. An inert landfill may be located up to, but no closer than, 100 feet from any property line, except such landfill shall not be located closer than 300 feet from any dwelling, school building, day care center, religious, recreational, or medical facility.
- b. No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water, or other causes.
- c. All materials and activities shall be screened in such fashion as not to be visible from off-site. The provisions of this subsection may be waived by the Zoning Administrator where such facility will be utilized for a period not to exceed 90 days.
- d. The site shall be restored and re-vegetated on completion of use as a landfill.

3. Recycling Drop -Off Stations

- a. Definition. A recycling drop-off center is a location that provides for the drop-off and collection of recyclable household refuse, including but not limited to: plastic, glass, metal, paper, cardboard, batteries, oil, and grease. This does not include donation receptacles used for soliciting and collecting donations, including but not limited to: clothing, footwear, books, and other salvageable household goods; such receptacles are addressed in Section 3.14-4 below.
- b. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or pelletized.
- c. The site shall be maintained free of litter and any other undesirable materials, shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present.
- d. Space shall be provided on site for the anticipated peak load of customers to circulate, park, and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of ten (10) customers or the peak load, whichever is higher, except where the Zoning Administrator determines that allowing overflow traffic is compatible with surrounding business and public safety.

- e. Where a facility is to be located within 500 feet of property in a residential zone, it shall not be in operation between 7:00 p.m. and 7:00 a.m.
- f. No collection containers shall be located closer than 100 feet of any residential property line.
- g. Donation areas shall be kept free of litter and debris. Containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

4. Donation Receptacles

- a. Definition. A donation receptacle means any unattended container, box, or similar device that is used for soliciting and collecting donations, including but not limited to: clothing, footwear, books, and other salvageable household goods.
- b. Donation receptacle requirements, where allowed as a conditional use:
 - (1) Donation receptacles shall either be placed within the required side or rear setback area, and the receptacle shall not interfere with sight-triangles, on-site circulation, buffer-yards, landscaping, parking, or any other requirements that may have been imposed as part of the site plan approval for the premises;
 - (2) Donation receptacles shall not be placed within a designated parking space;
 - (3) Donation receptacles shall not be placed in such a manner as to cause an obstruction for pedestrians or motorists;
 - (4) Only one donation receptacle shall be permitted per lot and shall only be permitted on properties that contain a primary permitted use;
 - (5) Donation receptacles shall not exceed 6.5 feet in height;
 - (6) Signage on donation receptacles shall not exceed five-inch letter height;
 - (7) The following information must be clearly and conspicuously displayed on the exterior of the donation receptacle: The name and address of the property owner who owns the receptacle, and the name of any entity which may share, profit, or benefit from any donations collected via the receptacle.

- c. Donation receptacle maintenance. Donation receptacles shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be kept free of graffiti. All Donation Boxes shall be free of debris and shall be serviced regularly so as to prevent overflow of donations or the accumulation of junk, debris, or other material. All donation receptacles must be maintained in a manner that prohibits individuals from being able to open or enter the donation receptacle without the consent of the donation receptacle owner or the property owner.

WHEREAS, Florence City Council concurs 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 _____, 2016

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: May 9, 2016

AGENDA ITEM: Public Hearing and Ordinance to declare as surplus and authorize the transfer of land to McLeod Regional Medical Center for the purposes of developing and emergency shelter, specifically a portion of tax parcel 90087-06-008

DEPARTMENT/DIVISION: General Services/Community Services

I. ISSUE UNDER CONSIDERATION:

To declare as surplus and authorize the conveyance of land, located on East Palmetto Street and being a portion of Tax Parcel 90087-06-008, to McLeod Regional Medical Center for the purposes of developing an emergency homeless shelter in partnership with McLeod Regional Medical Center and The House of Hope. The land to be conveyed will be the balance of Tax Parcel 90087-06-008 after adjusting the current western boundary line of the above referenced tax parcel to an alignment 20 feet east of the drip-line of the existing accessory structure located partly on Tax Parcel 90087-06-009 and 90087-06-008.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

None

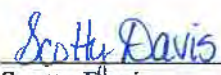
III. POINTS TO CONSIDER:

- (1) Request is being considered for first reading.
- (2) The City of Florence initially agreed to donate tax map 90087-06-008 to the House of hope. This property, in conjunction with acquisition of other immediately adjacent parcels, was scheduled to be the future home of a newly constructed emergency homeless shelter.
- (3) The portion of tax map 90087-06-008 is to be surveyed and subdivided by McLeod Regional Medical Center.
- (4) McLeod Regional Medical Center agreed to partner with the House of Hope to construct their emergency homeless shelter, and after much discussion, it was agreed that the emergency shelter should be located in a more suitable location.
- (5) As part of the partnership agreement, McLeod Regional Medical Center will purchase land which will be gifted to the House of Hope.
- (6) The proposed homeless shelter will be able to house 70 men and women and up to 5 families
- (7) The House of Hope of the Pee Dee is a Christian Ministry serving the homeless by providing a helping hand. Their primary goal is to provide relief to people in crisis. Positive life changes are encouraged through structured programs which focus on spiritual growth, education, employment, life management, and recovery from substance abuse.
- (8) The House of Hope houses 23 men in its Effingham Shelter and 30 women and children in its Darlington Street shelter. The House of Hope shelters are long term transitional shelters that allow individuals to stay for up to one year.
- (9) There are approximately 300 homeless persons in Florence.

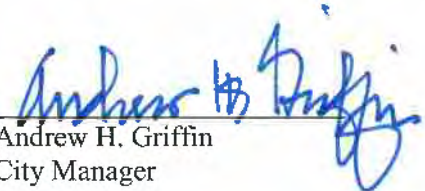
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Map



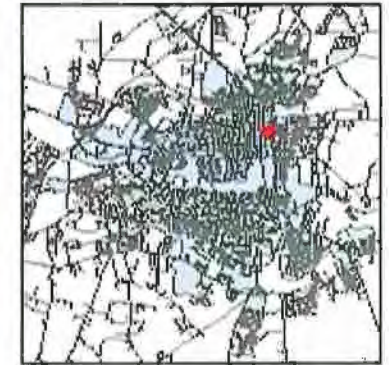
Scotty Davis *dmr*
General Services/Community Services Director



Andrew H. Griffin
City Manager

Location Map

Portion of TMN 90087-06-008

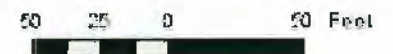


Legend

- Address Point
- Road
- Parcel



DISCLAIMER:
The City of Florence Department of Planning, Research, and Development data represented on this map 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.



ORDINANCE NO. 2016-_____

AN ORDINANCE AUTHORIZING THE TRANSFER OF LAND TO MCLEOD REGIONAL MEDICAL CENTER FOR THE PURPOSES OF DEVELOPING AN EMERGENCY SHELTER, SPECIFICALLY A PORTION OF TAX PARCEL 90087-06-008

WHEREAS, after due consideration, the City has concluded that the land designated as the balance of Tax Parcel 90087-06-008 after adjusting the current western boundary line of the above referenced tax parcel to an alignment 20 feet east of the drip-line of the existing accessory structure located partly on Tax Parcel 90087-06-009 and 90087-06-008 is surplus land to the City, and conveyance of said property to the McLeod Regional Medical Center is in the best interest and to the benefit of the citizens of the City of Florence.

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, pursuant to §5-7-260(6) of the South Carolina Code of Laws, as amended, and §2-26(8) of the Code of Ordinances of the City of Florence, the City Manager of the City of Florence is hereby authorized to execute the necessary Deed, and other documentation in order to convey title to the property described above to McLeod Regional Medical Center

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

ADOPTED THIS _____ DAY OF _____, 2016.

STEPHEN J. WUKELA
Mayor

Approved as to form:

Attest:

JAMES W. PETERSON, JR.
City Attorney

DIANNE ROWAN
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: May 9, 2016

AGENDA ITEM: Introduction of Resolution

DIVISION/DEPARTMENT: City Council

I. ISSUE UNDER CONSIDERATION

A Resolution requesting City Council to designate the month of May as Lupus Awareness Month in the City of Florence.

II. PREVIOUS ACTION:

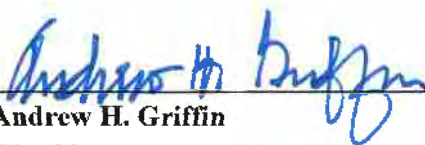
1. No previous action has been taken. This is the original request.

III. POINTS TO CONSIDER:

1. Lupus, an autoimmune disease affects approximately 1.5 million Americans.
2. Lupus affects more people than AIDS, Cerebral Palsy, Sickle Cell Anemia and Multiple Sclerosis combined.
3. Existing public information and programs about Lupus in South Carolina are inadequately disseminated and insufficient in addressing the needs of a diverse population and other underserved groups.
4. Lighthouse for Lupus CG is a Facebook Support Group/Community with over 3,000 members worldwide, providing support, vital information and raising awareness.

ATTACHMENTS:

Resolution No. 2016-10



Andrew H. Griffin
City Manager

RESOLUTION NO. 2016 - 10

**A RESOLUTION DESIGNATING MAY, 2016
AS LUPUS AWARENESS MONTH**

- WHEREAS,** Lupus is an autoimmune disease that affects more people than AIDS, Cerebral Palsy, Sickle Cell Anemia and Multiple Sclerosis combined. One out of every 185 Americans has it; and
- WHEREAS,** Lupus affects approximately 1.5 million Americans where ninety percent of people diagnosed with the disease are women; 90% develop it between the ages of 15-44 and it is 2-3 times more prevalent among people of color, including African-Americans, Hispanics, Asians and Native Americans; and
- WHEREAS,** understanding Lupus will help us better understand infections in general, allergies, Cancer and even AIDS; and
- WHEREAS,** in a nationwide poll of 1,000 adults conducted for the LFA, 38% said they are somewhat or very familiar with Lupus, while 39% have only heard of the name of the disease and 22% have never heard of Lupus; and
- WHEREAS,** Lupus is an autoimmune disease that can affect any part of the body, including internal organs, the skin and joints. It also has many different symptoms and because of that affects each person differently; and
- WHEREAS,** existing public information and programs about Lupus in South Carolina remain inadequately disseminated and insufficient in addressing the needs of specific diverse populations and other underserved groups; and
- WHEREAS,** educating the public and the health care community throughout the state about the devastating disease is of paramount importance and is in every respect in the public interest and to the benefit of all residents of the State of South Carolina and the City of Florence; and
- WHEREAS,** Lighthouse for Lupus CG and many other organizations, in partnership with other agencies throughout the state, have led the way in raising awareness throughout the state; and
- WHEREAS,** Lighthouse for Lupus CG is a Facebook Support Group/Community with over 3,000 members worldwide providing support, vital information and raising awareness for five years as of May 19, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

The month of May, 2016 is hereby recognized as

Lupus Awareness Month

in the City of Florence, South Carolina.

RESOLVED THIS 9TH DAY OF May, 2016.

APPROVED AS TO FORM:

JAMES W. PETERSON, JR.
CITY ATTORNEY

STEPHEN J. WUKELA
MAYOR

ATTEST:

DIANNE M. ROWAN
MUNICIPAL CLERK



**IX. a.
Appointments to
Boards/Commissions**

FLORENCE CITY COUNCIL MEETING

DATE: May 9, 2016

AGENDA ITEM: Report To Council/Boards and Commissions

DEPARTMENT/DIVISION: City Council

I. ISSUE UNDER CONSIDERATION:

Council will consider nominations for City Boards and/or Commissions

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

There is one vacancy on the Parks and Beautification Commission.

III. ATTACHEMENTS:

Applications received

SCHEDULE OF COUNCIL NOMINATIONS TO BOARDS AND COMMISSIONS - May 2016

	District 1	District 2	District 3	At-Large 1	At-Large 2	At-Large 3	Mayor	
	Ervin	Robinson	Brand	Jebaily	Wms-Blake	Hill	Wukela	
Parks and Beautification Commission			X					Vacancy

Parks and Beautification Commission

Current Board Member

Status

**Councilmember to
make appointment**

Vacancy

Mrs. Helen Sims resigned

Councilman Brand

Attachments:

Letters of interest from current board member
Applications received



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: <u>Parks Commission</u>			
Your Name (Last, First, Middle) <u>Scipio III, George, Quinn</u>		County <u>Florence</u>	Council District <u>#2</u>
Residential Address <u>217 Bird Lane</u>		City <u>Florence</u>	State <u>South Carolina</u>
Mailing Address <u>217 Bird Lane</u>		City <u>Florence</u>	State <u>South Carolina</u>
Your Occupation- Title <u>Respiratory Therapist</u>		Business Phone <u>843-229-8838</u>	Residence Phone <u>843-229-8838</u>
Employer Name <u>Metered Regional Medical System</u>		E-Mail Address <u>george@metroregmail.com</u>	
Employer Address <u>555 E. Cheves St.</u>		City <u>Florence</u>	State <u>South Carolina</u>
			Zip Code <u>29501</u>

General Qualifications

Are you a resident of the City? Yes No How Long? 28 yrs.

Why would you like to serve?

I would love to make the community beautiful.

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:

No

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:

No

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:

No

Are you involved in any Community Activities? If so, please list:

Yes; Easter Bash every year on Lake James Park and with the Legendary Kings non profit organization.

What are your goals and objectives if appointed to the Commission/Board?

For the beautification of the parks in Florence.

I certify that the information above is true and correct. Information on this form will be considered public information.

Signature George Scipio III

Date 4/11/16

RETURN COMPLETED FORM TO:

Office of the City Clerk
City of Florence, City Center
324 West Evans Street
Florence, SC 29501
Phone: 843-665-3113 Fax: 843-665-3110

FOR OFFICE USE ONLY

Received:	<u>4-11-2016</u>
Appointed to:	
Date:	



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: Parks and Beautification Board			
Your Name (Last, First, Middle) McCown, Martha L.	County Florence	Council District 5 th District	
Residential Address 3412 Marlinton Road	City Florence	State South Carolina	Zip Code 29505
Mailing Address Same As Above	City	State South Carolina	Zip Code
Your Occupation Title- Management Team Retired From GE Health Care, Florence, SC	Business Phone	Residence Phone (843) 407-7122	
Employer Name General Electric Health Care	E-Mail Address		
Employer Address 3001 West Radio Drive	City Florence	State South Carolina	Zip Code 29501

General Qualifications

- Are you a resident of the City? **Yes** No How Long? **Born in Florence**

Why would you like to serve?

I want to serve because I am interested in contributing to the growth and development of Florence.

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:
I am not currently serving on many Commissions/Boards.

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:
I have not served on any passed Commissions/Boards

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:
United Negro College Fund (UNCF) Advisory Board since 1990 acting Florence County Co- Chair

Are you involved in any Community Activities? If so, please list:
American Red Cross Disaster Response Team
Poll Manager – South Carolina Election
GE Health Care- Retirement Advisory Board

What are your goals and objectives if appointed to the Commission/Board?
My goals and objectives is to be an asset to the Board by utilizing my work experience and skills to help improve our City and Florence County..

I certify that the information above is true and correct. Information on this form will be considered public information.

Martha L. McCown
Signature

01-20-2016
Date

RETURN COMPLETED FORM TO:

Office of the City Clerk
City of Florence, City Center
324 West Evans Street
Florence, SC 29501
Phone: 843-665-3113 Fax: 843-665-3110

FOR OFFICE USE ONLY

Received:	Jan. 20, 2016
Appointed to:	
Date:	