

REGULAR MEETING OF FLORENCE CITY COUNCIL

MONDAY, JANUARY 12, 2009 - 1:00 P.M.

CITY-COUNTY COMPLEX, CITY COUNCIL CHAMBERS, ROOM 604

FLORENCE, SOUTH CAROLINA

AGENDA

I. CALL TO ORDER

II. INVOCATION

Pledge of Allegiance to the American Flag

III. APPROVAL OF MINUTES

Regular Meeting - December 8, 2008

IV. SPECIAL HONORS AND RECOGNITIONS

Service Certificates

Linda Maleckar - 15 years - Utility Finance Department

Anthony Judkins - 15 years - Police Department

Wes Miller - 15 years - Engineering Department

Educational Recognition

Brian Matthews - Completed his "B" Water Treatment

Operator Certification

V. APPEARANCES BEFORE COUNCIL

a. Ms. Susie Brown and students from Lester Elementary

b. Mrs. Jayne Boswell, Florence Area Humane Society - to discuss issues regarding the Florence Area Humane Society

c. Ms. Gerry Madison and Mr. Pete Sieler - to speak regarding the Chamber of Commerce's Building Bridges Program

d. Representatives of the East Florence Community (Requested by Councilman Robinson)

VI. ORDINANCES IN POSITION

- a. Bill No. 2008-13 - Second Reading**
An Ordinance to amend Section 2.5-Table III, Section 3.21, Section 5.2-Table VIII, Section 7.6, and Section 7.7 of the City of Florence Zoning Ordinance for setbacks, text errors, accessory structure rules and commercial and industrial property access.
(Note: Staff has requested this item be deferred to a future meeting)
- b. Bill No. 2008-16 - Second Reading**
An Ordinance to amend Section 2.9 of the Consolidated Zoning Ordinance by adding to the existing Ordinance in order to create the Wilson Road Residential Overlay District associated with Design Guidelines and to provide for their enforcement and administration.
(Note: Staff has requested this item be deferred to a future meeting)
- c. Bill No. 2008-58 - Second Reading**
An Ordinance to annex property owned by Jane Rhoden located at 1615 Southwood Court.

VII. INTRODUCTION OF ORDINANCES

- a. Bill No. 2008-59 - First Reading**
An Ordinance to repeal Ordinance number 2008-47 adopted October 20, 2008 which provided for a Public Referendum to be held to determine whether or not the City of Florence shall amend Chapter 2 of its City Code to change its method of electing the Mayor and City Councilman members from partisan election to the nonpartisan election and run-off election method as authorized by Section 5-15-62 of the South Carolina Code of Laws.

VIII. REPORTS TO COUNCIL

- a. A report to give consideration of the expenditure of Section 108 funds in support of recreational programming and activities at Levy Park.**

VIII. ADJOURN

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, DECEMBER 8, 2008 - 1:00 P.M.
CITY-COUNTY COMPLEX, CITY COUNCIL CHAMBERS, ROOM 604
FLORENCE, SOUTH CAROLINA**

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

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

Notices of this regular meeting were sent to the media informing them of the date, place and time of the meeting. Chuck Tomlinson of the Morning News was present.

INVOCATION

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

APPROVAL OF MINUTES

Councilman Brand made a motion to approve the minutes of the Regular Meeting of November 19, 2008, the Special Meeting of November 17, 2008, and the Swearing In Ceremony of November 17, 2008. Councilman Bradham seconded the motion, which carried unanimously.

SPECIAL HONORS AND RECOGNITIONS

Mayor Wukela presented a certificate to Liz Shaw in recognition of completing 15 years of service with the City of Florence.

Marshall Miles received an educational recognition for completing his "D" Water Treatment Operator Certification.

Brian Matthews received an educational recognition for completing his "C" Water Treatment Operator Certification.

ELECTION OF MAYOR PRO TEMPORE

Councilman Robinson made a motion to nominate Councilman Billy D. Williams to serve as Mayor Pro Tempore for Florence City Council. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

Councilman Billy D. Williams was elected serve as Mayor Pro tem for the next two years.

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APPEARANCES BEFORE COUNCIL

Ms. Pat Gibson-Hye and Mr. Michael Hawkins - to discuss community and Levy Park concerns and issues.

Ms. Pat Gibson-Hye appeared before Council to discuss some concerns and needs of the Levy Park community. Ms. Gibson-Hye stated that at the Levy Park Community Center there is a need for either the two pool tables to be replaced or refurbished, there should be full cable services available for the Center, the tennis courts need to be completely redone (not just sealed), the basketball courts need to be redone, the park lights need to be repaired, and a picnic shelter constructed that would accommodate family gatherings, such as birthday parties or family reunions. Ms. Gibson-Hye stated that \$300,000 has been previously allocated for Levy Park for improvements and/or upgrades.

Councilman Robinson stated that he was not sure if the list Ms. Gibson-Hye has presented to Council would be the best use of the \$300,000 funding that has been allocated for Levy Park. Councilman Robinson added that he has spoken with Ms. Gibson-Hye and informed her that the City of Florence is trying to do the best thing for East Florence. Councilman Robinson feels that this issue needs to be discussed before any decisions are made.

Councilman Brand requested that a list be made of what is wanted at Levy Park and present it to Council at the January meeting. Ms. Gibson-Hye stated this could be done by the January meeting.

Mr. Michael Hawkins reported that the seniors have requested that the shuffle board courts be refurbished at Levy Park, that the basketball courts be completely redone and that Council address the abandoned/boarded up houses on Pine Street. Mr. Hawkins added that these are the concerns of the community as presented at the Community meetings that have been held over the last six months.

Mayor Pro tem Williams added that a City staff person should work with Ms. Gibson-Hye to develop a list of needs and to prioritize them.

Mayor Wukela requested that a staff person from Public Works assist Ms. Gibson-Hye with the list of needs for Levy Park.

Councilman Robinson recommended that Council have a work session on this matter to better understand where the money needs to be spent for the best outcome for the people in the community. This work session would provide a better understanding to all council members of what the problems and needs are in the Levy Park community and will enable Council to get suggestions from staff as well as other community members to address these concerns.

ORDINANCES IN POSITION

BILL NO. 2008-13 - SECOND READING

AN ORDINANCE TO AMEND SECTION 2.5-TABLE III, SECTION 3.21, SECTION 5.2-TABLE VIII, SECTION 7.6, AND SECTION 7.7 OF THE CITY OF FLORENCE ZONING ORDINANCE FOR SETBACKS, TEXT ERRORS, ACCESSORY STRUCTURE RULES AND COMMERCIAL AND INDUSTRIAL PROPERTY ACCESS.

An Ordinance to amend Section 2.5-Table III, Section 3.21, Section 5.2-Table VIII, Section 7.6, and Section 7.7 of the City of Florence Zoning Ordinance for setbacks, text errors, accessory structure rules and commercial and industrial property access was deferred on second reading.

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BILL NO. 2008-16 - SECOND READING

AN ORDINANCE TO AMEND SECTION 2.9 OF THE CONSOLIDATED ZONING ORDINANCE BY ADDING TO THE EXISTING ORDINANCE IN ORDER TO CREATE THE WILSON ROAD RESIDENTIAL OVERLAY DISTRICT ASSOCIATED WITH DESIGN GUIDELINES AND TO PROVIDE FOR THEIR ENFORCEMENT AND ADMINISTRATION.

An Ordinance to amend Section 2.9 of the Consolidated Zoning Ordinance by adding to the existing ordinance in order to create the Wilson Road Residential Overlay District associated with Design Guidelines and to provide for their enforcement and administration was deferred on second reading.

BILL NO. 2008-54 - SECOND READING

AN ORDINANCE TO AMEND THE PLANNED DEVELOPMENT DISTRICT FOR THE RESERVE AT EBENEZER SUBDIVISION.

An Ordinance to amend the Planned Development District for The Reserve at Ebenezer Subdivision was adopted on second reading.

Mr. Phillip Lookadoo, Director of Urban Planning and Development, reported to Council at the November 10, 2008 regular City Council meeting that a request had been received by the developers of The Reserve at Ebenezer to amend their Planned Development District.

As property has developed in this area, several requests to allow pools in the rear yards have been received. The setback that was given for pools in that original planned development district was 10 feet. Since then there have been problems being able to fit pools into that area in the rear yards. The request is to reduce that setback to 4 feet. Staff reviewed the request and was concerned with the safety from property to property. There is a requirement that the developer actually has to install a fence in the rear yard on all these properties. With that required provision, staff felt the safety issue was taken care of and staff recommended approval of the request.

This request was also unanimously approved by the City of Florence Planning Commission at their October 14, 2008 meeting.

Councilman Brand made a motion to adopt Bill No. 2008-54 on second reading. Councilman Bradham seconded the motion, which carried unanimously.

BILL NO. 2008-55 - SECOND READING

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY NIGEL AND SHANNON WATT, 2483 WEST ANDOVER ROAD.

An Ordinance to annex and zone property owned by Nigel and Shannon Watt, 2483 West Andover Road was adopted on second reading.

Mr. Phillip Lookadoo, Director of Urban Planning and Development reported to Council at the November 10, 2008 regular City Council meeting that an annexation and zoning request had been received by Nigel and Shannon Watt for property located at 2483 W. Andover Road (Windsor Forest Subdivision). The property is shown more specifically on Florence County Tax Map 01221-01-094 and is contiguous to the City limits with both water and sewer available.

A Public Hearing for the zoning request for R-1, Single-Family Residential District was approved unanimously by the City of Florence Planning Commission at their October 14, 2008 meeting.

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Mayor Pro tem Williams made a motion to adopt Bill No. 2008-55 on second reading. Councilman Bradham seconded the motion, which carried unanimously.

BILL NO. 2008-56 - SECOND READING
AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY DAVID WACH, 2699 TROTTER ROAD.

An Ordinance to annex and zone property owned by David Wach, 2609 Trotter Road was adopted on second reading.

Mr. Phillip Lookadoo, Director of Urban Planning and Development reported to Council at the November 10, 2008 regular City Council meeting that an annexation and zoning request had been received by David Wach for property located at 2699 Trotter Road (Grove Park Subdivision). The property is shown more specifically on Florence County Tax Map 00984-01-020 and is contiguous to the City limits with both water and sewer available.

A Public Hearing for the zoning request for R-1, Single-Family Residential District was approved unanimously by the City of Florence Planning Commission at their October 14, 2008 meeting.

Councilman Brand made a motion to adopt Bill No. 2008-56 on second reading. Councilman Bradham seconded the motion, which carried unanimously.

BILL NO. 2008-57 - SECOND READING
AN ORDINANCE TO AMEND THE CITY OF FLORENCE ZONING ORDINANCE RELATING TO SIGN REGULATIONS.

An Ordinance to amend the City of Florence Zoning Ordinance relating to Sign Regulations was adopted on second reading.

Mr. Phillip Lookadoo, Director of Urban Planning and Development reported to Council at the November 10, 2008 regular City Council meeting, that on July 1, 2008, the City of Florence adopted its own Zoning Ordinance to be administered by the Urban Planning and Development Department.

Shortly after July 1, 2008, Raldex, Inc. requested that the department consider amending the current sign ordinance to allow more than 2 wall signs for a new Hampton Inn and Suites currently under construction located on Highway 52. Upon receiving the request, the Planning Commission appointed a subcommittee on text amendments to work with department staff in determining if a text amendment was in order. Once the subcommittee determined that an amendment was needed, staff prepared sample amendments for the committee to review. The subcommittee voted on an amendment modeled after the Greenville, SC ordinance with modifications to fit Florence.

The Planning Commission then reviewed and unanimously approved the amendment at a special meeting on October 27, 2008.

The amendment applies not only to hotels, but buildings that would be in line of site of a major thoroughfare or interstate.

The amendment states: One projection sign or wall sign may be allowed per tenant wall, not above the roof line and meeting the following size requirement: front and rear walls = 20% of wall area not to exceed 200 square feet; side walls = 20% of wall area not to exceed 100 square feet. This provision shall apply to structures within line of site of interstate highways and major thoroughfares.

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Councilman Brand made a motion to adopt Bill No. 2008-57 on second reading. Councilman Bradham seconded the motion, which carried unanimously.

INTRODUCTION OF ORDINANCES

BILL NO. 2008-58 - FIRST READING
AN ORDINANCE TO ANNEX PROPERTY OWNED BY JANE RHODEN LOCATED AT 1615 SOUTHWOOD COURT.

An Ordinance to annex property owned by Jane Rhoden located at 1615 Southwood Court was passed on first reading.

Mr. Phillip Lookadoo, Director of Urban Planning and Development reported that an annexation request has been received by Ms. Jane Rhoden for property located at 1615 Southwood Court. The property is shown more specifically on Florence County Tax Map 90080, Block 01, and Parcel 082.

This property is contiguous to the City limits with both water and sewer services currently available. There have been several other recent annexations on this street. With this annexation, there will be five remaining properties in this subdivision to be annexed.

This property has been zoned previously to R-3, Single-Family Residential District by action of Florence County Council

Councilman Brand made a motion to pass Bill No. 2008-58 on first reading. Councilman Powers seconded the motion, which carried unanimously.

BILL NO. 2008-59 FIRST READING
AN ORDINANCE TO REPEAL ORDINANCE NUMBER 2008-47 ADOPTED OCTOBER 20, 2008 WHICH PROVIDED FOR A PUBLIC REFERENDUM TO BE HELD TO DETERMINE WHETHER OR NOT THE CITY OF FLORENCE SHALL AMEND CHAPTER 2 OF ITS CITY CODE TO CHANGE ITS METHOD OF ELECTING THE MAYOR AND CITY COUNCILMAN MEMBERS FROM PARTISAN ELECTION TO THE NONPARTISAN ELECTION AND RUN-OFF ELECTION METHOD AS AUTHORIZED BY SECTION 5-15-62 OF THE SOUTH CAROLINA CODE OF LAWS.

An Ordinance to repeal Ordinance number 2008-47 adopted October 20, 2008 which provided for a Public Referendum to be held to determine whether or not the City of Florence shall amend Chapter 2 of its City Code to change its method of electing the Mayor and City Councilman members from partisan election to the nonpartisan election and run-off election method as authorized by section 5-15-62 of the South Carolina Code of Laws was deferred on first reading.

INTRODUCTION OF RESOLUTION

RESOLUTION NO. 2008-13
A RESOLUTION AUTHORIZING PARTICIPATION IN THE SOUTH CAROLINA OTHER RETIREMENT BENEFITS EMPLOYER PROGRAM.

A Resolution authorizing participation in the South Carolina Other Retirement Benefits Employer Program was adopted by Council.

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Mayor Wukela stated relating to this item that the accounting practices have changed such that certain liabilities for future retirees have to show up on the City of Florence's books. This would result in the City having to fund those liabilities in order to avoid any adverse effect to the City's credit.

Mr. David Williams, City Manager added that this program is sponsored by the Municipal Association of S.C (MASC). A previous trust that was established by MASC was declared by the Supreme Court to be dissolved. It was the opinion of the Court that the primary purpose for the creation of that trust was to avoid the constitutional limitation in investment. This was not the case, however following the decision of the Court, MASC determined that the dissolution of that trust would be necessary. In its place to achieve the same goals of having a pool for investments of those funds from various municipalities around the state, a new and very similar trust has been created to be able to pool those funds. MASC has a requirement that any participating municipality must have approval by a Resolution of Council. The S. C. Retirement System will have to establish a vehicle into which those funds can be set aside and will likely adopt a Resolution as well. There is no provision for investment in equities as this point.

Mr. Jim Peterson, City Attorney added that absent a constitutional amendment at some point later, there is no way this trust could ever invest in equities.

Mayor Pro tem Williams stated that he wanted to make sure that the City employee's benefits were safe.

Mayor Wukela added that he shared Mayor Pro tem William's concerns and that the way this is currently drawn, even if there was a subsequent constitutional amendment which would allow such an investment, this trust would not do so under the terms as written.

Mr. Peterson responded that his understanding is it would require an amendment to the terms of the trust which could not be done without coming back to all the bodies to get their approval with the amendment.

Mayor Pro tem Williams made a motion to adopt Resolution No. 2008-13. Councilman Bradham seconded the motion, which carried unanimously.

REPORTS TO COUNCIL

COUNCILMAN WILLIAM C. BRADHAM, JR. - TO GIVE CONSIDERATION FOR A THIRD CHRISTMAS HOLIDAY FOR CITY EMPLOYEES.

Councilman Bradham stated that currently there are two days designated as Christmas holidays for City employees, December 24th and December 25th. Councilman Bradham added that this presents an opportunity for Council to show their appreciation to the employees of the City for their commitment and dedication to the operations of the City.

Councilman Bradham made a motion to request that Friday, December 26th be designated as an additional Christmas holiday for all City employees. Councilman Brand seconded the motion, which carried unanimously.

A REPORT BY STAFF TO CITY COUNCIL CONCERNING NUISANCE ABATEMENT AND CODE ENFORCEMENT ACTIVITIES.

Mrs. Carol Dawson spoke to Council regarding the burned out structure at the corner of Coit and Palmetto Streets. The building burned December 31, 2007 and as of this date there has been no improvement to the property. This has created an unsightly and dangerous condition.

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Mrs. Dawson requested that the City work through the rules and begin the process of having this property cleaned up.

Mr. Calvin Mitchell addressed Council with his concerns of the negative effects that abandoned houses have on neighborhoods. Mr. Mitchell asked Council if they could research what could be done about abandoned properties.

Ms. Gloria Ann Singletary-Finley addressed Council on behalf of the senior citizens in the Pine Street area. The senior citizens in that area are concerned with the abandoned houses and buildings and are afraid to leave their homes because of certain activities that are occurring in the abandoned buildings.

Mr. David Williams, City Manager stated that Mr. Scotty Davis, Director of Community Services has prepared a detailed report on this extremely complex situation.

Mr. Davis stated that there are currently 333 vacant lots and 226 vacant houses in the City of Florence. Mr. Davis reviewed the current laws and processes used when dealing with abandoned houses/buildings.

Some of the challenges faced are actually finding out who the owner of the property is and serving papers to notify them that the property needs to be cleaned. Over the years the CDBG funding that was used to demolish or clean some of these structures has decreased.

Accomplishments include use of funding through the Mayor's Coalition for a Drug Free Florence program to remove 40 houses and have the lots cleared. Mr. Davis has overseen the demolition of abandoned dwellings and cleaning of overgrown lots to develop Habitat Lane (9 houses constructed), Stackley Street (10 houses constructed), North Point (4 houses constructed and 27 available lots), and East Florence Swim Project (25-30 lots available). There are approximately 17 units available for new housing construction (scattered sight), approximately 40 dilapidated units have been demolished, and 352 lots and buildings have been cleared or demolished with the cooperation of the property owners since 2004.

The City Manager and Staff have attended several conferences on vacant lots/abandoned houses sponsored by USC to learn how other municipalities deal with this statewide problem.

Options to consider: A vacant building registry, Urban green space, Homeownership preservation initiative, Business license fee required for landlords, Maintenance registry, and Update of Ordinance(s).

In answer to Mayor pro tem Williams' question regarding strengthening the City's current Ordinances, Mr. Jim Peterson responded that he has talked with other city attorneys to see what they are doing.

Mayor Pro tem Williams stated that more personnel were needed in the Community Services Department to be able to get things accomplished.

Councilman Robinson stated he would rather see these neighborhoods being built up and not torn down. The City needs to look at ways to preserve the community and preserve and promote homeownership. Councilman Robinson added that it should be left up to the people in the community to solve these problems and that they need to take responsibility for their community.

Councilwoman Williams-Blake stated that Council needs to figure out what can be done, what the options are and work together to find the solution.

Mr. Davis added that he has been working with the Urban Planning Department to come up with incentives for development in the north and east areas of Florence and hopefully will have some options to present to Council in the near future.

Councilman Powers stated that the Design Review Board and the Downtown Development Corporation would like to bring the community back to life. Councilman Powers

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added that for the property owners who can not afford to do anything with their property, the City needs to find help for them to build the community up.

Mayor Wukela stated that he is sympathetic to the fixed income owner occupied property owners that do not have the funds to fix up their property.

Chief Anson Shells, Florence Police Department gave an overview of the problems that law enforcement face with abandoned houses. Of the six districts in the City of Florence, the two districts that hold the highest crime rate are the districts with the highest number of vacant and abandoned buildings. Specific problems include murder, assaults, drug problems, prostitution, rape, vandalism, theft, hangout for gang members, and trespassing. Vagrants use abandoned buildings/houses for shelter and drug use. This creates an increased risk of fire and personal injury. The majority of arsons occur in abandoned houses and buildings. Property values decrease in areas that have abandoned and vacant houses and buildings. The worst impact of abandoned houses/buildings is the negative effect on the residents of the area who feel abandoned as a community.

Mitigation efforts by law enforcement regarding abandoned properties are: The properties are checked as part of regular patrol operations; when special problems are identified they are put on a special property watch patrol; there are random property check operations conducted for vagrants and prostitution; problem properties are identified and Community Services is notified for further action; and when possible demolish and clean up the property through the Mayor's Coalition for a Drug-Free Florence.

The discussion ended with Mayor Wukela stating that this is a complicated issue and that Council needs to set up a worksession to discuss further.

BRIEF ADJOURNMENT

Mayor Pro tem Williams made a motion for a brief adjournment. Councilman Powers seconded the motion, which carried unanimously.

The meeting was adjourned at 3:30 p.m.

Mayor Wukela reconvened the regular meeting at 3:38 p.m.

A REPORT ON THE RECOMMENDATIONS OF THE ACCOMMODATIONS TAX ADVISORY COMMITTEE.

Mr. Larry Norris, Chairman of the Accommodations Tax Advisory Committee presented the Committee's recommendations for the \$205,739 that is available for expenditure on tourism. 30% of this amount or \$94,500 is designated by state guidelines to be used by an agency for advertising promotions. The Convention and Visitor's Bureau has been identified as that agency. The balance of the funds are spent toward tourism related expenditure with a consideration for the Arts.

Councilman Robinson asked why the Juneteenth Celebration was not recommended for funding for this fiscal year?

Mr. Norris replied that in the Committee's opinion, the Juneteenth Celebration failed to show that there was anything related to bringing in tourism to Florence. Other issues in the application were that in 2009 the Juneteenth Committee is planning a banquet to recognize black leaders from across the state of South Carolina. However there were no specifics of how this would be done, where it would be done, or how much money it would cost. The Committee felt that more planning and development of this concept needed to occur before any consideration could be given to funding the request. It was a unanimous decision by the Committee to deny

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funding for this request. Also the required receipts from last year's events were not provided to the Committee.

Councilwoman Williams-Blake agreed that the proper receipts were not provided for the Committee and that the application, as presented, would have been difficult to approve.

Councilman Bradham stated that Juneteenth could be a day of celebration in the City of Florence but believes it should be done through an agent and not an elected official. Councilman Bradham added that he feels any elected official should not receive any federal, state, or local funding.

Councilwoman Williams-Blake stated that she felt the Accommodations Tax Advisory Committee recognized the significance of Juneteenth because funding had been approved in the past but was unable to provide funding for this request because of the lack of information that was provided in the current application.

Mr. Norris stated that the Committee is not asked to debate the goodness of Juneteenth but to base their decision on the criteria as set forth by the state guidelines when considering funding for any and all applicants.

Councilman Brand made a motion to approve the recommendations in their entirety and also to approve the recommendation for the 30% money as well. Councilman Bradham seconded the motion.

Councilman Brand made a motion to end the debate and call for the question. Councilman Bradham seconded this motion.

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

Voting no were Councilman Robinson and Mayor Pro tem Williams.

Voting aye to the original motion was Mayor Wukela, Councilwoman Williams-Blake, Councilman Brand, Councilman Bradham and Councilman Powers.

Voting no were Councilman Robinson and Mayor Pro tem Williams.

APPOINTMENTS TO BOARDS AND COMMISSIONS

DESIGN REVIEW BOARD AND CIVIC CENTER COMMISSION

Councilman Steve Powers made a motion to appoint Mr. George Wilds to serve on the Design Review Board.

This motion failed for lack of a second.

Councilwoman Williams-Blake made a motion to have a committee appointed to interview the appointees. This motion was amended to create a committee of three members from City Council to interview perspective applicants for appointments for all positions permanently. The motion was further amended to have the Mayor designate a committee to interview potential appointees to the Boards and Commissions prior to Council voting on an appointee. Councilman Bradham seconded the motion and subsequent amendments, which carried unanimously.

Mayor Wukela made a motion to appoint Councilwoman Williams-Blake as the Chairman of this committee and that she seek out two other council members to join her. Councilman Brand seconded the motion, which carried unanimously.

Mayor Pro tem Williams made a motion to defer consideration of appointments to the Design Review Board and the Civic Center Commission until Councilwoman Williams-Blake's committee has an opportunity to interview the applicants.

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**COUNCILMAN EDWARD ROBINSON - A DISCUSSION REGARDING RESOLUTION
NO. 2008-02 - A RESOLUTION URGING A MORATORIUM ON HOME
FORECLOSURES.**

Councilman Robinson stated that Resolution No. 2008-02 was previously adopted by Council. Basically this Resolution asks Congress to place a moratorium on foreclosures. With the economy in such bad shape, Councilman Robinson felt that City Council should take a more proactive role in what happens through the Federal Government.

After a discussion, Councilman Robinson asked that an identical Resolution be passed with an amendment to instruct the City Clerk to transmit the Resolution to the Florence County State Delegation with a request that they ask the State Legislature to act on it and/or forward a Resolution of their own to the Federal Government. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

EXECUTIVE SESSION

Councilman Bradham made a motion for Council to enter into Executive Session for the purpose of discussing employment and compensation of City employees. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

Council entered into Executive Session at 4:38 p.m.

Mayor Wukela reconvened the regular meeting at 5:17 p.m.

Mayor Wukela stated that no action was requested and no action was taken in Executive Session.

ADJOURN

There being no further business before Council, Mayor Pro tem Williams made a motion to adjourn the meeting. Councilman Bradham seconded the motion, which carried unanimously.

The meeting was adjourned at 5:18 p.m.

Dated this _____ day of January, 2009

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

**STAFF REPORT
TO THE
FLORENCE CITY COUNCIL
December 3, 2007
PC#2007-63**

SUBJECT: Request for amendments to Section 2.5-Table III, Section 3.21, Section 5.2-Table VIII, Section 7.6, and Section 7.7 of the Consolidated Zoning Ordinance for setbacks, text errors, accessory structure rules and commercial and industrial property access.

APPLICANT: Florence County/Municipal Planning Department Staff

STAFF ANALYSIS:

During recent reviews of continuing issues in the community for setbacks and buffers between conflicting land uses, the Planning Commission and staff have determined that several changes should be made.

1. The amendments to Section 2.5 Table III (a) shall re-establish the minimum rear and side yard setback requirements between development of non-residential uses in the commercial zoning districts and adjacent residential zoning districts to lessen the potential negative impact between these uses. Non-residential use development adjacent to like uses shall observe the current setbacks and (b) shall correct typographical errors to the lot width requirements for the B-5, B-6, RU-1 and RU-2 Zoning Districts.
2. The amendment to Section 5.2-Table VIII shall delete reference to information that has been removed from the Ordinance as a part of the amendment process.
3. The amendment to Section 3.21 shall establish minimum required setbacks for all other uses other than commercial and industrial uses in unzoned areas.
4. The amendment to Section 7.6 shall specifically establish a maximum square footage of accessory structures in residential districts.
5. The amendment to Section 7.7 shall establish criteria for prohibiting access to commercial and industrial properties by way of residential zones.
6. If adopted, the amendment for Section 2.5 Table III shall become effective June 1, 2008. All other amendments shall be effective upon adoption.

NOTE:

Text amendments to the Sections for revisions to current text shall be designated by strikethrough and with amended text in bold. Amendment to the text of the Sections for additions shall be designated by bold lettering only.

AMENDMENT REQUEST (1):

A. The current text of Section 2.5 Table III: Schedule of Lot Area, Yard, Setback, Height, Density, Floor area, and Impervious Surface Requirements for Residential, Business and Rural Districts reads as follows:

District	Minimum Lot Area (a)		Lot Width (ft)	Front Yard Setback (b)	Side Yard Setback		Rear Yard Setback		Max Hgt. (ft) (c)	Max Impervious Surface Ratio (%)	Max. Floor Area Ratio: Non-Res. Uses (d)
	Residential	Non-Residential			Res	Non Res	Res	Non Res			
R-1	15,000	30,000	100	25	10	50	30	60	38	40	0.25
R-2	10,000	20,000	80	25	8	25	25	50	38	45	0.30
R-3	6,000	12,000	50	25	5	25	25	50	38	45	0.30
R-4	6,000	12,000	50	25	5	25	20	40	38	45	0.30
R-5	6,000	12,000	50	25	5	25	20	40	4 stories	70	0.30
B-1	5,000	5,000	50	35	5	5	20	20	38	70	0.30
B-2	5,000	5,000	50	35	5	5	20	20	38	80	0.50
B-3	5,000	5,000	50	35	5	5	20	20	(e)	90	None
B-4	NA	None	None	None	NA	None	NA	None	(e)	100	None
B-5	NA	10,000	10,000	35	NA	10	NA	25	(e)	90	None
B-6	NA	10,000	10,000	35	NA	10	NA	25	(e)	90	None
RU-1	15,000	15,000	15,000	35	10	10	30	30	38	40	0.25
RU-2	87,120	43,560	43,560	35	15	50	30	60	38	20	0.15

Notes to Table III

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 – Total floor measured as a percent of total lot area

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

N/A = Not Applicable

B. The amended text to Section 2.5 Table III: Schedule of Lot Area, Yard, Setback, Height, Density, Floor area, and Impervious Surface Requirements for Residential, Business and Rural Districts for setbacks requirements and corrections for typographical errors shall read as follows:

District	Minimum Lot Area (a)		Lot Width (ft)	Front Yard Setback (b)	Side Yard Setback		Rear Yard Setback		Max Hgt. (ft) (c)	Max Impervious Surface Ratio (%)	Max. Floor Area Ratio: Non-Res. Uses (d)
	Residential	Non Residential			Res	Non Res	Res	Non Res			
R-1	15,000	30,000	100	25	10	50	30	60	38	40	0.25
R-2	10,000	20,000	80	25	8	25	25	50	38	45	0.30
R-3	6,000	12,000	50	25	5	25	25	50	38	45	0.30
R-4	6,000	12,000	50	25	5	25	20	40	38	45	0.30
R-5	6,000	12,000	50	25	5	25	20	40	4 stories	70	0.30
B-1	5,000	5,000	50	35(j)	5	5(f)	20	20(f)	38	70	0.30
B-2	5,000	5,000	50	35(j)	5	5(g)	20	20(g)	38	80	0.50
B-3	5,000	5,000	50	35(j)	5	5(h)	20	20(h)	(e)	90	None
B-4	NA	None	None	None	NA	None	NA	None	(e)	100	None
B-5	NA	10,000	40,000 100	35	NA	10(i)	NA	25(i)	(e)	90	None
B-6	NA	10,000	40,000 100	35	NA	10(i)	NA	25(i)	(e)	90	None
RU-1	15,000	15,000	15,000 100	35	10	10	30	30	38	40	0.25
RU-2	87,120	43,560	43,560 200	35	15	50	30	60	38	20	0.15

Notes to Table III

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 – Total floor measured as a percent of total lot area

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

The following side and rear yard setbacks shall be observed in the commercial zoning districts when non-residential development is proposed adjacent to a residential zoning district:

f – 20 feet

g – 20 feet

h – 30 feet

i – 100 feet

j – The minimum front yard setback requirement shall be 20' if parking is established either in the side or rear of the property.

N/A = Not Applicable

AMENDMENT REQUEST (2):

A. The current text reads as follows:

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

	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS (B)	UZ (1)
Freestanding										
Number Permitted (E)										
Per Lot										
Billboards	N	N	N	NA	N	NA	NA	N	N	NA
Other	1 (A)	1	1	1	1	1	1	1 (A)	1	NA
Per Feet of St. Frontage										
Billboards (C)	N	N	N	1:1,200 (J)	N	1:1,200 (J)	1:1,200 (J)	N	N	1:1,200
Other	NA	NA	NA	(D)	NA	(D)	(D)	NA	NA	NA
Maximum Sign Area (s.f.)										
Billboards	NA	NA	NA	(F)	NA	(F)	(F)	NA	NA	NA
Other	20	20	32	3 s.f. for each ft. st. frontage (G)	80	80	32	20	20	NA
Minimum Setback from Property Line										
Billboards	NA	NA	NA	10'	NA	10'	10'	NA	NA	10'
Other	5'	5'	5'	5'	0'	5'	5'	5'	5'	NA
Maximum Height	12'	12'	24'	(H)	24'	(H)	(H)	12'	12'	(H)
Building Signs										
Number Permitted	1	1	2	2	2	2	2	1	1	NA
Maximum Sign Area (s.f.)	4	12	NA	NA	NA	NA	NA	12	12	NA
Maximum Wall Area (%)	NA	NA	25%	25%	25%	15%	25%	NA	NA	NA
Temporary Signs (2)	See Section 5.5									

Table Notes: NA = Not Applicable N= Not Allowed s.f. = Square Feet

- A** – One-use identification signs, not exceeding 20 s.f. each, are permitted for each entrance of a subdivision, residential project, or agricultural operation.
- B** – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the Zoning Ordinance in residential zoning district, i.e. churches, schools, parks, etc.
- C** – Minimum distances required by this section shall be measured between billboards located on either side of the street along the centerline of the street from which the billboard is viewed.
- D** – One per lot or one for each 300 linear feet of street frontage, whichever is less.
- E** – Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- F** – 378 s.f., except where located within 600 feet of an Interstate Highway ROW, where maximum shall be 672 square feet. Interstate highway ROW does not include I-20 Spur or McLeod Blvd. from W. Evans to I-95.
- G** – Not to exceed 160 square feet.
- H** – Maximum height of billboards shall not exceed 100 feet. Where located within 600 feet of Interstate ROW, shall not exceed 40 feet.
- I** – Un-zoned areas – Billboards must be within 600 feet of business operation for 12 months, with at least one employee available to public at least 36 hours per week for four (4) days. Business to be equipped with all utilities, including restroom and permanent floor.

B. The amended text shall read as follows after the deletion of reference to information that has been removed from the Ordinance as a part of the Planning Department's ongoing amendment process:

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

	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS (B)	UZ (1)
Freestanding										
Number Permitted (E)										
Per Lot										
Billboards	N	N	N	NA	N	NA	NA	N	N	NA
Other	1 (A)	1	1	1	1	1	1	1 (A)	1	NA
Per Feet of St. Frontage										
Billboards (C)	N	N	N	1:1,200 (J)	N	1:1,200 (J)	1:1,200 (J)	N	N	1:1,200
Other	NA	NA	NA	(D)	NA	(D)	(D)	NA	NA	NA
Maximum Sign Area (s.f.)										
Billboards	NA	NA	NA	(F)	NA	(F)	(F)	NA	NA	NA
Other	20	20	32	3 s.f. for each ft. st. frontage (G)	80	80	32	20	20	NA
Minimum Setback from Property Line										
Billboards	NA	NA	NA	10'	NA	10'	10'	NA	NA	10'
Other	5'	5'	5'	5'	0'	5'	5'	5'	5'	NA
Maximum Height	12'	12'	24'	(H)	24'	(H)	(H)	12'	12'	(H)
Building Signs										
Number Permitted	1	1	2	2	2	2	2	1	1	NA
Maximum Sign Area (s.f.)	4	12	NA	NA	NA	NA	NA	12	12	NA
Maximum Wall Area (%)	NA	NA	25%	25%	25%	15%	25%	NA	NA	NA
Temporary Signs (2)	See Section 5.5									

Table Notes: NA = Not Applicable N= Not Allowed s.f. = Square Feet

- A** – One-use identification signs, not exceeding 20 s.f. each, are permitted for each entrance of a subdivision, residential project, or agricultural operation.
- B** – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the Zoning Ordinance in residential zoning district, i.e. churches, schools, parks, etc.
- C** – Minimum distances required by this section shall be measured between billboards located on either side of the street along the centerline of the street from which the billboard is viewed.
- D** – One per lot or one for each 300 linear feet of street frontage, whichever is less.
- E** – Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- F** – 378 s.f., except where located within 600 feet of an Interstate Highway ROW, where maximum shall be 672 square feet. Interstate highway ROW does not include I-20 Spur or McLeod Blvd. from W. Evans to I-95.
- G** – Not to exceed 160 square feet.
- H** – Maximum height of billboards shall not exceed 100 feet. Where located within 600 feet of Interstate ROW, shall not exceed 40 feet.
- I** – Un-zoned areas – Billboards must be within 600 feet of business operation for 12 months, with at least one employee available to public at least 36 hours per week for four (4) days. Business to be equipped with all utilities, including restroom and permanent floor.

AMENDMENT REQUEST(3)

A. The current text of Section 7.6 reads as follows:

Section 7.6 Accessory Buildings and Uses

Section 7.6-1 Accessory Uses to Observe Required Setbacks

Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

Section 7.6-2 General Requirements

Residential Districts

1. The number of accessory uses shall not exceed two on any lot or parcel.
2. The combined gross floor area (GFA) of all accessory uses shall not exceed 50 percent of the principal use.
3. The height of accessory buildings shall not exceed 20 feet.
4. No mobile home or standard design manufactured home shall be used as an accessory building.

All Other Districts

1. There is no limit to the number of accessory buildings however such buildings shall occupy no more than 30 percent of the total lot area.
2. If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 20 feet in height.
3. Accessory uses may be allowed within 3 feet of a side or rear property line, except where contiguous to a residential zone, in which case the accessory use shall observe the setback requirement of the principal use.

B. The proposed text amendment shall read as follows:

Section 7.6 Accessory Buildings and Uses

Section 7.6-1 Accessory Uses to Observe Required Setbacks

Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

Section 7.6-2 General Requirements

Residential Districts

1. The number of accessory uses shall not exceed two on any lot or parcel.
2. The combined gross floor area (GFA) of all accessory uses shall not exceed **50 percent of the principal use 1000 square feet.**
3. The height of accessory buildings shall not exceed 20 feet.
4. No mobile home or standard design manufactured home shall be used as an accessory building.
5. **Setbacks of three feet from side and rear property lines shall be observed.**

All Other Districts

1. There is no limit to the number of accessory buildings however such buildings shall occupy no more than 30 percent of the total lot area.
2. If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 20 feet in height.
3. Accessory uses may be allowed within 3 feet of a side or rear property line, except where contiguous to a residential zone, in which case the accessory use shall observe the setback requirement of the principal use.

AMENDMENT REQUEST(4):

An addition shall be made to Section 7.7 Access to Property and shall read as follows:

Access to Commercial and Industrial Zoned Property Prohibited From Residential Zones

Where a commercial or industrial zoning district is bounded by a residential zoning district, access to such industrial or commercial properties, including off-street parking and loading areas, shall be restricted to streets and alleys within the respective commercial or industrial districts in which such uses are located; and no commercial or industrial vehicles or parking in connection with an industrial or commercial use shall occupy a public street or right-of-way separating commercial or industrial districts from residential districts.

AMENDMENT REQUEST (5):

An addition shall be made to Section 3.21 Development Standards for Unzoned Areas §7 Setbacks and shall read as follows:

7) Setbacks

Proposed Use	Front	Rear	Side
Commercial	25'	20'	10'
Industrial/Warehousing/ Storage	25'	50'	50'
Office/Institutional	25'	20'	20'
Accessory Use All Other Uses	25'	5'	5'

Florence County/Municipal Planning Commission Action: August 28, 2007

The nine Planning Commission members voted unanimously to defer the request for a work session to be scheduled at a time in September prior to the September 25, 2007 Planning Commission meeting.

Planning Commission Work Session: September 12, 2007

The Planning Commission held a work session for discussion of the amendment as presented.

Florence County/Municipal Planning Commission Action: September 25, 2007

No action was taken on the text amendments at the meeting held on September 25, 2007 due to the lack of a quorum of Planning Commission members.

In addition, prior to the Planning Commission meeting scheduled for October 23, 2007 and based on subsequent discussions after the work session of September 12, 2007, staff has been directed to research for amendments to the Zoning Ordinance Section 3.21 for establishing setbacks for all other uses in an unzoned area and to Section 7.7 to establish criteria for accessing commercial and industrial properties through residential zones.

Florence County/Municipal Planning Commission Action: October 23, 2007

The nine Planning Commission members present at the meeting voted to defer the request for amendments for further study until the next month's meeting by a vote of 5-4 in favor to defer.

Florence County/Municipal Planning Commission Action: November 27, 2007

Prior to the Chairman's request to the Planning Commission members for a vote on the motion to approve the text amendments, he asked if persons from the public who wished, to stand indicating their support of the text amendments with revisions and likewise those who were in opposition to the request. There were twenty persons who stood in support of the amendment and none to stand in opposition.

The nine Planning Commission members present voted unanimously to approve the text amendments as revised at the meeting on November 27, 2007.

Florence County/Municipal Planning Commission Recommendation:

The Planning Commission recommends approval of the text amendments with revisions by Florence City Council.

ATTACHMENTS:

1. Ordinance



David N. Williams, City Manager

ORDINANCE NO. 2008 - _____

AN ORDINANCE TO AMEND SECTION 2.5-TABLE III, SECTION 3.21, SECTION 5.2-TABLE VIII, SECTION 7.6, AND SECTION 7.7 OF THE CITY OF FLORENCE ZONING ORDINANCE FOR SETBACKS, TEXT ERRORS, ACCESSORY STRUCTURE RULES AND COMMERCIAL AND INDUSTRIAL PROPERTY ACCESS.

WHEREAS, a Public Hearing was held in Room 803 of the City-County Complex on November 27, 2007 at 6:30 P.M. before the Florence County/Municipal Planning Commission and notice of said hearing was duly given; and

WHEREAS, requests were presented to the Planning Commission for amendments to the text of the City of Florence Zoning Ordinance as follows:

1. The amendments to Section 2.5 Table III (a) shall re-establish the minimum rear and side yard setback requirements between development of non-residential uses in the commercial zoning districts and adjacent residential zoning districts to lessen the potential negative impact between these uses. Non-residential use development adjacent to like uses shall observe the current setbacks and (b) shall correct typographical errors to the lot width requirements for the B-5, B-6, RU-1 and RU-2 Zoning Districts.
2. The amendment to Section 5.2-Table VIII shall delete reference to information that has been removed from the Ordinance as a part of the amendment process.
3. The amendment to Section 3.21 shall establish minimum required setbacks for all other uses other than commercial and industrial uses in unzoned areas.
4. The amendment to Section 7.6 shall specifically establish a maximum square footage of accessory structures in residential districts.
5. The amendment to Section 7.7 shall establish criteria for prohibiting access to commercial and industrial properties by way of residential zones.
6. If adopted, the amendment for Section 2.5 Table III shall become effective June 1, 2008. All other amendments shall be effective upon adoption.

Text amendments to the Sections for revisions to current text shall be designated by strikethrough and with amended text in bold. Amendment to the text of the Sections for additions shall be designated by bold lettering only.

WHEREAS, the Florence County/Municipal Planning Commission and Florence City Council concur in the aforesaid applications, findings and recommendations;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE AT MEETING DULY ASSEMBLED, BY THE AUTHORITY VESTED THEREIN:

1. That an Ordinance entitled Zoning Ordinance by the City of Florence effective April 19, 1999 is hereby amended as follows:

TEXT AMENDMENT (1)

The amended text to Section 2.5 Table III: Schedule of Lot Area, Yard, Setback, Height, Density, Floor area, and Impervious Surface Requirements for Residential, Business and Rural Districts for setbacks requirements and corrections for typographical errors shall read as follows:

District	Minimum Lot Area (a)		Lot Width (ft)	Front Yard Setback (b)	Side Yard Setback		Rear Yard Setback		Max Hgt. ft) (c)	Max Impervious Surface Ratio (%)	Max. Floor Area Ratio: Non-Res. Uses (d)
	Residential	Non Residential			Res	Non Res	Res	Non Res			
R-1	15,000	30,000	100	25	10	50	30	60	38	40	0.25
R-2	10,000	20,000	80	25	8	25	25	50	38	45	0.30
R-3	6,000	12,000	50	25	5	25	25	50	38	45	0.30
R-4	6,000	12,000	50	25	5	25	20	40	38	45	0.30
R-5	6,000	12,000	50	25	5	25	20	40	4 stories	70	0.30
B-1	5,000	5,000	50	35(j)	5	5(f)	20	20(f)	38	70	0.30
B-2	5,000	5,000	50	35(j)	5	5(g)	20	20(g)	38	80	0.50
B-3	5,000	5,000	50	35(j)	5	5(h)	20	20(h)	(e)	90	None
B-4	NA	None	None	None	NA	None	NA	None	(e)	100	None
B-5	NA	10,000	10,000 100	35	NA	10(i)	NA	25(i)	(e)	90	None
B-6	NA	10,000	10,000 100	35	NA	10(i)	NA	25(i)	(e)	90	None
RU-1	15,000	15,000	15,000 100	35	10	10	30	30	38	40	0.25
RU-2	87,120	43,560	43,560 200	35	15	50	30	60	38	20	0.15

Notes to Table III

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

The following side and rear yard setbacks shall be observed in the commercial zoning districts when non-residential development is proposed adjacent to a residential zoning district:

- f – 20 feet
 - g – 20 feet
 - h – 30 feet
 - i – 100 feet
 - j – The minimum front yard setback requirement shall be 20' if parking is established either in the side or rear of the property.
- N/A = Not Applicable

TEXT AMENDMENT (2):

The amended text shall read as follows after the deletion of reference to information that has been removed from the Ordinance as a part of the Planning Department’s ongoing amendment process:

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

	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS (B)	UZ (1)
Freestanding										
Number Permitted (E)										
Per Lot										
Billboards	N	N	N	NA	N	NA	NA	N	N	NA
Other	1 (A)	1	1	1	1	1	1	1 (A)	1	NA
Per Feet of St. Frontage										
Billboards (C)	N	N	N	1:1,200 (J)	N	1:1,200 (J)	1:1,200 (J)	N	N	1:1,200
Other	NA	NA	NA	(D)	NA	(D)	(D)	NA	NA	NA
Maximum Sign Area (s.f.)										
Billboards	NA	NA	NA	(F)	NA	(F)	(F)	NA	NA	NA
Other	20	20	32	3 s.f. for each ft. st. frontage (G)	80	80	32	20	20	NA
Minimum Setback from Property Line										
Billboards	NA	NA	NA	10'	NA	10'	10'	NA	NA	10'
Other	5'	5'	5'	5'	0'	5'	5'	5'	5'	NA
Maximum Height	12'	12'	24'	(H)	24'	(H)	(H)	12'	12'	(H)
Building Signs										
Number Permitted	1	1	2	2	2	2	2	1	1	NA
Maximum Sign Area (s.f.)	4	12	NA	NA	NA	NA	NA	12	12	NA
Maximum Wall Area (%)	NA	NA	25%	25%	25%	15%	25%	NA	NA	NA
Temporary Signs (2)	See Section 5.5									

Table Notes: NA = Not Applicable N= Not Allowed s.f. = Square Feet

- A** – One-use identification signs, not exceeding 20 s.f. each, are permitted for each entrance of a subdivision, residential project, or agricultural operation.
- B** – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the Zoning Ordinance in residential zoning district, i.e. churches, schools, parks, etc.
- C** – Minimum distances required by this section shall be measured between billboards located on either side of the street along the centerline of the street from which the billboard is viewed.
- D** – One per lot or one for each 300 linear feet of street frontage, whichever is less.
- E** – Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- F** – 378 s.f., except where located within 600 feet of an Interstate Highway ROW, where maximum shall be 672 square feet. Interstate highway ROW does not include I-20 Spur or McLeod Blvd. from W. Evans to I-95.
- G** – Not to exceed 160 square feet.
- H** – Maximum height of billboards shall not exceed 100 feet. Where located within 600 feet of Interstate ROW, shall not exceed 40 feet.
- I** – Un-zoned areas – Billboards must be within 600 feet of business operation for 12 months, with at least one employee available to public at least 36 hours per week for four (4) days. Business to be equipped with all utilities, including restroom and permanent floor.

TEXT AMENDMENT (3)

Section 7.6 Accessory Buildings and Uses

Section 7.6-1 Accessory Uses to Observe Required Setbacks

Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

Section 7.6-2 General Requirements

Residential Districts

1. The number of accessory uses shall not exceed two on any lot or parcel.
2. The combined gross floor area (GFA) of all accessory uses shall not exceed **50 percent of the principal use-1000 square feet.**
3. The height of accessory buildings shall not exceed 20 feet.
4. No mobile home or standard design manufactured home shall be used as an accessory building.
5. **Setbacks of three feet from side and rear property lines shall be observed.**

All Other Districts

1. There is no limit to the number of accessory buildings however such buildings shall occupy no more than 30 percent of the total lot area.
2. If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 20 feet in height.
3. Accessory uses may be allowed within 3 feet of a side or rear property line, except where contiguous to a residential zone, in which case the accessory use shall observe the setback requirement of the principal use.

TEXT AMENDMENT (4):

An addition shall be made to Section 7.7 Access to Property and shall read as follows:

Access to Commercial and Industrial Zoned Property Prohibited From Residential Zones

Where a commercial or industrial zoning district is bounded by a residential zoning district, access to such industrial or commercial properties, including off-street parking and loading areas, shall be restricted to streets and alleys within the respective commercial or industrial districts in which such uses are located; and no commercial or industrial vehicles or parking in connection with an industrial or commercial use shall occupy a public street or right-of-way separating commercial or industrial districts from residential districts.

TEXT AMENDMENT (5):

An addition shall be made to Section 3.21 Development Standards for Unzoned Areas §7 Setbacks and shall read as follows:

7) Setbacks

Proposed Use	Front	Rear	Side
Commercial	25'	20'	10'
Industrial/Warehousing/ Storage	25'	50'	50'
Office/Institutional	25'	20'	20'
Accessory Use All Other Uses	25'	5'	5'

2. That this Ordinance shall become effective this _____ day of _____, 2008 upon its adoption by the City Council of the City of Florence.

ADOPTED THIS _____ DAY OF _____, 2008.

Approved as to form:

James W. Peterson, Jr., City Attorney

Frank E. Willis, Mayor

Attest:

Dianne Rowan, Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: April 8, 2008

AGENDA ITEM: Amendment to Section 2.9 of the Consolidated Zoning Ordinance to create the Wilson Road Residential Overlay District and establish the applicable Design Guidelines

DEPARTMENT/DIVISION: Urban Planning and Development

I. ISSUE UNDER CONSIDERATION

The purpose of this amendment is to consider establishing a new overlay district to be known as the Wilson Road Residential Overlay District and adopt the Design Guidelines applicable to the new overlay district.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

- a. The attached amendment to Section 2.9 is designed to establish a new overlay district to be known as the Wilson Road Residential Overlay District.
- b. In 2005 City Council adopted an ordinance creating four (4) Downtown Overlay Districts and establishing the Design Guidelines applicable to those Districts.
- c. In 2007 City Council adopted an ordinance which amended Section 2.9 to add a residential overlay district known as Timrod Park Residential Overlay District and establishing the Design Guidelines applicable to that District.
- d. Interested residents from the residential area around Wilson Road have requested that City Council create a residential overlay district in their area in order to preserve the residential character of that location.
- e. The interested residents have worked with staff to create the proposal being considered.
- f. The Florence County - Municipal Planning Commission will consider this matter at their regularly scheduled meeting on May 27, 2008.

III. POINTS TO CONSIDER


- a. This action involves possible legal issues which should be addressed by the City Attorney in executive session prior to action being taken.
- b. The proposed ordinance establishes a residential overlay district and adopts applicable Design guidelines, the guidelines addressing solely use restrictions.
- c. Adjacent to this area is property located outside the City and the residents have requested that the County consider similar action regarding that property.

IV. STAFF RECOMMENDATION

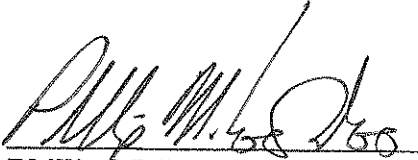
Staff recommends consideration of the Amended Ordinance after legal advise. If approved, this will be forwarded to the Planning Commission for their recommendation before the second reading.

V. ATTACHMENTS

Copy of the proposed Amended Ordinance.



David N. Williams
City Manager



Phillip M. Lookadoo, Director
Urban Planning and Development



FLORENCE COUNTY
PLANNING, BUILDING INSPECTION, ENGINEERING
AND CODE ENFORCEMENT DEPARTMENT

June 30, 2008

Florence City Council
City-County Complex
180 North Irby Street
Florence, South Carolina 29501

RE: Text Amendment to the Florence County/Municipal Zoning Ordinance-Section 2.9 to Create the Wilson Road Residential Overlay District and Establish the Applicable Design Guidelines.

To Florence City Council:

The Florence County/Municipal Planning Commission voted unanimously to reconsider the above-referenced request by the City of Florence Urban and Planning Department on Tuesday, June 24, 2008.

The nine Planning Commission members present voted unanimously to recommend that City Council defer second reading of the text amendment request and to refer the request to the City of Florence Planning Commission to conduct another public hearing and study the proposal.

Should you have any questions or need additional information, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "William H. Hoge".

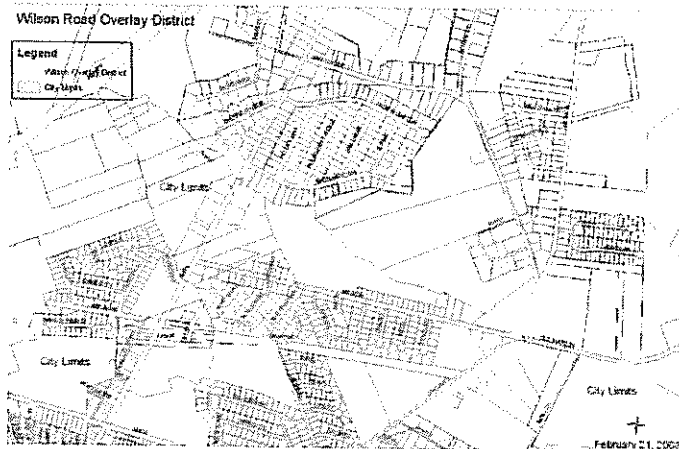
William H. Hoge
Director, Planning and Building Inspections Department

Cc: Phillip Lookadoo, Director, City of Florence Urban and Planning Department
Dianne Rowan, Municipal Clerk, City of Florence

EXHIBIT 1

Design Guidelines

2: Wilson Road Residential District Design Guidelines & Requirements



Please Note: This section sets out land uses and certain guidelines for the redevelopment, construction, renovation or restoration of buildings located within the Timrod Park Residential District. A Certificate of Appropriateness is required for any change in use, construction or redevelopment within this District.

The map above shows the Wilson Road Residential District (in Blue and City Limits in Grey).

Comments

The intent of this District is to maintain the general quality and appearance of the neighborhood and to encourage development while preserving and promoting the cultural, economic and general welfare of the public. The District does so by providing a mechanism for the identification, recognition, preservation, maintenance, protection and enhancement of existing structures and other properties which make up the Wilson Road Residential District. Similar to other Districts, the goal is to implement and enable redevelopment by providing compatible residential development in the greater Wilson Road Area.

Of basic importance to this effort is the maintenance, restoration, and careful development of the residential area known as the Wilson Road Neighborhood. The boundaries of the Wilson Road Residential District are shown on the preceding page.

Within the Wilson Road Residential District the permitted uses are generally determined by the "underlying" or primary zoning district. All zoning and/or change in zoning requests shall be heard and acted upon by the City-County Planning Commission in compliance with the Consolidated Zoning Ordinance.

General Guidelines

For the Wilson Road Residential District, Zoning Compliances are issued by the Zoning Administrator of the County-Municipal Consolidated Zoning Ordinance.

Zoning Compliance, Criteria for Issuance

In considering the issue of compliance for the District, the Zoning Administrator shall use the following criteria:

1. All the regulations set forth in the Consolidated Zoning Ordinance; and
2. No duplexes, multi-family housing or town homes as defined in the Consolidated Zoning Ordinance shall be allowed in the district.

Certificate of Appropriateness, Application Requirements

The procedures for the administration and approval of a Zoning Compliance are contained within the following sections of the Consolidated Zoning Ordinance,:

A. County Municipal Consolidated Zoning Ordinance

1. Section 2.9 – Florence Downtown Overlay District

B. Design Guidelines for Overlay Districts Florence, South Carolina

1. Chapter 2 --Overlay District Guidelines
Requirements:

Wilson Road Overlay District

Legend

- Wilson-Overlay District
- City Limits



February 21, 2008

ORDINANCE NO. 2008-_____

AN ORDINANCE TO AMEND SECTION 2.9 OF THE CONSOLIDATED ZONING ORDINANCE BY ADDING TO THE EXISTING ORDINANCE IN ORDER TO CREATE THE WILSON ROAD RESIDENTIAL OVERLAY DISTRICT ASSOCIATED WITH DESIGN GUIDELINES AND TO PROVIDE FOR THEIR ENFORCEMENT AND ADMINISTRATION.

WHEREAS, a public hearing was held in room number 803 of the City County Complex on May 27, 2008 before the Florence County - Municipal Planning Commission and notice of said hearing was duly given;

WHEREAS, the City of Florence wishes to protect and preserve an area that contains predominantly single family homes;

WHEREAS, the Florence County - Municipal Planning Commission, and the Florence City Council concur in the aforesaid application and findings;

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

I.

That the provisions of the Consolidated Zoning Ordinance applicable to the City of Florence be, and the same are hereby, amended to amend Section 2.9, *et seq.*, which will read in whole as follows:

Sec. 2.9. Florence Overlay Districts.

Sec. 2.9-1. A Purpose and Intent.

In order to promote the economic and general welfare of the City of Florence and of the public generally, the City of Florence seeks to promote and control preservation, redevelopment, restoration, and revitalization in its traditional downtown core and throughout the city limits and seeks to ensure the harmonious, orderly, and efficient growth and redevelopment of the City.

History demonstrates that the promotion of these goals requires that the City take action to preserve the qualities relating to the history of the Downtown area and to create a harmonious outward appearance of structures by emphasizing the preservation and restoration of the historic areas and buildings in both the

downtown area and the City in general. The continued construction of buildings in historic styles and with general harmony as to the style, form, color, proportion, texture, and material between the buildings within the surrounding area thereby fostering civic pride and the orderly efficient growth and redevelopment within the City.

The creation of Overlay Districts for the City of Florence is done in order to establish a mechanism for the accomplishment of these objectives.

Sec. 2.9-2. Establishing Florence Downtown Overlay Districts.

(A) There are hereby established ~~five~~ six (~~65~~) overlay districts in the ~~Downtown~~ City of Florence area, those districts being designated as follows:

D-1. Downtown Redevelopment District: The intent of this district is to promote the cultural, economic, and general welfare of the public by providing a mechanism for the identification, recognition, preservation, maintenance, protection, and enhancement of existing architecturally valuable structures, properties, and neighborhoods which make up the district. This overlay district will be subject to the Design Guidelines referred to below and incorporated herein by reference.

D-2. Downtown Central District: The intent of this district is to promote good urban design and to establish and maintain a unified, improved identity for Downtown Florence. This overlay district will be subject to the Design Guidelines referred to below and incorporated herein by reference. .

D-3. Downtown Arts and Cultural District: The intent of this district is to promote good urban design and to build on the attractive and significant architecture that exists through new infill development. This overlay district will be subject to the Design Guidelines referred to below and incorporated herein by reference.

D-4 Timrod Park Residential District: The intent of this district is to promote good urban residential design and to maintain and build upon the attractive

and significant historic architecture that exists throughout the District. This overlay district will be subject to the Design Guidelines referred to below and incorporated herein by reference.

H-1. Florence Historic District: The intent of this district is to respect and build on the historic character of Downtown Florence and to establish the initial parameters for the possible pursuit of National Register Historic District designation. This overlay district will be subject to the Design Guidelines referred to below and incorporated herein by reference.

WRRD. Wilson Road Residential District: The intent of this district is to promote good urban residential design and to maintain and build upon the architecture that exists throughout the District. This overlay district will be subject to the Design Guidelines referred to below and incorporated herein by reference.

- (B) The boundaries for the overlay districts hereby established shall be shown on an amendment to the Consolidated Zoning Map, and the boundaries hereby established are set forth below:

D-1. Downtown Redevelopment District: The boundaries of the Downtown Redevelopment District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 1.

D-2. Downtown Central District: The boundaries of the Downtown Central District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 2.

D-3. Downtown Arts and Cultural District: The boundaries of the Downtown Arts and Cultural District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 3.

D-4. Timrod Park Residential District: The boundaries of the Timrod Park Residential District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 4.

H-1. Florence Historic District: The boundaries of the Florence Historic District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 5.

WRRD. Wilson Road Residential District: The boundaries of the Wilson Road Residential District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 6.

- (C) The overlay districts referred to above shall be incorporated into the Consolidated Zoning Map and shall be maintained in both the Florence County - Municipal Planning Department and in the office of the Florence ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development.
- (D) Variances for residential uses on any lot or parcel, including mixed use developments, may be permitted within the Downtown Redevelopment District as a Special Exception by the City-County Board of Zoning Appeals. To ensure conformity to the Consolidated Zoning Ordinance and compatibility with the intent of the overlay district for which that use is proposed, a Certificate of Appropriateness is required from the Design Review Board and a variance must be obtained from the City-County Board of Zoning Appeals. Prior to submitting a request for a variance from the City-County Board of Zoning Appeals the owner must first obtain a Certificate of Appropriateness which shall be used to determine that the proposed residential use is compatible with the purposes of the Overlay District for which it is proposed.

Sec. 2.9-3. Adoption of Design Guidelines.

In the interest of promoting the cultural, economic, and general welfare of the public by providing a mechanism for the identification, recognition, preservation, maintenance, protection, and enhancement of the existing architecturally valuable structures and to promote the redevelopment and revitalization of the traditional Downtown Area and throughout the City of Florence by insuring the harmonious,

orderly, and efficient growth and redevelopment of the City, the City of Florence hereby adopts and incorporates by reference the Design Guidelines attached hereto as Appendix 7.

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~~ Director of Urban Planning and Development and a Certificate of Appropriateness issued before any of the following activities can be undertaken:

- (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
- (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.

Sec. 2.9-5. Powers of Design Review Board.

Toward this objective, The Design Review Board shall have the following powers and duties:

- (A) To adopt procedural regulations;
- (B) To conduct and/or maintain an ongoing survey to identify historically and architecturally significant properties, structures, and areas that exemplify the cultural, social, economic, political, or architectural history of the City;
- (C) To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each such designation;
- (D) To advise and assist owners of all properties or structures within the overlay districts on the physical and financial aspects of preservation,

renovation, rehabilitation, and reuse and, where appropriate, to advise such owners of the procedures of the inclusion of structures on the National Register of Historic Places;

- (E) To work in conjunction with the Downtown Redevelopment Coordinator to inform and educate the citizens of Florence concerning the Downtown historic and architectural heritage by publishing appropriate maps, newsletters, brochures, and pamphlets; by holding programs and seminars; and through media exposure;
- (F) To consider, analyze, and make a determination with respect to all applications for a Certificate of Appropriateness by applying the Design Guidelines herein adopted to the project and property in question;
- (G) To make recommendations for amendments to the Design Guidelines for any of the overlay districts with final approval of the Design Guidelines to be accomplished by the City Council by resolution. Once approved, to implement any amendments to the Design Guidelines.
- (H) To assist the public entities in the development of streetscapes within the overlay districts which are consistent with the information contained in the Design Guidelines.
- (I) To hear and act upon appeals regarding the acceptance and granting of a Certificate of Compliance by the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development.

Sec. 2.9-6. Certificates of Appropriateness, Criteria for Issuance.

In considering the issue of appropriateness of a particular project, the Design Review Board shall be guided by the Design Guidelines adopted herein by reference.

Sec. 2.9-7. Design Review Board; Rules of Procedure.

- (A) **Officers:** The officers of The City of Florence Design Review Board shall be a chairman and a vice-chairman elected for one (1) year at the first meeting of the Design Review Board in each calendar year. The officers of the Design Review Board may serve four (4) consecutive terms. The ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development for the City of Florence shall serve as the staff representative to the Design Review Board. The City Manager will assign a member of the staff of the City to serve as secretary to the Design Review Board. The

designated officers of the Design Review Board shall have the following authority, duties, and responsibilities:

- (1) **Chairman:** The Chairman shall be a voting member of the Design Review Board and shall:
 - (a) Call meetings of the Design Review Board;
 - (b) Preside at meetings;
 - (c) Act in conjunction with the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development as a spokesperson for the Design Review Board;
 - (d) Sign documents for the Design Review Board;
 - (e) Perform other duties approved by the Design Review Board.
- (2) **Vice-Chairman:** The Vice-Chairman shall be a voting member of the Design Review Board and shall exercise the duties of the chairman in the absence, disability, or disqualification of the Chairman. In the absence of the Chairman and the Vice-Chairman, an acting Chairman shall be elected by the members present.
- (3) **Secretary to the Design Review Board:** The Secretary to the Design Review Board shall:
 - (a) Provide notice of all meetings;
 - (b) Assist the Chairman in the preparation of agendas;
 - (c) Keep minutes of meetings and hearings;
 - (d) Maintain the Design Review Board's records as public records;
 - (e) Attend to Design Review Board correspondence;
 - (f) Perform any other duties normally carried out by a Secretary.

(B) **Meetings**

- (1) **Time and place:** An annual schedule of regular monthly meetings shall be adopted, published, and posted at the City-County Complex in January of each year. Special meetings may be called by the Chairman upon twenty-four (24) hour notice, posted, and delivered to all members of the Design Review Board and the local media. Meetings shall be held in a place to be stated in the notice, and shall be open to the public.
- (2) **Agenda:** A written agenda shall be furnished by the Secretary to each member of the Design Review Board and to the news media, and it shall be posted at least four (4) days prior to each regular meeting and at least twenty-four (24) hours prior to a special meeting. Items may be added to the agenda at a meeting by a majority vote of the members present.
- (3) **Quorum:** A majority of the members of the Design Review Board shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling a meeting.
- (4) **Voting:** A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member(s) affected, and any such member so affected shall announce the reasons for disqualifications, have it placed in the minutes, and shall refrain from deliberation or voting on the question.
- (5) **Public Input:** Except for public hearings and additional public input sought by the Design Review Board, no person shall speak at a Design Review Board meeting unless invited to do so by the Design Review Board. The presiding officer at the Design Review Board meeting reserves the right to determine the amount of public input desired.
- (6) **Minutes:** The Secretary to the Design Review Board shall prepare minutes of each meeting for approval by the Design Review Board at the next regular meeting. Minutes shall be maintained as a public record.

- (7) **Attendance:** The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The Design Review Board shall recommend to the Mayor and City-Council the removal for cause of any member who is absent from three (3) consecutive meeting without adequate reason.

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~~ Director of Urban Planning and Development.**

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~~ Director of Urban Planning and Development 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~~ Director of Urban Planning and Development 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~~ Director of Urban Planning and Development 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~~ Director of Urban Planning and Development 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~~ Director of Urban Planning and Development 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~~ Director of Urban Planning and Development:** The ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development 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~~ Director of Urban Planning and Development 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~~ Director of Urban Planning and Development 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 within the H-1 Historic District or those 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) In the Wilson Road Residential District all applications for a Certificate of Appropriateness may be issued by the Director of Urban Planning and Development.

In all cases, the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development 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~~ Director of Urban Planning and Development, there are substantial changes and improvements in the application for a project, the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development 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.

and requirements contained in the Certificate of Appropriateness. In the event a Certificate of Compliance is denied by the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development the owner may appeal the decision by writing to the Design Review Board. In the event of an appeal, the Design Review Board shall consider and act on the appeal at its next regularly scheduled meeting.

Sec. 2.9-10. Appeal from the Design Review Board.

- (A) Any person with a substantial interest in any final decision of the Design Review Board may appeal from any decision of the Design Review Board to the City Council for the City of Florence by filing a Petition in Writing with the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development setting forth plainly, fully, and distinctly why the decision of the Design Review Board is contrary to law. Any such appeal must be filed within thirty (30) days after the affected party receives actual notice of the decision Design Review Board. City Council shall hold a hearing on said appeal within forty-five (45) days after receipt of the Petition. Council's decision on said appeal shall be by majority vote, and the Petitioner shall be notified of the decision in writing.
- (B) Any person with substantial interest in any decision of City Council on the appeal from the Design Review Board may appeal from said decision of City Council to the Court of Common Pleas for Florence County by filing a Petition in Writing with Clerk of Court for Florence County setting forth plainly, fully, and distinctly why the decision of City Council on appeal is contrary to law. Any such appeal to the Court of Common Pleas must be filed within thirty (30) days after the affected party receives written notice of the decision of City Council under Paragraph "A" of this section.

Sec. 2.9-11. Administrative Officer and Responsibilities.

- (A) The ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development shall be the administrative officer who shall have the responsibility for implementation and enforcement of all of the provisions relating to the overlay districts and the Design Guidelines. The ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development may delegate duties to subordinate officials to assist in such administration and implementation and to represent the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development as needed. Ultimate responsibility to the City Manager for such implementation, enforcement, and representation shall remain with the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development.

- (B) The ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development shall accept and examine all applications for a Certificate of Appropriateness and shall coordinate with the Florence County - Municipal Planning Department and the Building Official to ensure that all applications for new construction, renovation, rehabilitation, and demolition shall require a Certificate of Appropriateness if the property involved is located within the overlay districts. For landscape changes involving the removal of trees four (4) inches in caliper or greater or the removal of any hedge or shrub group exceeding thirty (30) inches in height, the owner/developer/agent shall submit an application for a Certificate of Appropriateness if the property involved is located within the overlay districts. Failure to comply with this requirement shall subject the owner/developer/agent to penalties as set forth in Section 1.7 of the Code of Ordinances, City of Florence, South Carolina.
- (C) If the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development shall find that any of the provisions of this ordinance are being violated within the overlay districts, he/she shall notify the person responsible for such violation in writing, indicating the nature of the violation and ordering the action necessary to correct it. The ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development shall order the discontinuance of any unlawful uses of land, and (in full cooperation with the Building Official) the discontinuance of any unlawful building or demolition activity within the overlay districts or shall take any other action authorized by this ordinance or any other ordinance adopted by the City of Florence to ensure compliance with or to prevent violations of its provisions.
- (D) The ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development shall have the authority and duty to accomplish all other tasks and responsibilities assigned to that position in the Design Guidelines which are incorporated herein.

II.

That the provisions of the Consolidated Zoning Ordinance applicable to the City of Florence be, and the same are hereby, amended to add the Design Guidelines applicable to the Wilson Road Residential Overlay District which are attached hereto as Exhibit 1, said Design Guidelines to be added to Appendix 7 to Section 2.9-3 of the Consolidated Zoning Ordinance.

III.

That this Ordinance, and the amendments contained herein, shall become effective immediately upon its approval and adoption.

ADOPTED THIS DAY OF _____, 2008.

Approved as to Form:

James W. Peterson, Jr.
City Attorney

Frank E. Willis
Mayor

Attest:

Dianne Rowan
Municipal Clerk

CITY OF FLORENCE COUNCIL MEETING

DATE: December 8, 2008

AGENDA ITEM: Ordinance
First Reading

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

I. ISSUE UNDER CONSIDERATION:

An annexation request by Ms Jane Rhoden, 1615 Southwood Court. The property is shown more specifically on Florence County Tax Map 90080, block 01, parcels 082.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

The property is contiguous to the City limits with both water and sewer services currently available. There have been several other recent annexations on this street.

This property has been previously zoned R-3, Single-Family Residential District by action of Florence County Council.

III. POINTS TO CONSIDER:

The applicant is requesting that their property be annexed into the city.

IV. OPTIONS:

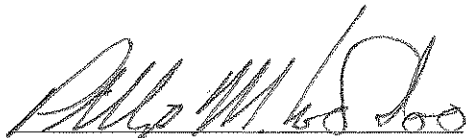
City Council may:

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

V. PERSONAL NOTES:

VI. ATTACHMENTS:

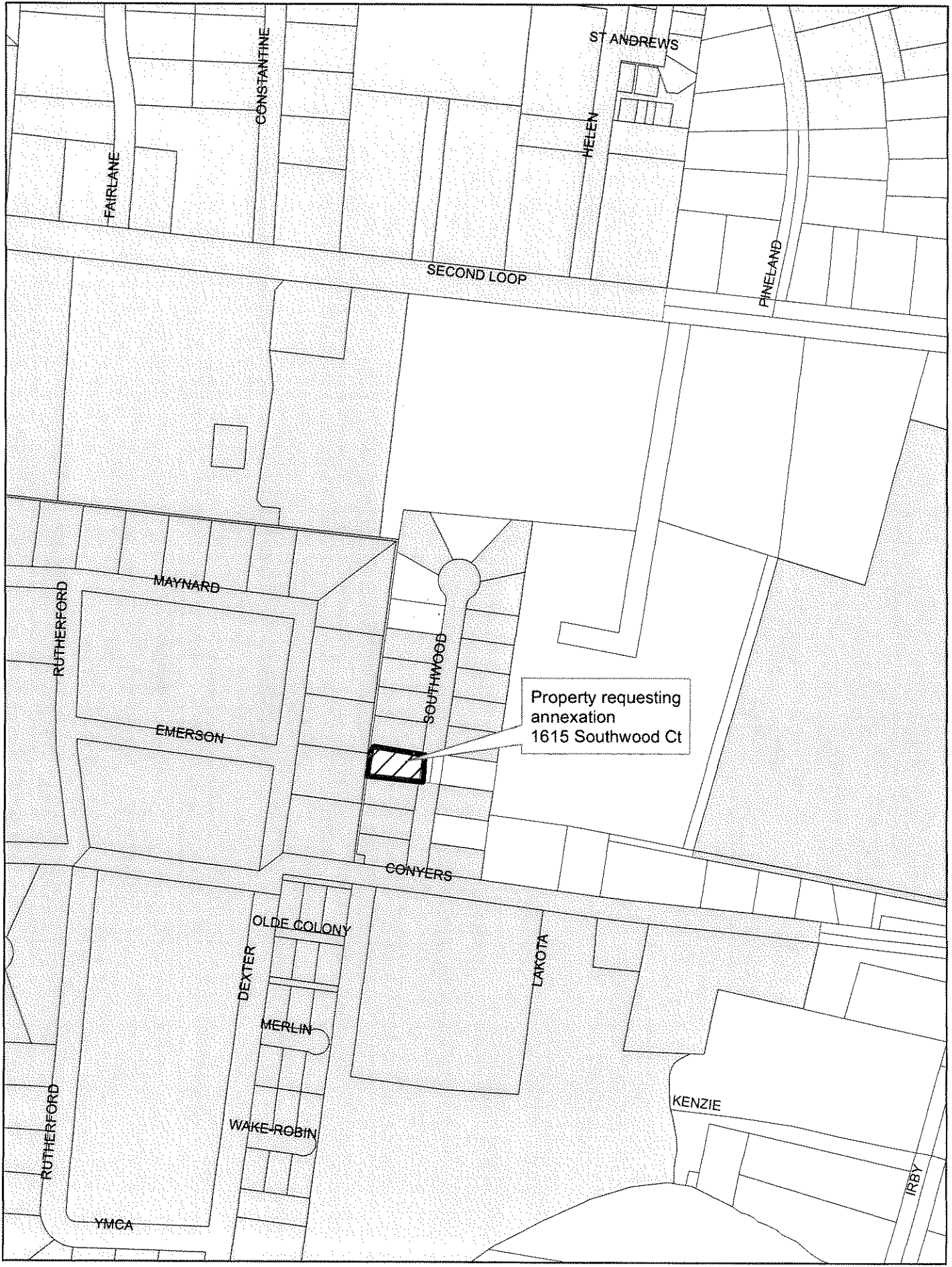
Map showing the location of the properties.
Annexation checklist



Phillip M. Lookadoo, AICP
Urban Planning and Development Manager



David N. Williams
City Manager



Property requesting
annexation
1615 Southwood Ct

FAIRLANE

CONSTANTINE

ST ANDREWS

HELEN

PINELAND

SECOND LOOP

MAYNARD

RUTHERFORD

EMERSON

SOUTHWOOD

CONYERS

OLDE COLONY

DEXTER

MERLIN

WAKE ROBIN

LAKOTA

KENZIE

RUTHERFORD

YMCA

IRBY

CITY OF FLORENCE

ANNEXATION CHECKLIST

Date: November 13, 2008

Instructions: Engineering Department completes items #6 thru 10
Fire Department completes # 10a

1. Party requesting annexation: Jane Rhoden
2. Location and acreage of property: 1615 Southwood Ct
3. Tax Map reference: 90080-01-082
4. Contact name & phone number: Jane Rhoden

SERVICE AVAILABILITY INFORMATION

INITIALS	YES/NO	IF NO, COST ESTIMATE FOR CITY TO PROVIDE
6. <u>S.H.A.</u> Water Line	Yes.	
7. <u>S.H.A.</u> Sewer Line	Yes.	
8. <u>S.H.A.</u> Storm Drainage	Yes.	
9. <u>S.H.A.</u> Paved Street SCDOT _____ Other <u>P</u>	Yes	
Length of existing curb and gutter.	100 ft	
10. <u>S.H.A.</u> Traffic Control devices, including street name signs	Yes.	
10a. <u>BSO</u> Fire Hydrants	YES	

* Economic Feasibility Analysis attached

11. Requested Zoning : Zoned R-3, Single-Family Residential by Florence County
12. Date of Petition: November 6, 2008
13. Party informed of costs and requirements of annexation: Yes
14. Residents: Total: 2 18 and over: 2
- Registered Voters by Race: 1 Caucasian

Annexation Checklist reviewed by:

Date:

Urban Planning & Development Director

Engineering Department Manager

Public Works Director

Police Chief

Fire Chief

City Manager

[Handwritten signatures and dates for each role]

11-14-08

11-17-08

11-14-2008

11-18-08

11.20.08

11-21-08

Please return completed form to: Liz Shaw, Urban Planning & Development Department

ORDINANCE NO. 2008 _____

**AN ORDINANCE TO ANNEX PROPERTY OWNED BY JANE RHODEN
LOCATED AT 1615 SOUTHWOOD COURT.**

WHEREAS, an application by Jane Rhoden for property located at 1615 Southwood Court be incorporated into the City of Florence under the provisions of Section 5-3-150(3) of the 1976 Code of Laws of South Carolina.

The properties requesting annexation are shown more specifically on Florence County Tax Map 90080, block 01, parcels 082.

Any portions of South Carolina Department of Transportation rights-of-way and any other public rights-of-way abutting the above described property will be also included in the annexation.

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

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

1. That an Ordinance is hereby adopted to incorporate the aforesaid property into the city limits of the City of Florence. This property has been zoned as R-3, Single-Family Residential District by action of Florence County.
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence.

ADOPTED THIS _____ DAY OF _____, 2008

Approved as to form:

James W. Peterson, Jr.
City Attorney

Frank E. Willis, **Mayor**

Attest:

Dianne Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: December 8, 2008
AGENDA ITEM: Ordinance No. 2008-____
DEPARTMENT/DIVISION: City Council

I. ISSUE UNDER CONSIDERATION

An ordinance to repeal Ordinance No. 2008-47 which was adopted on October 20, 2008 to provide for a public referendum to be held in order to determine whether or not the City of Florence will amend Chapter 2 of its City Code to change its method of electing the mayor and city council members from partisan elections to the nonpartisan election and run-off election method as authorized by Section 5-15-62 of the South Carolina Code of Laws.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

The attached Ordinance 2008-____ is designed to repeal Ordinance No. 2008-47, eliminating the previous call for a referendum to allow a vote by the registered voters in the City to determine whether to change from partisan to non partisan elections. The current ordinance would call for a special referendum to be held within 90 days after Pre-clearance by the Department of Justice. If this ordinance repealing 2008-47 is adopted, there will be no referendum, and the mayor and council members will continue to be elected in partisan elections.

III. STAFF RECOMMENDATION

Staff stands ready to carry out the wishes of Council.

V. ATTACHMENTS

1. Copy of the proposed Ordinance 2008-____.
2. Copy of Ordinance 2008-47 adopted on October 20, 2008.

ORDINANCE NO. 2008 - _____

AN ORDINANCE TO REPEAL ORDINANCE NUMBER 2008-47 ADOPTED OCTOBER 20, 2008 WHICH PROVIDED FOR A PUBLIC REFERENDUM TO BE HELD TO DETERMINE WHETHER OR NOT THE CITY OF FLORENCE SHALL AMEND CHAPTER 2 OF ITS CITY CODE TO CHANGE ITS METHOD OF ELECTING THE MAYOR AND CITY COUNCIL MEMBERS FROM PARTISAN ELECTION TO THE NONPARTISAN ELECTION AND RUN-OFF ELECTION METHOD AS AUTHORIZED BY SECTION 5-15-62 OF THE SOUTH CAROLINA CODE OF LAWS.

WHEREAS, City Council has reconsidered its earlier decision to call for a special public referendum pursuant to the provisions of South Carolina Code §5-15-30 in order to determine whether or not the City of Florence will amend Chapter 2 of its City Code to change its method of electing the mayor and city council members from partisan elections to the nonpartisan election and run-off election method as authorized by Section 5-15-62 of the South Carolina Code of Laws;

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 AS FOLLOWS:

1. That Ordinance Number 2008-47 previously adopted by City Council on October 20, 2008, is hereby repealed meaning that no referendum will be held and the partisan election system currently in place in the City of Florence for the election of the Mayor and Council Members shall remain in effect.
2. This ordinance shall be effective immediately upon its adoption by City Council on second reading.

ADOPTED THIS _____ DAY OF _____, 2008.

Approved as to form:

JAMES W. PETERSON, JR.
City Attorney

STEPHEN J. WUKELA
Mayor

Attest:

DIANNE M. ROWAN
Municipal Clerk

**VIII. a.
Report to Council
Levy Park**

FLORENCE CITY COUNCIL MEETING

DATE: January 12, 2009

AGENDA ITEM: Reports to Council

DEPARTMENT/DIVISION: Public Works/Parks and Leisure Services

ISSUE UNDER CONSIDERATION: To consider the expenditure of Section 108 funds in support of recreational programming and activities at Levy Park.

CURRENT STATUS/PREVIOUS ACTION TAKEN:

1. City Council approved the expenditure of Section 108 funds for the renovation of the Barnes Street Activity Center and new construction for a neighborhood based activity center at Levy Park. Required public hearings where held and the Section 108 loan was approved by the Department of Housing and Urban Development (HUD).
2. Conceptually, City Council approved that all excess Section 108 funds (those funds not expended at the Barnes Street Facility) would be used to fund the expenditures at Levy Park.
3. This past year the City completed the renovation of the Barnes Street Activity Center.
4. Available Section 108 funds are \$377,000.
5. During the December City Council Meeting, Council directed staff to meet with community representatives to receive input regarding other facility needs at Levy Park. That meeting was held December 18, 2008.

POINTS TO CONSIDER:

1. Approved funding for Levy Park is currently budgeted at \$377,000. The source of these funds is a Section 108 loan through HUD.
2. These funds were earmarked by City Council and approved by HUD for an activity center to be constructed at Levy Park. If these funds are redirected to other uses an amendment to the Section 108 Loan would be required. In general, an amendment to the Section 108 loan would require the holding of a public hearing, approval by City Council regarding the change in use of funds, and a request for the change in use of funds forwarded to HUD for their approval.
3. From the meeting held December 18, 2008, the following facility needs were discussed:
 - a. Repair or replacement of the outdoor basketball courts.
 - b. Construction of a covered basketball shelter with lights.
 - c. Repair or replacement of the tennis courts.
 - d. Repair or replacement of the shuffle board courts.

- e. Construction of a large picnic shelter.
 - f. Updates to the existing activity building.
 - g. Construction of an activity center.
4. Discussion during the meeting centered around the following:
- a. The need to improve, repair or replace existing facilities prior to building a new activity center.
 - b. New construction or investment within Levy Park and the East Florence Neighborhood is an important consideration regarding the expenditure of available funds.
 - c. That an activity center should consist of an open area as well as classrooms so that different activities can take place simultaneously.
 - d. That basketball is an important program at Levy Park and that it is important to provide opportunities for free play as well as structured league and tournament play.
 - e. The picnic shelter should be large enough to host family reunions.
 - f. That recent development (past 20 years) has caused changes to the demographics in and around Levy Park. Is it therefore, reasonable to rethink Levy Park as more of a facility park and to consider relocating the Activity Center to another location?
5. For purposes of discussion the following estimates of costs are recommended:
- a. Repair or replacement of the outdoor basketball courts (asphalt surface) - \$15,000 per court. There are 3 courts - \$45,000
 - b. Construction of a covered basketball shelter, asphalt surface, with lights - \$135,000 (single court construction) - \$260,000 (double court construction).
 - c. Repair or replacement of tennis courts - \$65,000 (includes lighting).
 - d. Repair or replacement of shuffle board courts - \$9,000 includes lighting.
 - e. Construction of a large picnic shelter - \$100,000.
 - f. Updates to the existing center - \$50,000.
 - g. Construction of an activity center - \$390,000.
6. For purposes of discussion the following combination of projects can be used:
- a. **Estimated Cost - \$269,000** – Repair basketball courts (3); repair tennis courts; repair shuffle board courts; construct large picnic shelter; and update existing center
 - b. **Estimated Cost - \$359,000** – Construct covered basketball shelter (1 court, include new asphalt surface and lights); repair tennis courts; repair shuffle board courts; construct large picnic shelter; and update existing center
 - c. **Estimated Cost - \$389,000** – Repair basketball courts (2); construct covered basketball shelter (1 court to include asphalt surface with

- lights); repair tennis courts; repair shuffle board courts; construct large picnic shelter; update existing center
- d. **Estimated Cost - \$390,000** – Construct new Activity Center
 - e. **Estimated Cost - \$484,000** – Construct covered basketball shelter (2 courts, to include asphalt surface with lights); repair tennis courts; repair shuffle board courts; construct large picnic shelter; and update existing center
7. Actual costs associated with the above projects and budgets may differ and therefore a contingency and design service fees would need to be budgeted.

NOTES:

STAFF RECOMMENDATION:


Staff stands ready to follow Council's direction and lead.

ATTACHMENTS:

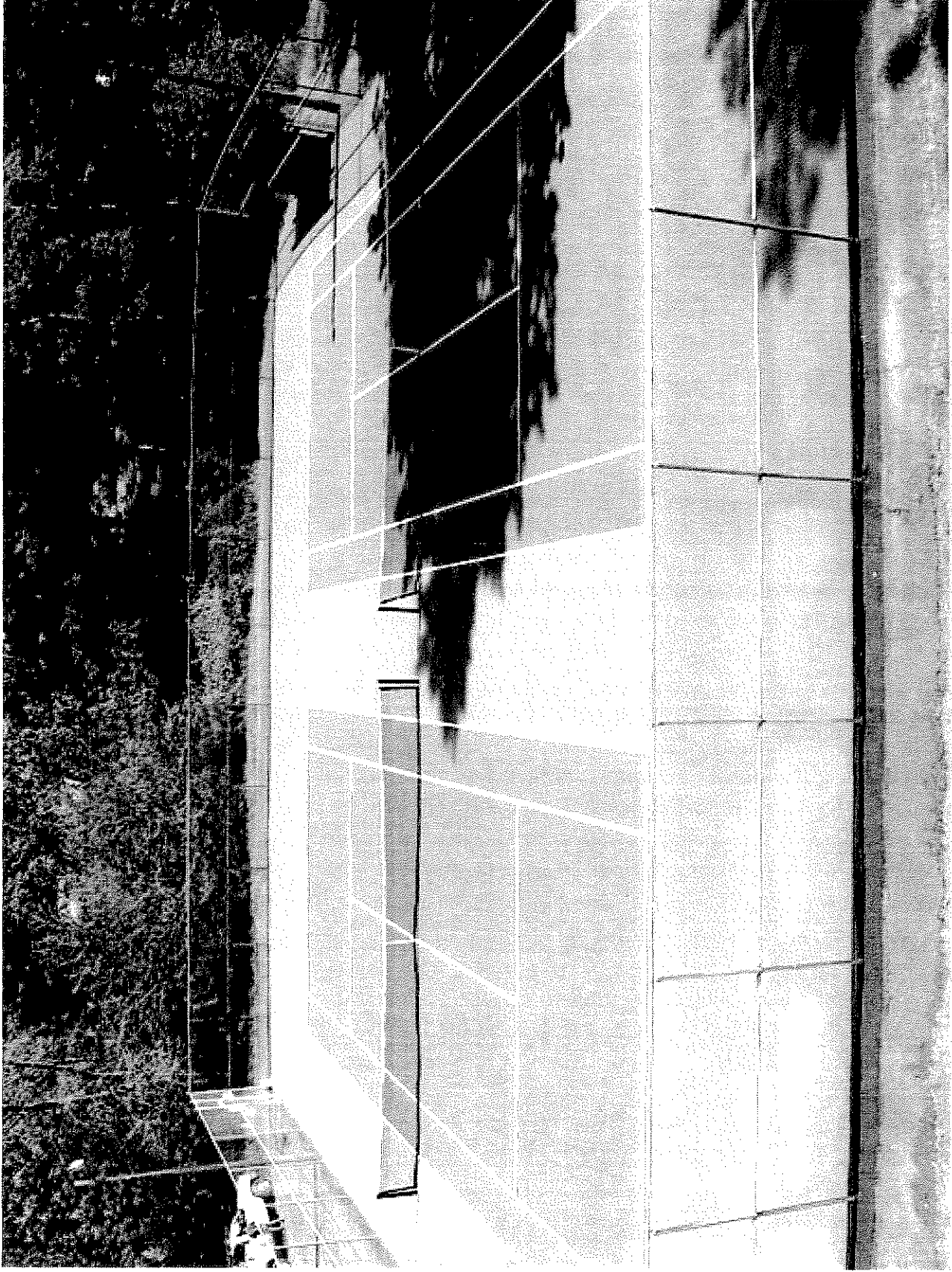
1. Location map of Levy Park – showing location of existing facilities.
2. Examples of picnic shelters, covered basketball courts, and tennis facilities.

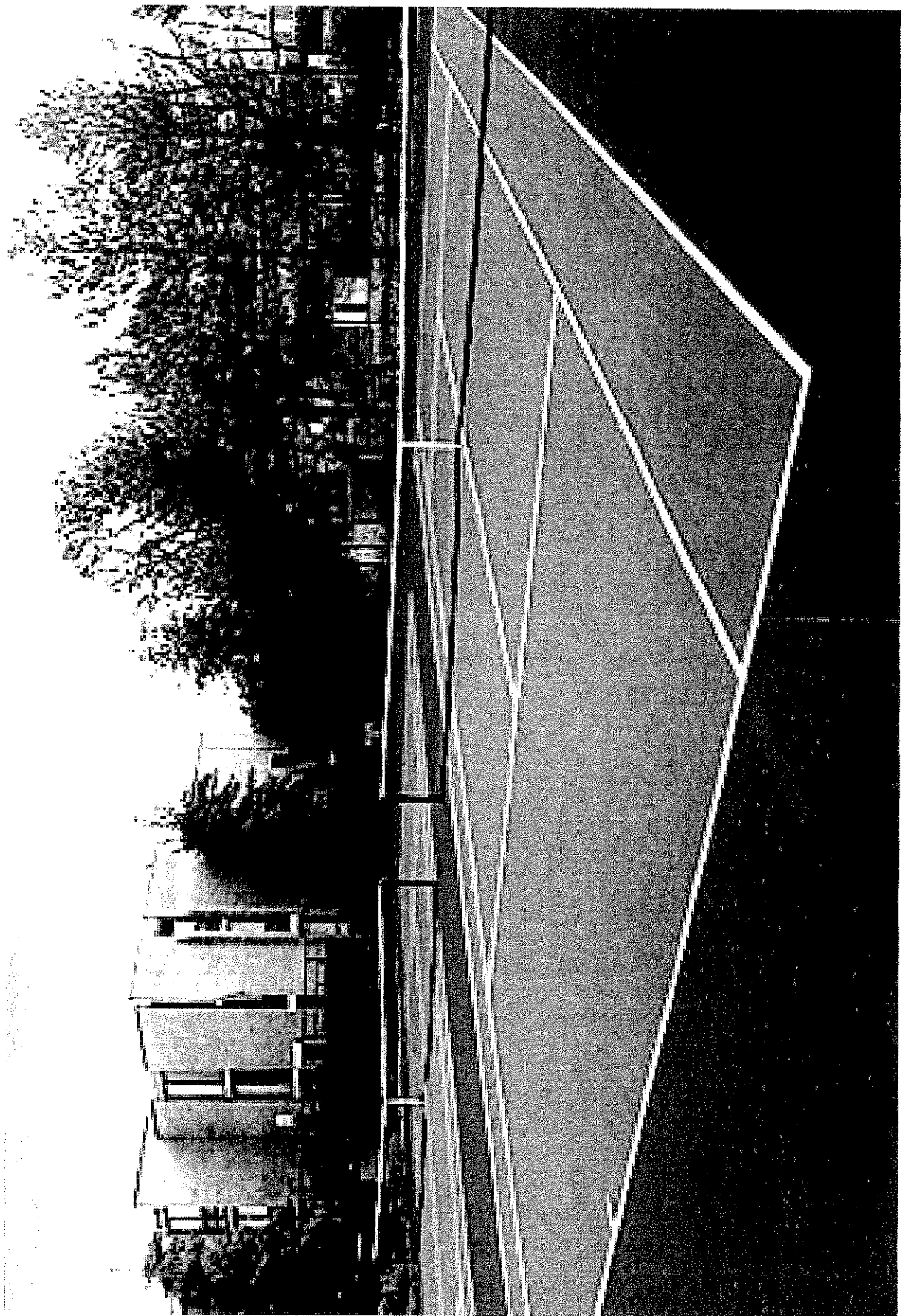


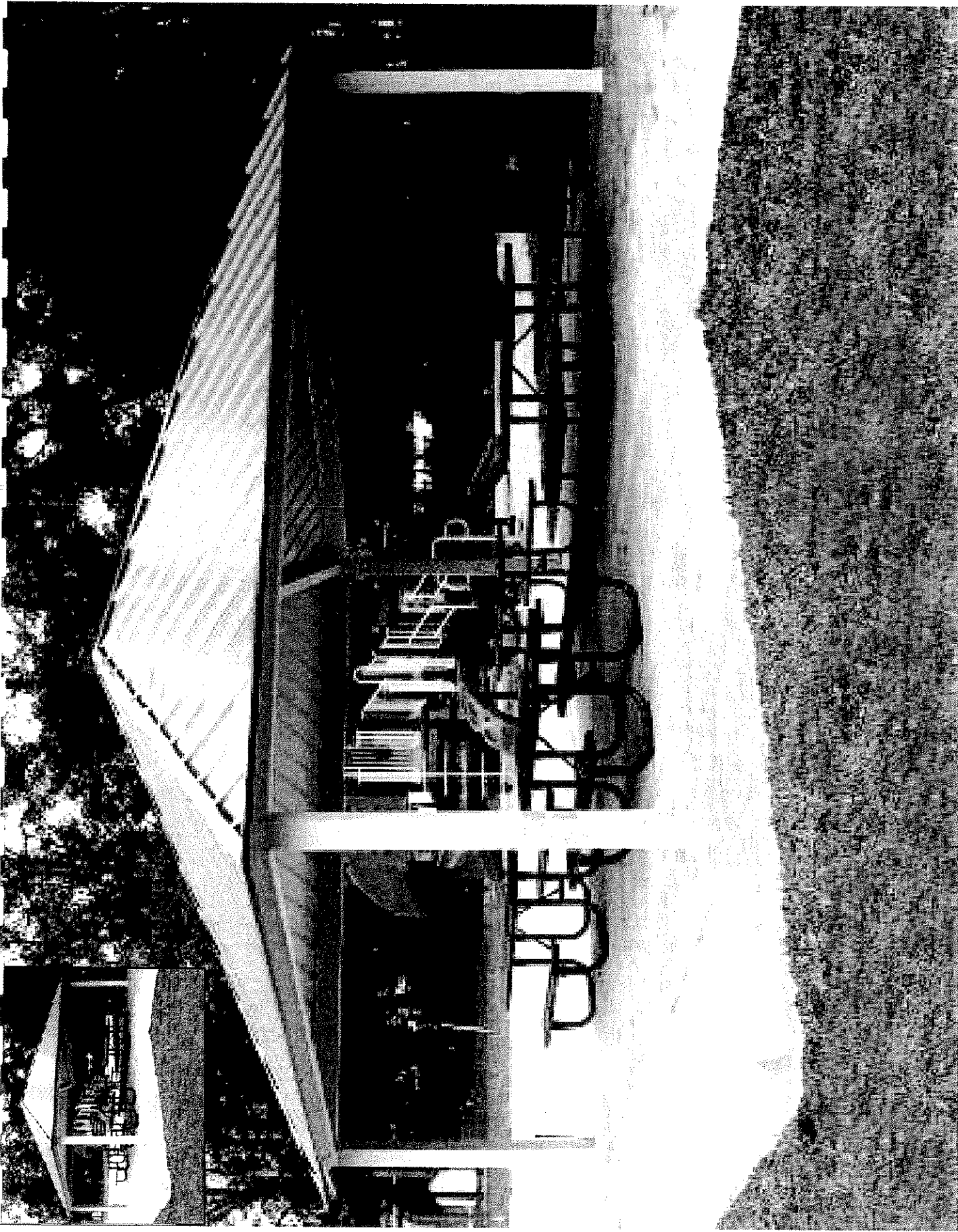
Andrew H. Griffin
Director of Public Works & Utilities

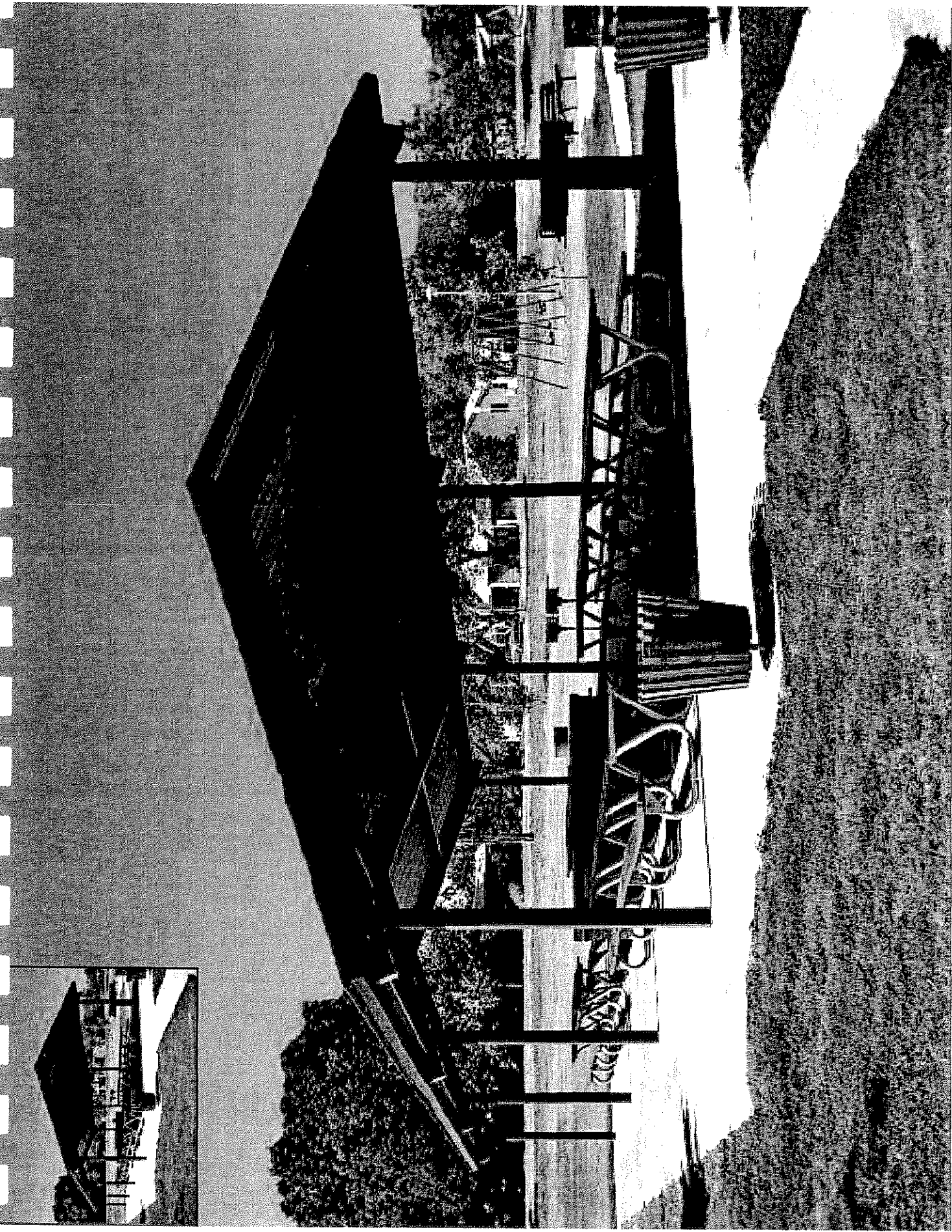


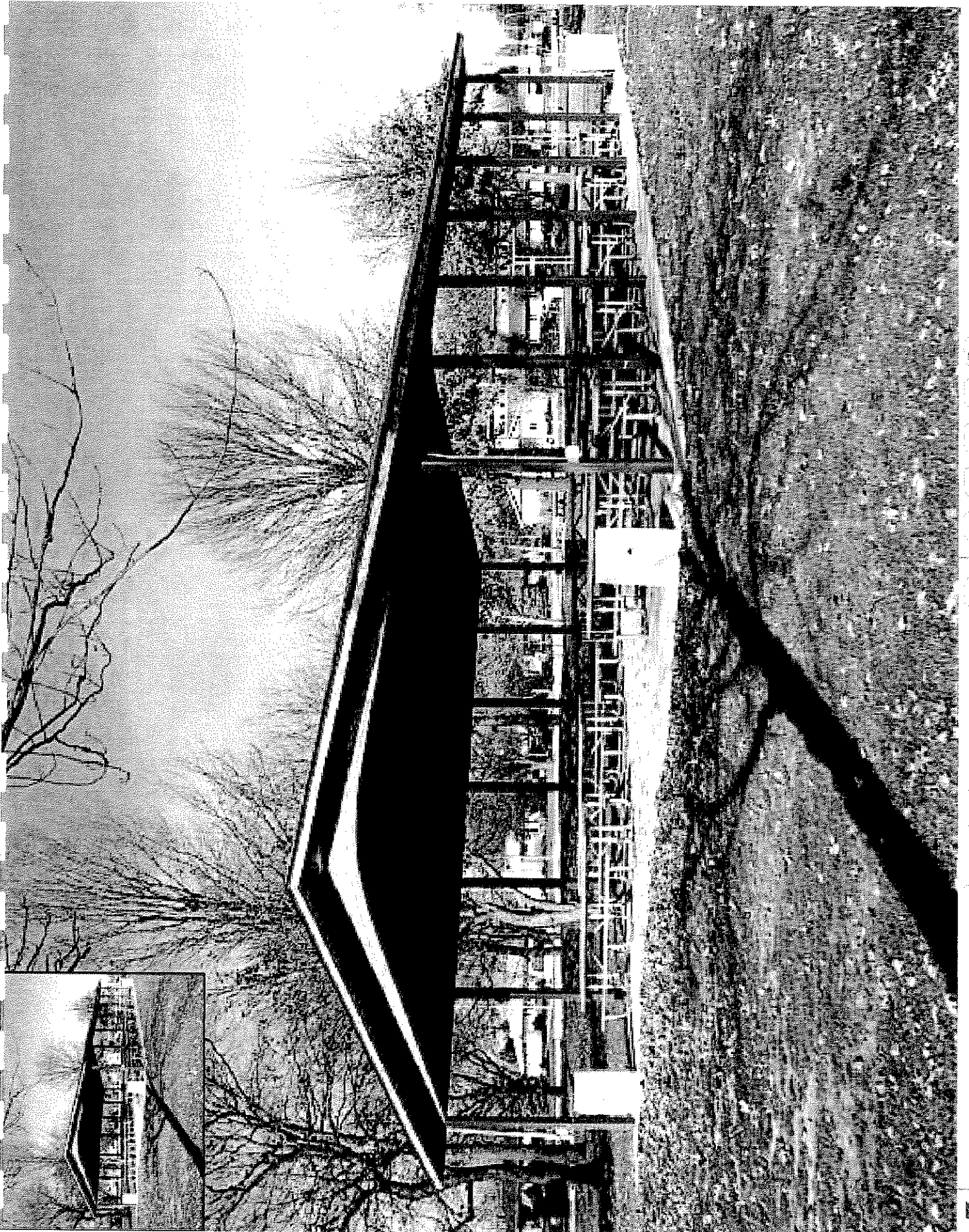
David N. Williams
City Manager

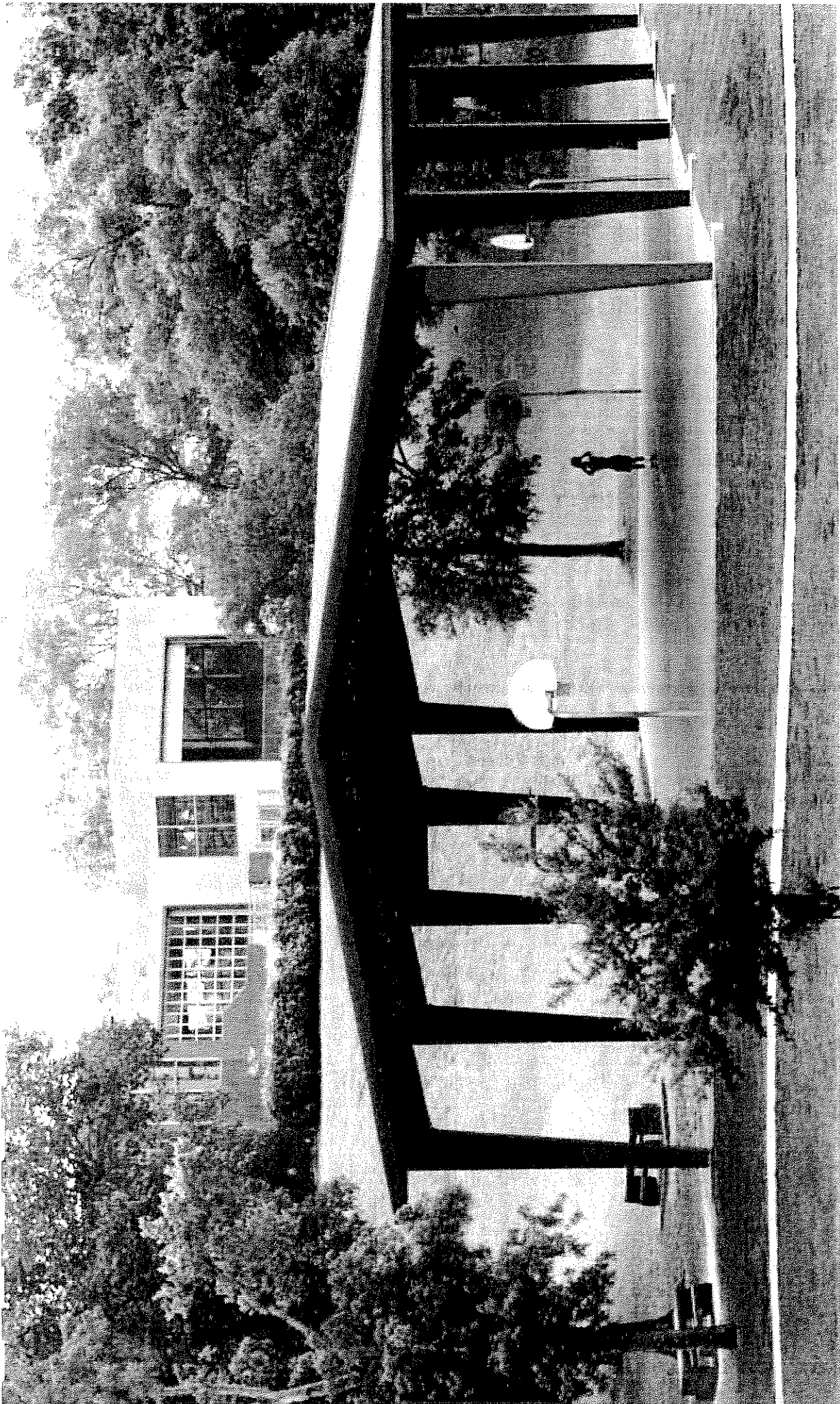






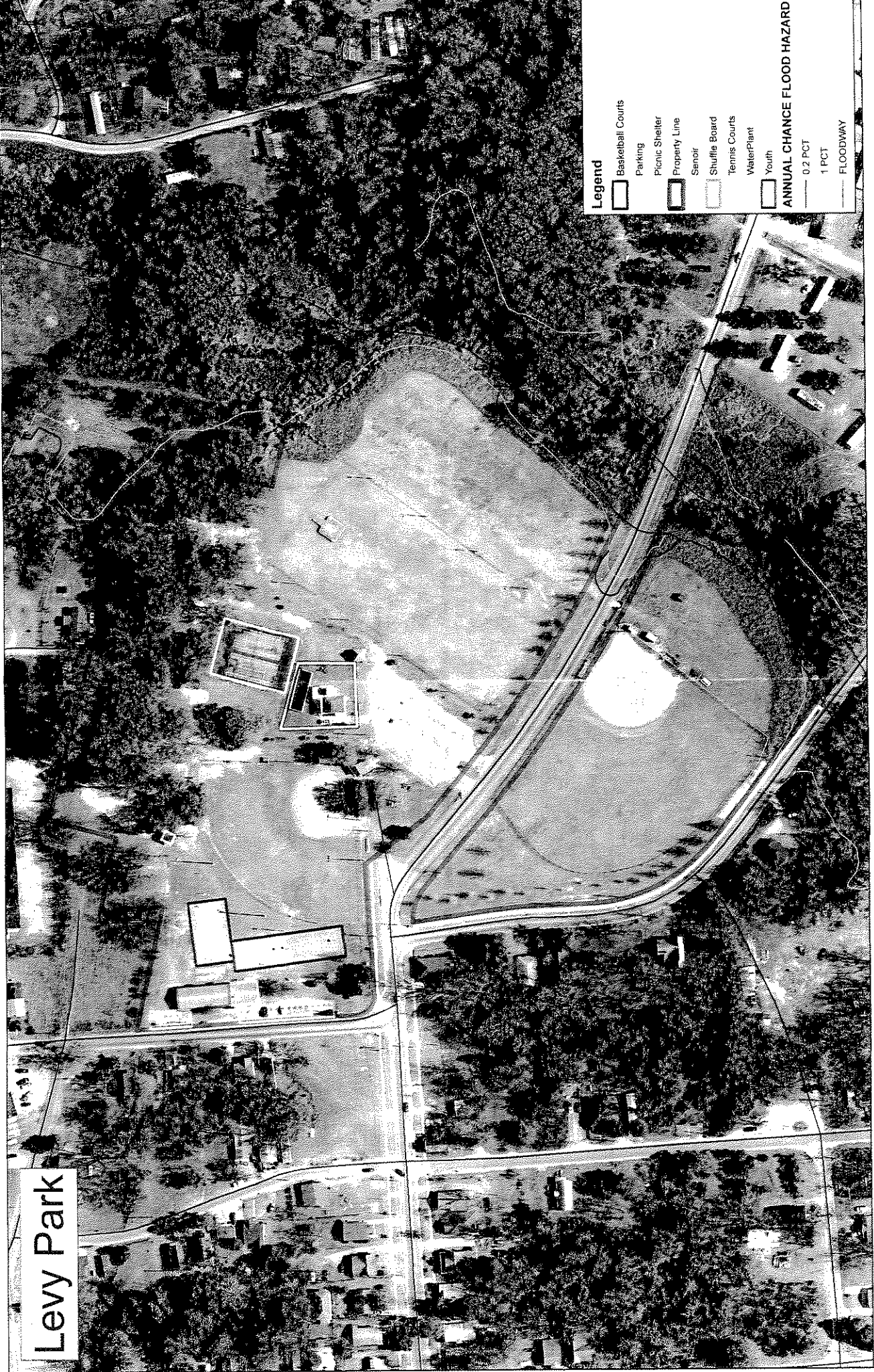








Levy Park



Legend

- Basketball Courts
- Parking
- Picnic Shelter
- Property Line
- Senior
- Shuffle Board
- Tennis Courts
- WaterPlant
- Youth
- ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT
- 1 PCT
- FLOODWAY