

## ORDINANCE 4231

### **AN ORDINANCE TO AMEND THE CITY OF HARTSVILLE, SOUTH CAROLINA CITY CODE BY THE ADDITION OF THE STRATEGIC INVESTMENT OVERLAY ZONE, APPENDIX A "ZONING", ARTICLE IX "DISTRICT REGULATIONS" SECTION 15. STRATEGIC INVESTMENT OVERLAY ZONE.**

**WHEREAS**, there is a need in the City of Hartsville for safe, decent, affordable housing to persons of low to moderate income in areas where new housing construction opportunities have been overlooked; and,

**WHEREAS**, infill housing development encourages the development of underutilized and challenged parcels in these areas; and,

**WHEREAS**, absent the provision of the incentives associated with infill housing, development would be unlikely to occur at the level or scale contemplated by the developer; and,

**WHEREAS**, the Planning Commission reviewed the infill housing development ordinance during a public meeting on December 14, 2015 and voted unanimously to make a recommendation to City Council to adopt the ordinance.

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Council of the City of Hartsville that the Hartsville City Code Appendix A "Zoning", Article IX "District Regulations" Section 15. Strategic Investment Overlay Zone is hereby adopted as follows:

#### **Article IX- District Regulations Sec. 15. Strategic Investment Overlay Zone**

##### **1. Purpose and Intent.**

The purpose of the infill development ordinance is to provide decent, safe and affordable housing to persons of low to moderate income in areas where new housing construction opportunities have been overlooked. The intent of the infill development ordinance is to encourage the development of underutilized and challenged parcels in the Strategic Investment Zone. The ordinance accommodates a variety of housing types including single family detached, single family attached, mixed use, duplexes, condominiums, and townhouses.

##### **2. Objectives.**

The specific objectives of this ordinance as related to infill development and redevelopment in the Strategic Investment Zone in the City of Hartsville are:

- a. Accommodate growth by encouraging and facilitating new development on vacant and underutilized land in areas that already have infrastructure, utilities, and public facilities, while addressing the needs of Hartsville's residents;
- b. Encourage efficient use of land and public services in the context of existing communities;
- c. Provide flexibility in development standards to facilitate infill development and redevelopment;
- d. Encourage construction of housing in close proximity to employment and services;

- e. Promote neighborhood preservation and enhancement through redevelopment of blighted, distressed and underutilized properties.

### 3. Definitions.

**“Benefits”** means the value to the City of providing the Incentives, which generally includes: (a) increased property values within the Strategic Investment Zone and the City as a whole; (b) increased revenue from property taxes, business license fees and permit fees; and (c) the improvement of the character of the City by preserving historic corridors within the Incentive Zone and promoting the construction of new buildings that are compatible with its historic character.

**“Condominium”** shall mean a form of housing tenure with a title to a unit of real property which is ownership in the airspace which an apartment, office or store occupies. The owner of the condominium also owns a common tenancy with owners of other units in the common area which includes all the driveways, parking, elevators, outside hallways, recreation and landscaped areas, which are managed by a homeowner’s or tenant’s association.

**“Development”** shall mean the activity of improving a real property to the extent of adding value to the tax base through real property improvements.

**“Duplex”** shall mean a building designed or used for residence purposes by not more than two (2) families, and containing two(2) dwelling units and located on one legal parcel.

**“Incentive”** shall mean a grant of any inducement having monetary value by the City that is offered to a person, firm, or corporation to pursue a Development that encourages private investment and/or the creation/retention of jobs. The Incentive may also include grants from other entities that the City may be able to obtain.

**“Incentive Recipient”** shall mean the private parties receiving the Incentives from the City.

**“Infill parcels”** are parcels that meet the eligibility criteria of this Chapter.

**“Infill development”** is the subsequent development on infill parcels.

**“Mixed Use”** urban, suburban or village development, or even a single building, that blends a combination of residential, commercial, cultural, or institutional use, where those functions are physically and functionally integrated, and that provides pedestrian connections.

**“Single Family Attached”** shall mean a building containing multiple dwelling units that share a common party wall on both sides of the unit designed or used for residence by not more than one family per dwelling unit.

**“Single Family Detached”** shall mean a freestanding building designed or used for residence purposes by not more than one family.

**“Townhouse”** shall mean an attached, privately owned single-family dwelling unit which is a part of and adjacent to other similarly owned single-family dwelling units that are connected to but separated from one another by a common party wall having no doors, windows, or other provisions for human passage or visibility.

#### **4. Authorization.**

- a. Authorization to Grant Incentives. The Council, at its discretion and on a case-by-case basis, but subject to the General Eligibility Criteria provided for in Sec. 15 herein, may enter into an Incentive Agreement (as defined herein) with a person, firm or corporation providing for Incentives in order to encourage and support the Development of real property within the Strategic Investment Zone.
- b. Incentive Agreements. The Incentives shall only be provided to an Incentive Recipient after an agreement has been entered into between the City and such person, firm or corporation, which agreement shall set forth: the particulars of the Development; the Incentives to be provided; and sufficient assurances that the Benefits will accrue to the City and the Goals will be met by the Development (an "Incentive Agreement"). Pending the approval by the Council of any Incentive Agreement and subject to the provisions of Sec. 15 herein, the City Manager of the City is authorized to discuss the provisions of this Infill Development Ordinance, aid in the completion of any Proposal (as defined herein) and, subject to the final approval by the Council, negotiate with the potential Incentive Recipient on behalf of the City. Each Incentive Agreement shall be approved by Council by ordinance. Council is authorized to provide Incentives in any amounts and for any period of time within the thresholds provided for herein or within the time periods and thresholds provided for in any applicable statutory authorization.
- c. Agreements: The Council, at its discretion and on a case-by-case basis, may donate city owned property or purchase parcels within the Strategic Investment Zone and enter into an agreement with a person, firm or corporation when redevelopment is to occur.

#### **5. Authorized Incentives.**

- a. Multiple Incentives. The Council may provide to an Incentive Recipient any combination of Incentives provided for herein; provided, however, that the total amount of Incentives given to a developer must be in keeping with the Goals and the value of the Benefits accruing to the City (and its citizens) must be greater than the financial value of the Incentives to an Incentive Recipient.
- b. Incentive of the City. All direct Incentives of the City shall be granted in the form of reimbursements and refunds of fees and taxes that have been duly paid to the City. No upfront abatements of fees. The Council may, at its discretion and on a case-by-case basis, enter into an Incentive Agreement to reimburse or refund any person, firm or corporation the following fees and taxes up to the amounts and percentages provided for herein:
  1. Up to 100% of the applicable tap fees collected by the City.
  2. Up to 50% of the building permit fees collected by the City.
  3. Assistance with demolition when funds are available through the demolition program on parcels to be redeveloped.
  4. Donation of city owned property or purchase of parcels within the Strategic Investment Zone.

## **6. Applicability.**

- a. **Applicability.** The district, as represented on the City of Hartsville official zoning map, implements the Strategic Investment Overlay Zone (SIZ). The provisions of this zone apply to all parcels that meet the eligibility criteria within the SIZ on the official zoning map. The boundary of this district shall be shown on the Official Zoning Map of the City of Hartsville and all parcels contained within the zone, which meet the eligibility section below, are able to utilize the provisions set forth in this ordinance.

All land uses and development, including but not limited to buildings, driveways, parking areas, streets, buffers, tree protection/landscaping, and pedestrian/bicycle ways, shall be located and/or provided in accordance with the provisions of the zoning ordinance and land development regulations, except as modified by this chapter.

- b. **Eligibility Criteria.** The terms of this infill development ordinance to be applied City-wide. In order for a development to be eligible to receive Incentives the developer must use standards set forth in this ordinance. The Council must determine that the development meets, or upon completion will meet, each of the following criteria:
  1. The parcel is within the Strategic Investment Zone; and
  2. The proposed development can and will be served by urban services at the time of final plat or development approval. For the purposes of this Chapter, "urban services" shall mean public water and sewer service.
  3. The Development is consistent with the Hartsville 2020 Comprehensive Plan (as may be amended) (the "Comprehensive Plan"), the Master Plan, and the South Hartsville Revitalization Plan; and
  4. Absent the provision of Incentives, the development would be unlikely to occur or unlikely to occur at the level or scale contemplated by the developer.

## **7. Permitted Uses.**

Permitted uses for individuals using this ordinance shall be the same as those allowed under the R-2 zoning designation for residential development. Permitted uses for individuals using this ordinance shall be the same as those allowed under the P-1 and B-2 zoning designation for mixed use development.

## **8. Expedited Development Review Process.**

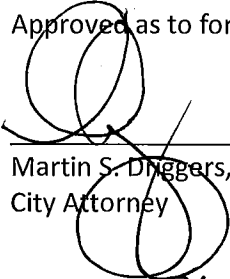
An applicant may request an expedited review process for infill projects. An expedited infill project shall be contingent upon city staffing and other resource availability.

## **9. Architectural Standards.**

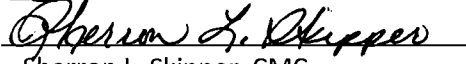
All new development created under the Strategic Investment Zone shall include a number of minor design and site planning elements to ensure quality and compatibility with general housing trends within the city. For the design guidelines, please refer to the Strategic Investment Zone Design Guidelines.

**NOW, THEREFORE BE IT ORDAINED IN MEETING DULY ADVERTISED AND ASSEMBLED** on the 9th of February, 2016 and to become effective immediately upon Final Reading.

Approved as to form:

  
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Martin S. Duggers, Sr.  
City Attorney

  
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Carl M. (Mel) Pennington, IV  
Mayor

ATTEST:   
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Sherron L. Skipper, CMC  
City Clerk

First Reading: 01/12/2016  
Public Hearing: 02/09/2016  
Final Reading: 02/09/2016