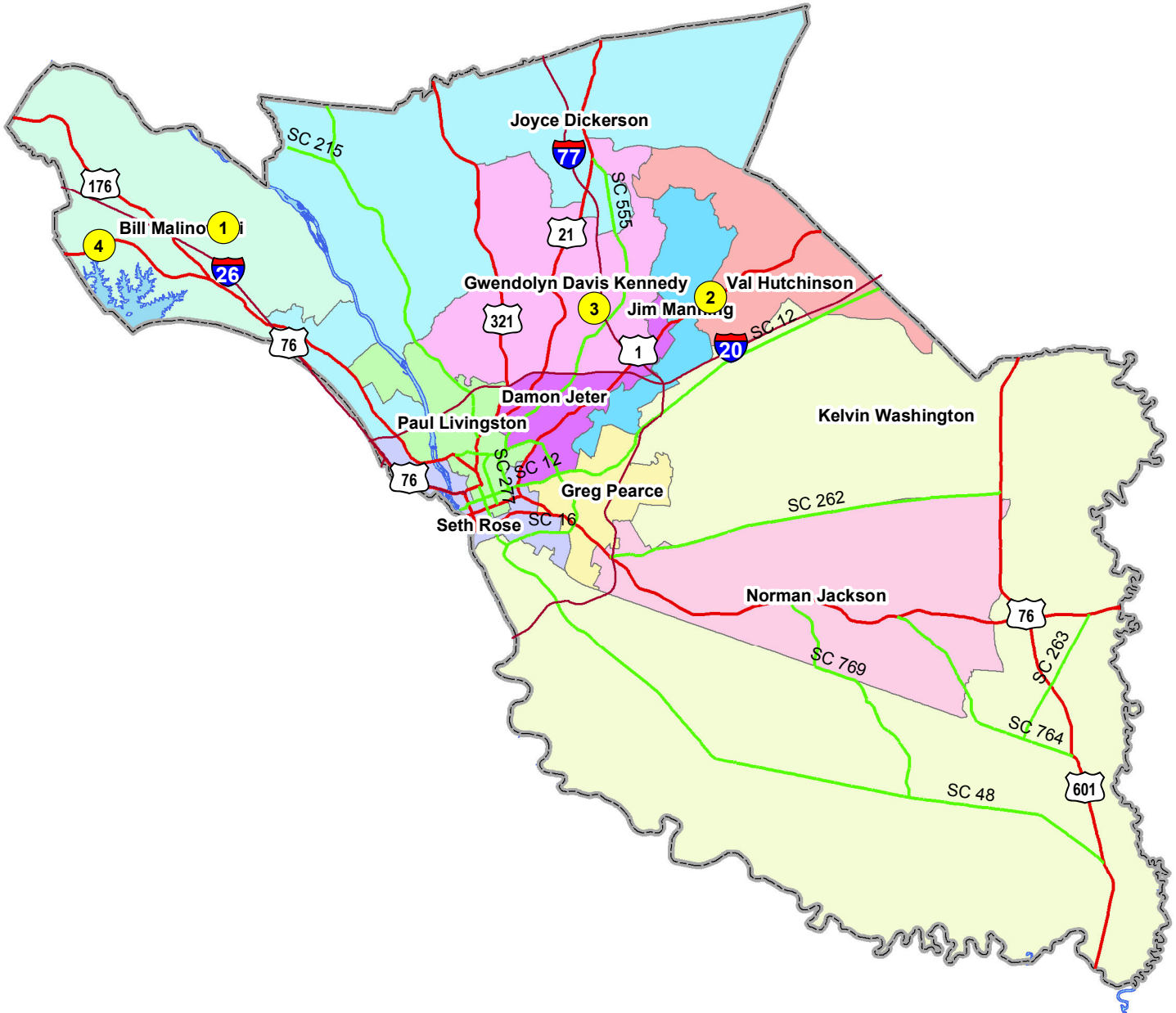


RICHLAND COUNTY COUNCIL
ZONING PUBLIC HEARING



FEBRUARY 28, 2012

RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING FEBRUARY 28, 2012



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 12-01 MA	Lexington County Health Serv. Dist. Inc.	03500-04-37	Old Tamah Rd.	Malinowski
2. 12-05 MA	Wyndam Enterprises	22804-04-10	North Springs Rd. & Woodley Wa	Hutchinson
3. 12-06 MA	Lutheran Homes of SC Foundation, Inc.	17200-02-02/04/09/13/14/26	Powell Rd.	Kennedy
4. 12-08 MA	LandTech, Inc. of SC	01506-01-11	Three Dog Rd. & US 76	Malinowski



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING

**Tuesday, February 28, 2012
7:00 P.M.**

**2020 Hampton Street
2nd Floor, Council Chambers
Columbia, South Carolina**

STAFF:

Geonard Price.....Deputy Planning Director/Zoning Administrator
Amelia R. Linder, Esq Attorney
Holland Leger, AICP.....Planning Services Manager

CALL TO ORDER.....Honorable Kelvin E. Washington, Sr.
Chairman of Richland County Council

ADDITIONS / DELETIONS TO THE AGENDA

OPEN PUBLIC HEARING

MAP AMENDMENTS

1. Case #12-01 MA
Lexington County Health Services District, Inc.
Kevin Stanley
RU to OI (3.5 acres)
Old Tamah Rd.
TMS# 03500-04-37 [**FIRST READING**]
Planning Commission Approved 7-0
Page 1

2. Case #12-05 MA
Wyndham Enterprises
Rodney Wyndham
HI to GC (3.20 acres)
North Springs Rd. & Woodley Way
TMS# 22804-04-10 [**FIRST READING**]
Planning Commission Approved 7-0
Page 9

3. Case #12-06 MA
Lutheran Homes of South Carolina Foundation, Inc.
Stephen Minsky
M-1/HI/RM-HD to OI (45 acres)
Powell Rd.
TMS# 17200-02-02/04/09/13/14/26 [**FIRST READING**]
Planning Commission Approved 7-0
Page 17

4. Case #12-08 MA
LandTech Inc. of SC
Kevin Steelman
NC to RS-MD (4.01 acres)
Three Dog Rd. & US 76
TMS# 01506-01-11 **[FIRST READING]**
Planning Commission Approved 7-0
Page 27

TEXT AMENDMENTS

1. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-53, LAND DEVELOPMENT PERMITS; SUBSECTION (B), PROCESSES; SO AS TO REDUCE THE TIME TO ACT ON THE APPLICATION FROM SIXTY (60) DAYS TO THIRTY (30) DAYS. **[FIRST READING]** Planning Commission Approved 7-0
Page 35
2. AN ORDINANCE AMENDING CHAPTER 26, LAND DEVELOPMENT; SO AS TO PERMIT "REPAIR AND MAINTENANCE SERVICES, AUTOMOBILE, MAJOR" IN THE GC (GENERAL COMMERCIAL DISTRICT), WITH SPECIAL REQUIREMENTS. **[FIRST READING]** Planning Commission Approved 4-3
Page 43

OTHER BUSINESS

1. Memo Regarding Group Homes (information only)
Page 55

ADJOURNMENT



**Richland County
Planning & Development Services Department**

Map Amendment Staff Report

PC MEETING DATE: January 9, 2012
RC PROJECT: 12-01 MA
APPLICANT: Kevin Stanley
PROPERTY OWNER: Lexington County Health Service District, Inc.

LOCATION: Old Tamah Road

TAX MAP NUMBER: 03500-04-37
ACREAGE: 3.5
EXISTING ZONING: RU
PROPOSED ZONING: OI

PC SIGN POSTING: December 9, 2011

Staff Recommendation

Disapproval

Background /Zoning History

The current zoning, Rural District (RU), reflects the original zoning as adopted September 7, 1977.

The parcel contains two hundred and fifty (250) feet of frontage on Old Tamah Road.

Summary

The Office and Institutional District (OI) is intended to accommodate office, institutional, and certain types of residential uses in an area whose characteristics are neither general commercial nor exclusively residential in nature. Certain related structures and uses required to serve the needs of the area are permitted outright or are permitted as special exceptions subject to restrictions and requirements.

No minimum lot area, except as determined by DHEC. The maximum allowed density for residential uses is sixteen (16) dwelling units per acre.

- The gross density for this site is approximately: 56 dwelling units
- The net density for this site is approximately: 39 dwelling units

Direction	Existing Zoning	Use
<u>North:</u>	RU	Undeveloped
<u>South:</u>	RU/RU	Residence/ Dentist Office
<u>East:</u>	RU	Dutch Fork Middle and Dutch Fork High Schools
<u>West:</u>	RU	Residence

Plans & Policies

The 2009 Richland County Comprehensive Plan “Future Land Use Map” designates this area as **Suburban** in the **North West Planning Area**.

North West Area

Objective: Commercial/Office activities should be located at traffic junctions or areas where existing commercial and office uses are located. These uses should not encroach on established residential areas.

Non-Compliance: There is an existing nonconforming dentist office south of the subject property. The dentist office was established under the previous land development code by special exception in the Rural District (RU). Currently the surrounding area is zoned rural, primarily utilized as residential and the site is not located at a traffic junction.

Traffic Impact

The 2010 SCDOT traffic count (Station # 573) located east of the subject parcel on Old Tamah Road identifies 2,800 Average Daily Trips (ADT's). Old Tamah Road is classified as a two lane undivided Collector, maintained by SCDOT with a design capacity of 8,600 ADT's. Old Tamah Road is currently operating at Level of Service (LOS) “A”.

There are no planned or programmed improvements for this section of Old Tamah Road.

Conclusion

The subject parcel is wooded and undeveloped. The property has mild slopes and is heavily vegetated. The surrounding area is characterized by scattered larger lot residential parcels, farm and pastureland, developed subdivisions, such as Ridgecreek and Kingston Village, as well as institutional uses such as Dutch Fork Middle and Dutch Fork High school. The parcel is contiguous to a Rural District (RU) zoned parcel which contains an office use. A dental office which was established with a Special Exception (99-137SE) under the previous Land Development Code is presently allowed to operate as a legal non-conforming use. West of the subject parcel are a number of RU parcels that contain residential uses. There is also a (Residential Single-family Medium Density District) RS-MD zoned subdivision (Kingston Village, case number 06-58MA Ordinance No. 117-06HR) with less than fifty lots, located twelve hundred and twenty three (1223) feet west of the subject parcel on Old Tamah Road.

The Office and Institutional District (OI) permits certain uses outright, such as residential, recreational, institutional, educational, civic, business and professional services, and retail trade and food services.

Water service would be provided by the City of Columbia and sewer service would be provided by Richland County. There is a fire hydrant located on site along Old Tamah Road. The Dutch Fork/Ballentine fire station (station number 20) is located on Broad River Road, approximately 1.83 miles south west of the subject parcel.

Based upon the residential zonings and land uses in the vicinity, as well as the lack of compatibility to the Comprehensive Plan recommendation for Office and Institutional uses, the staff does not support the rezoning request.

The proposed Zoning Map Amendment is not in compliance with the Comprehensive Plan and as such the Planning Staff recommends **Disapproval** of this map amendment.

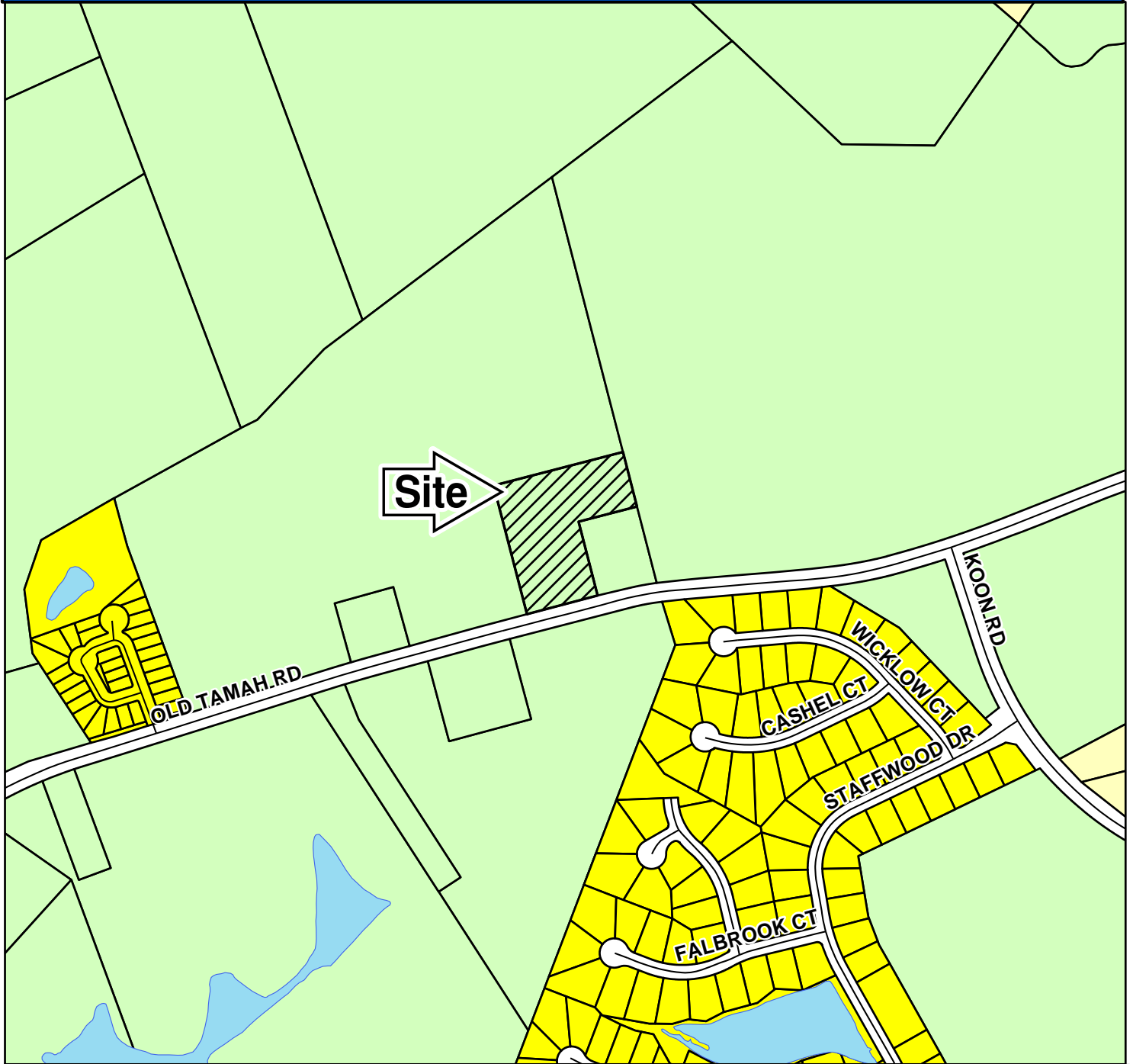
Zoning Public Hearing Date

February 28, 2012

Planning Commission Action

At their meeting of **February 6, 2012** the Richland County Planning Commission **disagreed** with the PDSO recommendation and recommends the County Council initiate the ordinance consideration process to **approve the proposed Amendment** for **RC Project # 12-01**. The Planning Commission felt schools are a precursor of growth and the demographics that make the schools valid lead you to believe that other services are needed in this area.

Case 12-01 MA RU to OI



ZONING CLASSIFICATIONS

RR	RS-E	MH	NC	LI	TROS
C-1	RS-LD	RM-MD	GC	HI	Subject Property
C-3	RS-MD	RM-HD	RC	PDD	
RG-2	RS-HD	OI	M-1	RU	



**Case 12-01 MA
RU to OI
TMS 03500-04-37**

SAINT-JOHNS RD

HIGH BLUFF LN

Site

▲ 573

OLD TAMAH RD

CASHEL CT

WICKLOW CT

KONI RD

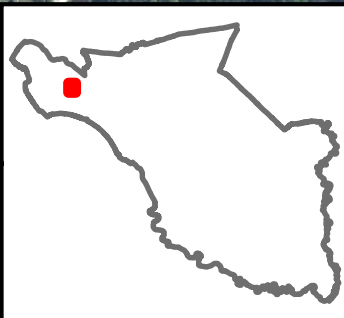
FALBROOK CT

ULTRA WAY

WINGLIF CT

STAFFWOOD DR

-  FLOODZONE A
-  FLOODZONE AE
-  WETLANDS



CASE 12-01 MA

From RU to OI

TMS# 03500-04-37

Old Tamah Road



STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-12HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 03500-04-37 FROM RU (RURAL DISTRICT) TO OI (OFFICE AND INSTITUTIONAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 03500-04-37 from RU (Rural District) zoning to OI (Office and Institutional District) zoning.

Section II. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2012.

RICHLAND COUNTY COUNCIL

By: _____
Kelvin E. Washington, Sr., Chair

Attest this _____ day of
_____, 2012.

Michelle M. Onley
Clerk of Council

Public Hearing: February 28, 2012 (tentative)
First Reading: February 28, 2012 (tentative)
Second Reading:
Third Reading:



**Richland County
Planning & Development Services Department**

Map Amendment Staff Report

PC MEETING DATE: February 6, 2012
RC PROJECT: 12-05 MA
APPLICANT: Wyndham Enterprises
PROPERTY OWNER: Rodney Wyndham

LOCATION: North Springs Road and Woodley Way

TAX MAP NUMBER: 22804-04-10
ACREAGE: 3.2 acres
EXISTING ZONING: HI
PROPOSED ZONING: GC

PC SIGN POSTING: January 20, 2012

Staff Recommendation

Approval

Background /Zoning History

The current zoning, Heavy Industrial District (HI), reflects the original zoning as adopted September 7, 1977.

The parcel contains one hundred and twenty six (126) feet of frontage along Woodley Way.

Summary

The General Commercial (GC) District is intended to accommodate a variety of commercial and nonresidential uses characterized primarily by retail, office, and service establishments oriented primarily to major traffic arteries or extensive areas of predominantly commercial usage.

No minimum lot area, except as required by DHEC. The maximum allowed density for residential uses is sixteen (16) dwelling units per acre.

- The gross density for this site is approximately: 51 dwelling units
- The net density for this site is approximately: 35 dwelling units

Direction	Existing Zoning	Use
<u>North:</u>	RS-LD	Spring Valley Subdivision
<u>South:</u>	GC	Strip Development
<u>East:</u>	HI/ HI	Woodley's Garden Center/ Keeler Landscaping
<u>West:</u>	HI/ HI	Undeveloped/ Restaurant (Polliwogs)

Plans & Policies

The 2009 Richland County Comprehensive Plan “Future Land Use Map” designates this area as **Suburban** in the **North East Planning Area**.

Suburban Area

Objective: Commercial/Office activities should be located at traffic junctions or areas where existing commercial and office uses are located. These uses should not encroach on established residential areas.

Compliance: There are existing commercial uses contiguous to the west and east of the subject parcel. The proposed GC District would not encroach upon an established residential area.

Traffic Impact

The 2010 SCDOT traffic count (Station # 117) located east of the subject parcel on Two Notch Road identifies 32,700 Average Daily Trips (ADT's). Two Notch Road is classified as a five lane undivided Principal Arterial, maintained by SCDOT with a design capacity of 33,600 ADT's. Two Notch Road is currently operating at Level of Service (LOS) “C”.

There are no planned or programmed improvements for this section of Two Notch Road.

Conclusion

The subject parcel is undeveloped, relatively flat, and sparsely wooded. The immediate area is primarily characterized by commercial and residential uses. Contiguous to the west of the subject parcel is a restaurant (Polliwogs) and an undeveloped, wooded, Heavy Industrial District (HI) parcel. Otherwise, nearby along North Brickyard Road are several small scale offices of various types. East of the subject parcel is a garden center and north of the parcel on the north side of North Springs Road is the Spring Valley subdivision. The existing ceramic company (Carolina Ceramics) west of the site on North Brickyard Road is a remnant of past times when the railroad served as the primary industrial access and there was little or no commercial and residential development in the immediate area. According to the assessor's data, the property has been owned by Carolina Ceramics since 1911.

As a result, this area is unique from the perspective that it is zoned Heavy Industrial (HI) as a result of the rail access and existing scattered industrial uses located in the vicinity since the early 1900's. However, over time and with the widening of Two Notch Road the area has found itself caught between suburban residential uses to the north and the commercial development to the south to support it. Because of this unique geographic location the staff is of the opinion that the industrial zoning is no longer in keeping with the character of the surrounding residential and commercial land uses. Consequently, the proposed GC zoning would allow uses that would be more in character with the surrounding area.

The General Commercial District (GC) permits certain uses outright, such as residential, recreational, institutional, educational, civic, business and professional services, wholesale trade, transportation, information, warehousing, utilities, and retail trade and food services.

The subject parcel is within the boundaries of School District Two. Lonnie B Nelson Elementary School is located seven hundred and thirteen (713) feet west of the subject parcel. The Sand Hill fire station (number 24) is located 2.3 miles southeast of the subject parcel on Sparkleberry Lane. There is a fire hydrant located one hundred and twenty seven (127) feet north of the

subject property on South Springs Road. The proposed map amendment would not negatively impact public services or traffic. Water is provided by the City of Columbia and sewer service is provided by East Richland County Public Service District.

Based upon this rationale and the fact that the proposed request is in compliance with the Comprehensive Plan, the planning staff recommends **Approval** of this map amendment.

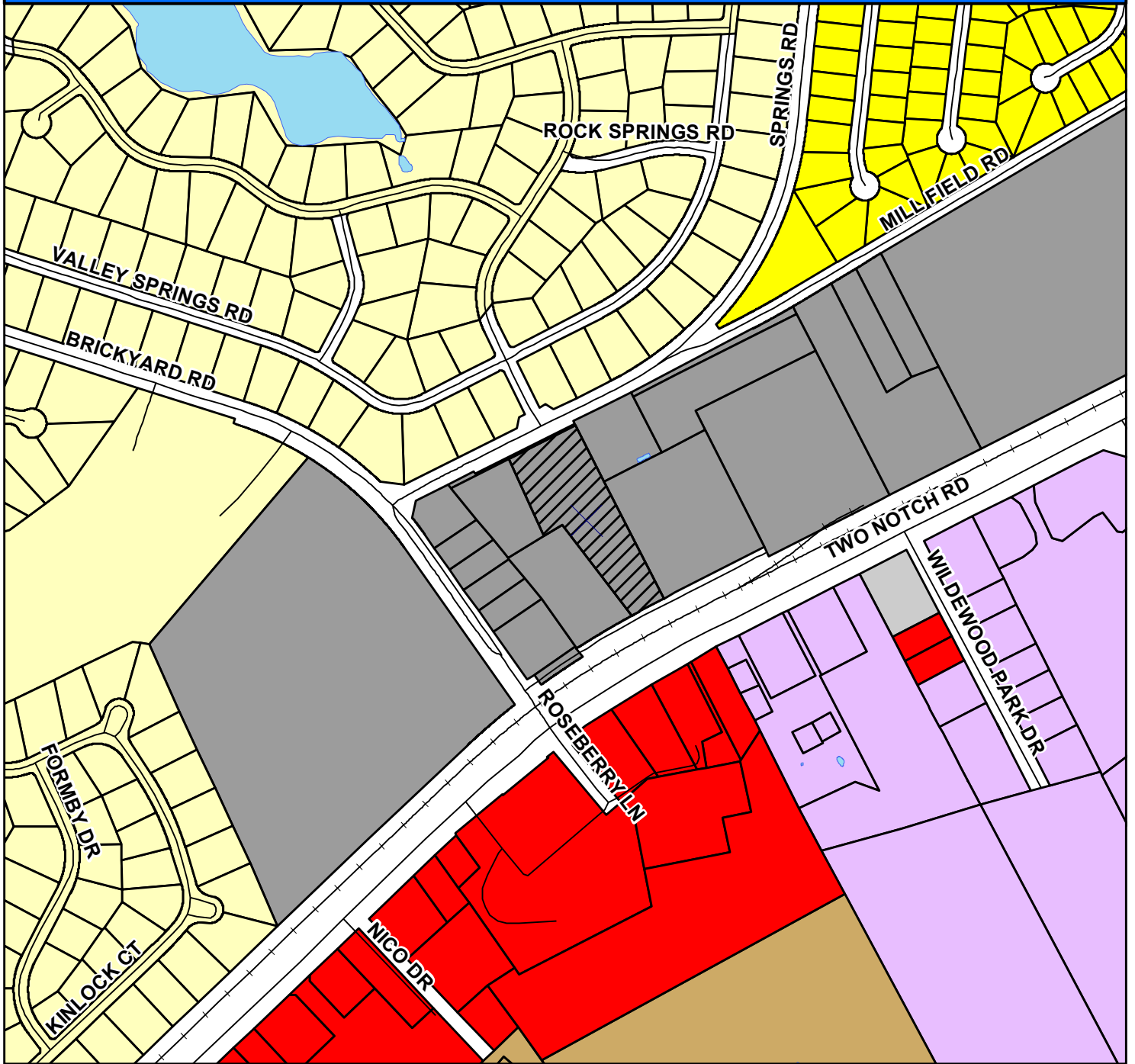
Zoning Public Hearing Date

February 28, 2012

Planning Commission Action

At their meeting of **February 6, 2012** the Richland County Planning Commission **agreed** with the PSD recommendation and recommends the County Council initiate the ordinance consideration process to **approve the proposed Amendment for RC Project # 12-05**.

Case 12-05 MA HI to GC



ZONING CLASSIFICATIONS

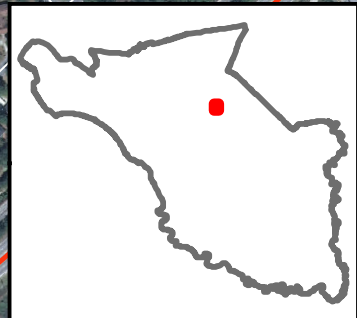
RR	RS-E	MH	NC	LI	TROS
C-1	RS-LD	RM-MD	GC	HI	Subject Property
C-3	RS-MD	RM-HD	RC	PDD	
RG-2	RS-HD	OI	M-1	RU	



Case 12-05 MA
HI to GC
TMS 22804-04-10



- FLOOD ZONE A
- FLOOD ZONE AE
- WETLANDS

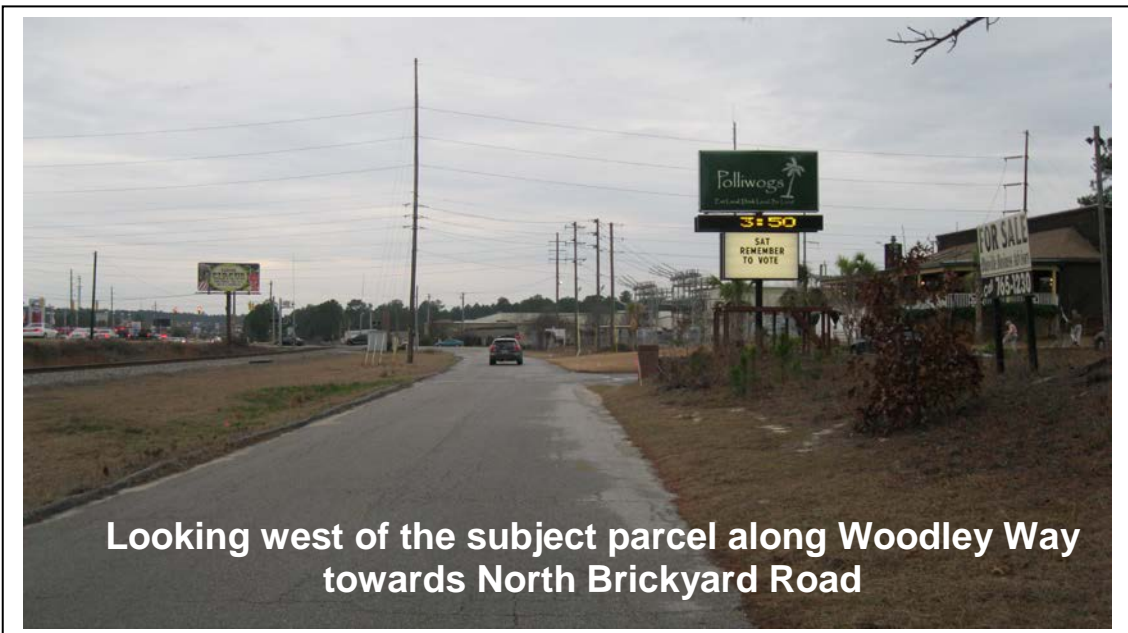


CASE 12-05 MA

From HI to GC

TMS# 22804-0410

North Springs Roads & Woodley Way



STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-12HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 22804-04-10 FROM HI (HEAVY INDUSTRIAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 22804-04-10 from HI (Heavy Industrial District) zoning to GC (General Commercial District) zoning.

Section II. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2012.

RICHLAND COUNTY COUNCIL

By: _____
Kelvin E. Washington, Sr., Chair

Attest this _____ day of
_____, 2012.

Michelle M. Onley
Clerk of Council

Public Hearing: February 28, 2012 (tentative)
First Reading: February 28, 2012 (tentative)
Second Reading:
Third Reading:



Richland County Planning & Development Services Department

Map Amendment Staff Report

PC MEETING DATE: February 6, 2012
RC PROJECT: 12-06 MA
APPLICANT: Stephen Minsky
PROPERTY OWNER: Lutheran Homes of South Carolina Foundation, Inc.

LOCATION: Powell Road & Finley Road

TAX MAP NUMBER: 17200-02-02, 04, 09, 13, 14, and 26
ACREAGE: 45 acres
EXISTING ZONING: M-1, HI, RM-HD
PROPOSED ZONING: OI

PC SIGN POSTING: January 20, 2012

Staff Recommendation

Approval

Background /Zoning History

The current zoning classifications, Heavy Industrial (HI), Light Industrial (M-1), and Residential Multi-Family High Density District (RM-HD) reflect the original zoning as adopted September 7, 1977.

The parcels contain one thousand one hundred and ninety seven (1197) feet of frontage along Powell Road and eight hundred and four (804) feet of frontage along Finley Road.

Summary

The Office and Institutional District (OI) is intended to accommodate office, institutional, and certain types of residential uses in an area whose characteristics are neither general commercial nor exclusively residential in nature. Certain related structures and uses required to serve the needs of the area are permitted outright or are permitted as special exceptions subject to restrictions and requirements.

No minimum lot area, except as determined by DHEC. The maximum allowed density for residential uses is sixteen (16) dwelling units per acre.

- The gross density for this site is approximately: 720 dwelling units
- The net density for this site is approximately: 504 dwelling units

Direction	Existing Zoning	Use
North:	M-1/M-1	Vacant/ Business (Johnny on the Spot)
South:	RM-MD	Rice Estates (independent and assisted living)
East:	N/A	Interstate 77
West:	M-1/OI	Scrap and recycling yard/ RC Public Works

Plans & Policies

The 2009 Richland County Comprehensive Plan “Future Land Use Map” designates this area as **Priority Investment Area** in the **North East Planning Area**.

Priority Investment Area

Objective: Residential housing should be varied at moderate to high densities (4-16 dwelling units per acre). Residential developments are encouraged to contain a deliberate mix of residential, commercial, and civic uses and should include affordable housing. Single family developments may be encroached by Multifamily or Planned Development Districts (PDD) to act as a buffer from higher intensity uses. Multifamily developments are appropriate when completing a block face or in conjunction with a PDD.

Compliance: The proposed zoning would be in compliance with the density recommendation of the Priority Investment Area.

Traffic Impact

The 2010 SCDOT traffic count (Station # 766) located east of the subject parcel on Powell Road identifies 1,400 Average Daily Trips (ADT’s). Powell Road is classified as a two lane undivided Collector, maintained by SCDOT with a design capacity of 8,600 ADT’s. Powell Road is currently operating at Level of Service (LOS) “A”.

There are no planned or programmed improvements for this section of Powell Road.

Conclusion

The subject parcel is undeveloped, relatively flat, mostly wooded and contains several water impoundments. Otherwise, the surrounding area is characterized by institutional, commercial, and high density residential uses. South of the parcel is an assisted living facility. To the southwest of the subject property is a multi-family housing complex, “The Fairways Apartment Homes.” North of the subject parcel is a rental company with outside storage for portable toilets. To the east of the subject parcels is I-77. West of the subject parcel is the Richland County Public Works Department and a scrap/recycling yard with a non-conforming residence. The parcel contains National Wetland Inventory (NWI) identified Wetlands. The wetlands are characterized by woody vegetation that shed during the cold or dry season. Surface water is present for brief periods during growing season, but the water table usually lies well below the surface for most of the growing season. The soil is saturated to the surface for extended periods during the growing season, but surface water is seldom present. The wetlands represent a significant percentage of the eastern portion of the parcel in addition to the ponds onsite. This will limit the placement of structures and roads in those specific areas.

The Office and Institutional District (OI) permits limited residential, retail trade and food services, and recreational uses in addition to institutional, educational, civic, business professional and personal services.

A Special Exception (90-023SE) for the assisted living facility south of the subject parcels was approved on March 7th, 1990 for the construction of a convalescent/rest home. An additional Special Exception (97-025SE) for the assisted living facility south of the subject parcels was approved on February 5th, 1997 for a reduction of required parking by 75% from 180 spaces to 45 spaces.

The subject parcel is within the boundaries of School District One. W.J. Keenan High School is 1.07 miles south west of the subject parcel on Pisgah Church Road. Midlands Technical College is located three thousand five hundred and eighty seven (3587) feet south of the subject property on Powell Road.

The Killian fire station (number 27) is located 1.8 miles northeast of the subject parcel on Farrow Road. There is a fire hydrant located the subject property on Powell Road. The proposed map amendment would not negatively impact public services or traffic. Water and sewer is provided by the City of Columbia.

Given the mixture of zoning in the area, the existing high density residential use nearby and the lack of access to Hardscrabble Road and the Interstate, the staff is of the opinion that the proposed zoning map request is in compliance with the Comprehensive Plan as a Priority Investment Area and as a result the planning staff recommends **Approval** of this map amendment.

Zoning Public Hearing Date

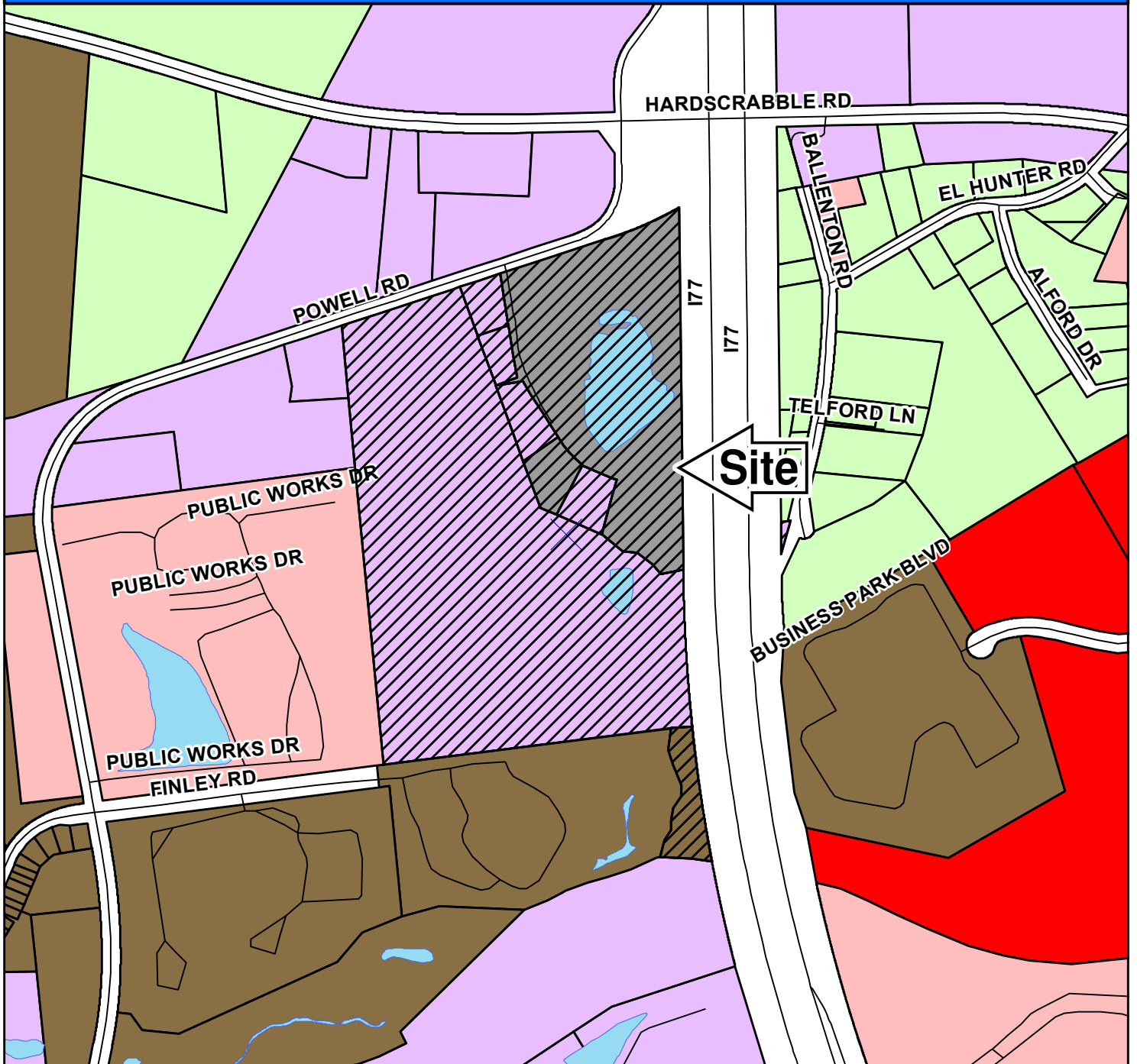
February 28, 2012

Planning Commission Action

At their meeting of **February 6, 2012** the Richland County Planning Commission **agreed** with the PDSD recommendation and recommends the County Council initiate the ordinance consideration process to **approve the proposed Amendment for RC Project # 12-06 MA..**

Case 12-06 MA

M-1/HI/RM-HD to OI

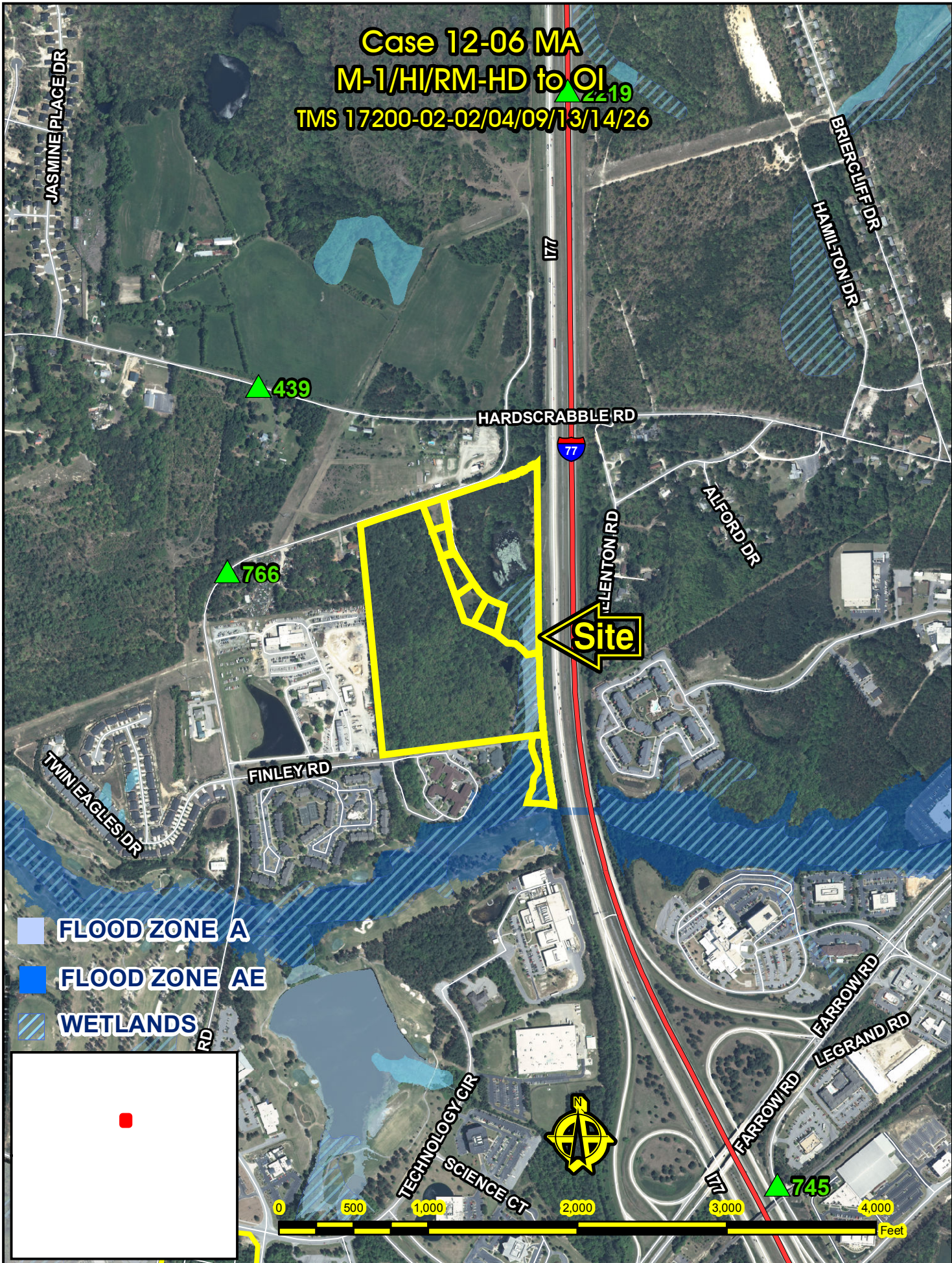


ZONING CLASSIFICATIONS

RR	RS-E	MH	NC	LI	TROS
C-1	RS-LD	RM-MD	GC	HI	Subject Property
C-3	RS-MD	RM-HD	RC	PDD	
RG-2	RS-HD	OI	M-1	RU	



Case 12-06 MA
M-1/HI/RM-HD to OI
TMS 17200-02-02/04/09/13/14/26



CASE 12-06 MA

From M-1, HI, RM-HD to OI

TMS# 17200-02-02, 04, 09, 13, 14, 26

Powell Road



STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-12HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # 17200-02-02/13/14/26 FROM M-1 (LIGHT INDUSTRIAL DISTRICT) TO OI (OFFICE AND INSTITUTIONAL DISTRICT); AND TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 17200-02-04 FROM HI (HEAVY INDUSTRIAL DISTRICT) TO OI (OFFICE AND INSTITUTIONAL DISTRICT); AND TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 17200-02-09 FROM HI (HEAVY INDUSTRIAL DISTRICT), M-1 (LIGHT INDUSTRIAL DISTRICT), AND RM-HD (RESIDENTIAL, MULTI-FAMILY, HIGH DENISTY DISTRICT) TO OI (OFFICE AND INSTITUTIONAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 17200-02-02/13/14/26 from M-1 (Light Industrial District) zoning to OI (Office and Institutional District) zoning (as described on Exhibit A, which is attached hereto).

Section II. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 17200-02-04 from HI (Heavy Industrial District) zoning to OI (Office and Institutional District) zoning (as described on Exhibit A, which is attached hereto).

Section III. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 17200-02-09 from HI (Heavy Industrial District), M-1 (Light Industrial District), and RM-HD (Residential, Multi-Family, High Density District) zoning to OI (Office and Institutional District) zoning (as described on Exhibit A, which is attached hereto).

Section IV. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section V. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section VI. Effective Date. This ordinance shall be effective from and after _____, 2012.

RICHLAND COUNTY COUNCIL

By: _____
Kelvin E. Washington, Sr., Chair

Attest this _____ day of
_____, 2012.

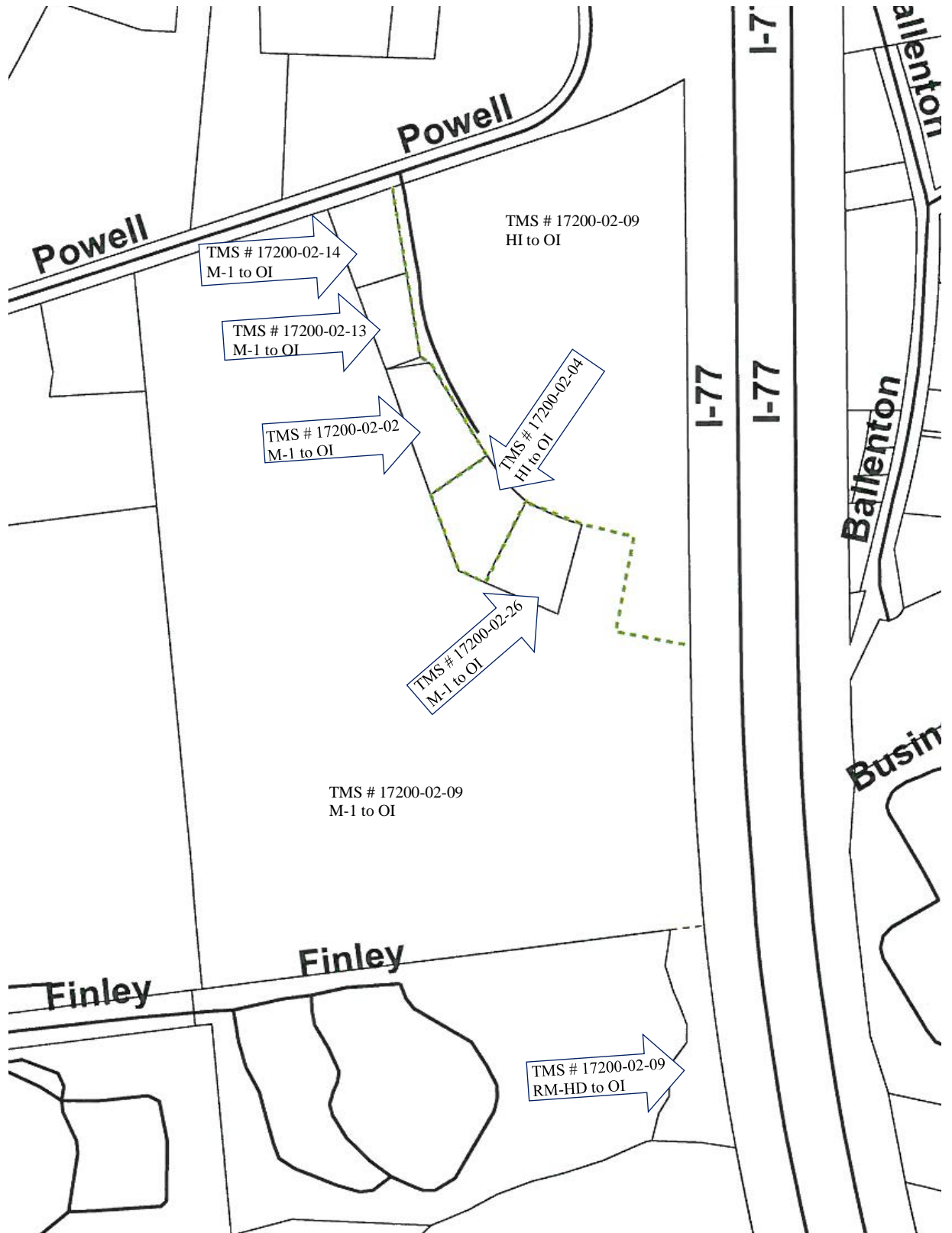
Michelle M. Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

Public Hearing: February 28, 2012 (tentative)
First Reading: February 28, 2012 (tentative)
Second Reading:
Third Reading:

Exhibit A





**Richland County
Planning & Development Services Department**

Map Amendment Staff Report

PC MEETING DATE: February 6, 2012
RC PROJECT: 12-08 MA
APPLICANT: Kevin Steelman
PROPERTY OWNER: Land Tech Inc. of SC

LOCATION: Three Dog Road

TAX MAP NUMBER: 01506-01-11
ACREAGE: 4.01 acres
EXISTING ZONING: NC
PROPOSED ZONING: RS-MD

PC SIGN POSTING: January 20, 2012

Staff Recommendation

Approval

Background /Zoning History

The current zoning, Neighborhood Commercial District (NC), reflects the zoning as approved on December 5th, 2006 (case number 06-52MA, Ordinance No. 111-06HR). The original zoning before the map amendment was Rural District (RU).

The parcels contain six hundred and sixty four (664) feet of frontage along Three Dog Road.

Summary

The Residential Single Family Medium Density District (RS-MD) is intended as a single family, detached residential district of medium densities, and the requirements for this district are designed to maintain a suitable environment for single family living.

Minimum lot area is 8,500 square feet, or as determined by DHEC. The maximum density standard: no more than one principal dwelling unit may be placed on a lot except for permitted accessory dwellings.

- The gross density for this site is approximately: 20 dwelling units
- The net density for this site is approximately: 14 dwelling units

Direction	Existing Zoning	Use
<u>North:</u>	GC	Undeveloped
<u>South:</u>	RS-MD	Undeveloped
<u>East:</u>	PDD	Residential (Foxport Subdivision)
<u>West:</u>	RS-MD	Undeveloped

Plans & Policies

The 2009 Richland County Comprehensive Plan “Future Land Use Map” designates this area as **Priority Investment Area** in the **North West Planning Area**.

Priority Investment Area

Objective: Residential housing should be varied at moderate to high densities (4-16 dwelling units per acre). Residential developments are encouraged to contain a deliberate mix of residential, commercial, and civic uses and should include affordable housing. Single family developments may be encroached by Multifamily or Planned Development Districts (PDD) to act as a buffer from higher intensity uses. Multifamily developments are appropriate when completing a block face or in conjunction with a PDD.

Compliance: The proposed zoning would meet the proposed density requirement at 5.1 dwelling units per acre and as such, would meet the objective recommendations of the Priority Investment Area.

Traffic Impact

The 2011 SCDOT traffic count (Station # 145) located east of the subject parcel on Dutch Fork Road identifies 20,100 Average Daily Trips (ADT's). Dutch Fork Road is classified as a two lane undivided Minor Arterial, maintained by SCDOT with a design capacity of 10,800 ADT's. Dutch Fork Road is currently operating at Level of Service (LOS) “F”. It should be noted that the traffic count station is located 2.9 miles east of the subject parcel near the intersection of Bickley Road and Dutch Fork Road.

A 3.12 mile section of Dutch Fork Road from Twin Gates Road to Three Dog Road has been identified for road widening in the 2035 COATS cost constrained plan. The project is ranked 24th and is estimated to cost \$20,280,000.

Conclusion

The subject parcel is undeveloped with a 9% slope descending from north to south and is mostly wooded. Otherwise, the surrounding area is characterized by residential uses. The 19.31 acre parcel to the south and west of the subject parcel was rezoned from Rural District (RU) to Residential Single Family Medium Density District (RS-MD) on March 28th 2006 (case number 05-114MA Ordinance No. 016-06HR). The general commercial parcel to the north of the subject parcel was rezoned in from Rural District (RU) to General Commercial District (GC) on July 12th, 2006 (case number 06-19MA Ordinance No. 062-06HR). East of the subject parcel is located the residential subdivision Foxport. The Foxport subdivision was rezoned from RU District to Planned Development District (PDD) on April 1st, 2003 (case number 03-36MA Ordinance No. 013-03HR).

The current Neighborhood Commercial District (NC) permits certain uses outright, such as residential, recreational, institutional, educational, civic, business and professional services, and retail trade and food services.

The subject parcel is within the boundaries of Lexington-Richland School District Five. Lake Murray Elementary School is 1,961 feet south of the subject parcel on Three Dog Road. Water service would be provided by the City of Columbia and sewer service would be provided by

Richland County. There is a fire hydrant located five hundred and seventy two (572) feet south of the property on Willowood Parkway. The Dutch Fork/Spring Hill fire station (station number 21) is located on Broad River Road, approximately 3.95 miles east of the subject parcel.

Based upon the existing residential uses and zoning classifications in the vicinity, the availability of water and sewer services, as well as the compatibility to the Comprehensive Plan recommendation for residential uses, staff is of the opinion that the proposed map amendment would not negatively impact public services or traffic and can support the rezoning request.

In summary, the staff is of the opinion that the proposed zoning map amendment is in compliance with the Comprehensive Plan and as such, The planning staff recommends **Approval** of this map amendment.

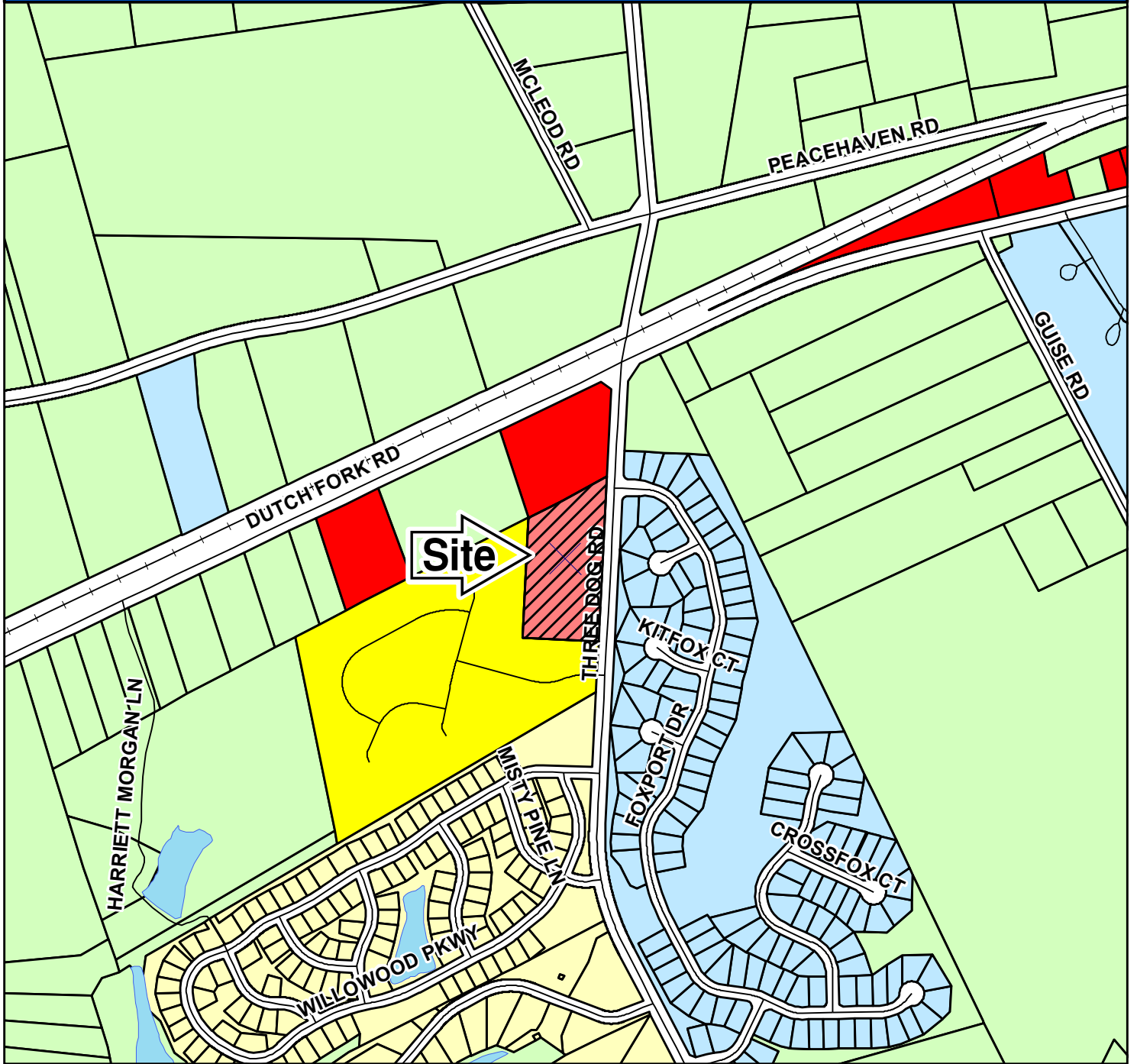
Zoning Public Hearing Date

February 28, 2012

Planning Commission Action

At their meeting of **February 6, 2012** the Richland County Planning Commission **agreed** with the PDSO recommendation and recommends the County Council initiate the ordinance consideration process to **approve the proposed Amendment for RC Project # 12-08 MA.**

Case 12-08 MA NC to RS-MD

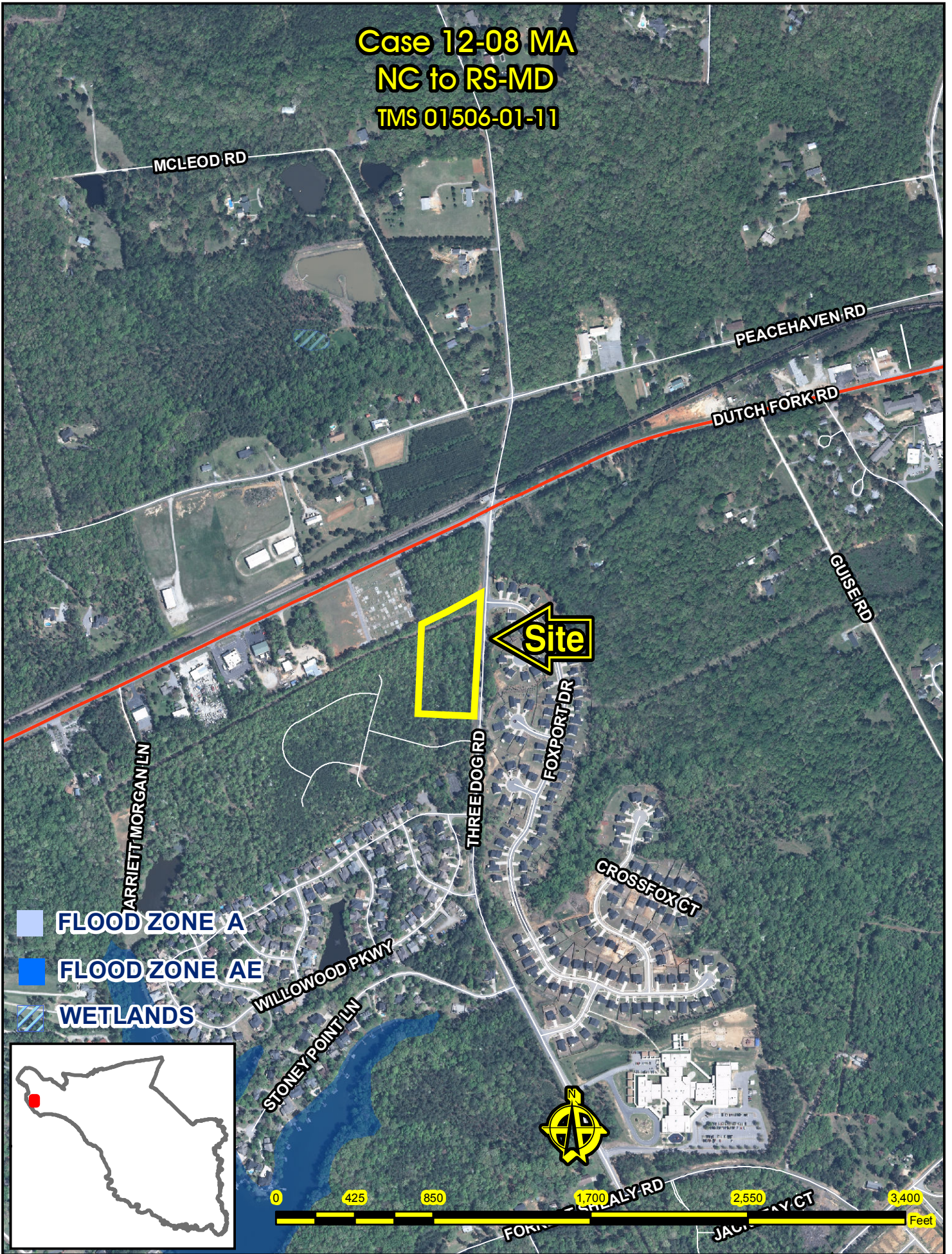


ZONING CLASSIFICATIONS

RR	RS-E	MH	NC	LI	TROS
C-1	RS-LD	RM-MD	GC	HI	Subject Property
C-3	RS-MD	RM-HD	RC	PDD	
RG-2	RS-HD	OI	M-1	RU	



**Case 12-08 MA
NC to RS-MD
TMS 01506-01-11**



CASE 12-08 MA

From NC to RS-MD

TMS# 01506-01-11

Three Dog Road



STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-12HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 01506-01-11 FROM NC (NEIGHBORHOOD COMMERCIAL DISTRICT) TO RS-MD (RESIDENTIAL, SINGLE-FAMILY – MEDIUM DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 01506-01-11 from NC (Neighborhood Commercial District) zoning to RS-MD (Residential, Single-Family – Medium Density District) zoning.

Section II. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2012.

RICHLAND COUNTY COUNCIL

By: _____
Kelvin E. Washington, Sr., Chair

Attest this _____ day of _____, 2012.

Michelle M. Onley
Clerk of Council

First Public Hearing: February 28, 2012 (tentative)
First Reading: February 28, 2012 (tentative)
Second Reading:
Third Reading:

MEMORANDUM

TO: Richland County Council Members

FROM: Amelia R. Linder, Esq.

DATE: February 6, 2012

RE: Text Amendment (Ordinance to reduce review time from 60 days to 30 days)

On February 6, 2012, the Richland County Planning Commission discussed the above-referenced ordinance and unanimously recommended APPROVAL on a vote of 7-0. However, they also recommended inserting some discretionary language into the ordinance that could extend the proposed 30 day review time in the event an extraordinary circumstance warranted same.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-53, LAND DEVELOPMENT PERMITS; SUBSECTION (B), PROCESSES; SO AS TO REDUCE THE TIME TO ACT ON THE APPLICATION FROM SIXTY (60) DAYS TO THIRTY (30) DAYS.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-53, Land Development Permits; Subsection (b), Processes; Paragraph (1), Land Development Compliance Review; Subparagraph d., Staff Review; is hereby amended to read as follows:

- d. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies. Provided the application is complete, the planning department, for projects not involving some other form of review, shall approve, approve conditionally, or deny the approval of the application within ~~ten (10)~~ thirty (30) days of receipt. ~~Failure to act on those applications not involving some other form of review within ten (10) days shall result in the reimbursement of any application fee submitted to the county.~~ Failure to act within ~~sixty (60)~~ thirty (30) days, unless extended by mutual agreement, shall be considered to constitute approval. In most situations, land development compliance review and the issuance of a land development permit can be handled at the time of application submittal. A record of all actions will be maintained as a public record and the applicant must be notified in writing of any actions taken.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-53, Land Development Permits; Subsection (b), Processes; Paragraph (2), Minor Land Development Review; Subparagraph d., Staff Review; is hereby amended to read as follows:

- d. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies ~~within thirty (30) days of the most recent submission date.~~ Provided the application is complete, the following shall occur.

1. *Planning staff review.* Plans for development requiring minor land development review shall be reviewed by the planning department for compliance with the requirements of this chapter.
2. *Development review team.* As needed, plans for development requiring minor land development review shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. No formal team review shall be required.

The planning department shall approve, approve conditionally, or deny the approval of the application within ~~sixty (60)~~ thirty (30) days of receipt. Failure to act on an application with ~~sixty (60)~~ thirty (30) days shall be considered to constitute approval. A record of all actions will be maintained as a public record and the applicant must be notified of any actions taken.

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (c), Processes; Paragraph (1), Administrative Review; Subparagraph d., Staff Review; is hereby amended to read as follows:

- d. *Staff review.* The planning department shall review the application and subdivision plat and provide a written decision regarding the request as soon as possible, but no later than thirty (30) days after the submission date of a completed application. If the department does not provide the applicant with written notice of the application's status in this time period, ~~the application fee shall be refunded. If the department does not provide the applicant with written notice of the application's status (approval, approval with conditions, or disapproval) within sixty (60) days after the submission date of a completed application, then~~ the application shall be deemed approved.

SECTION IV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (c), Processes; Paragraph (2), Minor Subdivision Review; Subparagraph d., Staff Review; is hereby amended to read as follows:

- d. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies ~~within thirty (30) days after the most recent submission date.~~

Provided that the application is complete, the following shall occur.

1. *Planning staff review.* Sketch plans for development requiring minor subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter.
2. *Development review team.* As needed, plans for minor subdivisions shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. No formal team review shall be required.

The planning department shall approve, approve conditionally, or deny the approval of the sketch plan for a minor subdivision within ~~sixty (60)~~ thirty (30) days after the submission date of a completed application. If the department fails to act on the application within that time, the application shall be deemed approved. A record of all actions will be maintained as a public record and the applicant must be notified of any actions taken.

SECTION V. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (c), Processes; Paragraph (3), Major Subdivision Review; Subparagraph e., Preliminary Subdivision Plan Review and Approval; Clause 2., Staff Review; is hereby amended to read as follows:

2. *Staff review.* The planning department shall review the preliminary plan submittal and determine if it is complete. The applicant shall be notified ~~within ten (10) days of submittal as to whether or not~~ if the application is not complete. Provided that the application is complete, ~~the following shall occur:~~ the planning department shall review the plan for compliance with the requirements of this chapter and conformity with the approved sketch plan, and then issue a letter to the applicant either approving, approving with conditions, or denying the preliminary subdivision plan. Failure on the part of the planning department to act on the preliminary plat within thirty (30) days shall constitute approval. Approval of the preliminary subdivision plan shall not constitute final or bonded subdivision plat approval (see Sections 26-54(b)f. and g. below).

~~[a] *Planning staff review.* Preliminary plans for development requiring major subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter and conformity with the approved sketch plan.~~

~~[b] *Development review team.* Within three (3) days of mailing written notice to the applicant that the preliminary subdivision plan is complete, the department shall transmit the plan package to the appropriate development review team members for review and comment. These members shall review and get comments back to the planning department within fifteen (15) days.~~

~~No later than fifteen (15) days after receipt of all review team comments and/or permit approvals, the planning department shall transmit a report and recommendations to the applicant. Said report shall approve, approve with conditions, or deny the preliminary subdivision plan application based on written findings of fact. Approval of the preliminary subdivision plan shall not constitute final or bonded subdivision plat approval (see Sections 26-54(b)f. and g. below). Failure on the part of the planning department to act on the preliminary plat within sixty (60) days shall constitute approval.~~

SECTION VI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (c), Processes; Paragraph (3), Major Subdivision Review; Subparagraph f., Bonded Subdivision Plan Review and Approval; Clause 2., Staff Review; is hereby amended to read as follows:

2. *Staff review.* The planning department shall review the bonded plan submittal and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies ~~within thirty (30) days after the most recent submission date.~~ Provided that the application is complete, the following shall occur.

[a] *Planning staff review.* Bonded plans for development requiring major subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter and conformity with the approved sketch plan and preliminary plan.

- [b] *Development team review.* As needed, bonded plans for major subdivisions shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. No formal team review shall be required.

The planning department shall approve, approve with conditions, or deny the bonded subdivision plan application based on written findings of fact. Approval of the bonded subdivision plan shall not constitute final subdivision plan approval (see subparagraph g. below on final subdivision plan approval). Failure on the part of the planning department to act on the bonded plat within ~~sixty (60)~~ thirty (30) days after receiving a complete application shall constitute approval.

SECTION VII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (c), Processes; Paragraph (3), Major Subdivision Review; Subparagraph g., Final Subdivision Plan Review and Approval; Clause 2., Staff Review; is hereby amended to read as follows:

2. *Staff review.* The planning department shall review the final plan submittal and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within ~~thirty (30) days after the most recent submission date.~~ No later than ~~fifteen (15)~~ thirty (30) days after receipt of a complete final plat package, the department shall approve, approve with conditions, or deny the final plat application ~~based on written findings of fact.~~ Failure on the part of the planning department to act on the final plat within ~~sixty (60)~~ thirty (30) days after receiving a complete application shall constitute approval.

SECTION VIII. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION IX. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION X. Effective Date. This ordinance shall be effective from and after _____, 2012.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE _____ DAY
OF _____, 2012

Michelle M. Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

Public Hearing: February 28, 2012 (tentative)
First Reading: February 28, 2012 (tentative)
Second Reading:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 12-__HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES, PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; “BUSINESS, PROFESSIONAL AND PERSONAL SERVICES” OF TABLE 26-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SO AS TO PERMIT “REPAIR AND MAINTENANCE SERVICES, AUTOMOBILE, MAJOR” IN THE GC (GENERAL COMMERCIAL DISTRICT), WITH SPECIAL REQUIREMENTS.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE RICHLAND COUNTY COUNCIL:

SECTION I. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions; “Business, Professional and Personal Services” of Table 26-V-2.; is hereby amended to read as follows:

(ORDINANCE CONTINUES ON NEXT PAGE)

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
<u>Business, Professional and Personal Services</u>																	
Accounting, Tax Preparation, Bookkeeping, and Payroll Services											P	P	P	P	P	P	
Advertising, Public Relations, and Related Agencies											P	P	P	P	P		
Automatic Teller Machines											P	P	P	P	P	P	P
Automobile Parking (Commercial)											P	P	P	P	P	P	P
Automobile Rental or Leasing														P	P	P	P
Automobile Towing, Not Including Storage													P	P	P	P	P
Automobile Towing, Including Storage Services															P	P	P
Banks, Finance, and Insurance Offices											P	SR	SR	P	P	P	
Barber Shops, Beauty Salons, and Related Services		SR							SR	SR	P	P	P	P	P	P	
Bed and Breakfast Homes/Inns		SR	SR						SR	SR	SR	SR	SR	SR			
Body Piercing Facilities														SR			
Building Maintenance Services, Not Otherwise Listed														P	P	P	P
Car and Light Truck Washes (See also Truck Washes)													SR	P	P	P	P
Carpet and Upholstery Cleaning Services														P	P	P	P
Computer Systems Design and Related Services											P	P	P	P	P	P	P
Clothing Alterations/Repairs; Footwear Repairs											P	P	P	P	P		
Construction, Building, General Contracting, with Outside Storage															SR	SR	P
Construction, Building, General Contracting, without Outside Storage											P	P	P	P	P	P	P

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Construction, Heavy, with Outside Storage															SR	SR	P
Construction, Heavy, without Outside Storage															P	P	P
Construction, Special Trades, with Outside Storage															SR	SR	P
Construction, Special Trades, without Outside Storage											P	P	P	P	P	P	P
Employment Services											P	P	P	P	P	P	
Engineering, Architectural, and Related Services											P	P	P	P	P	P	
Exterminating and Pest Control Services													P	P	P	P	
Funeral Homes and Services											P	P	P	P	P	P	
Furniture Repair Shops and Upholstery													P	P	P	P	P
Hotels and Motels													P	P	P	P	
Janitorial Services													P	P	P	P	P
Kennels		SR									SR		SR	SR	SR	SR	
Landscape and Horticultural Services		P												P	P	P	
Laundromats, Coin Operated												P	P	P	P	P	
Laundry and Dry Cleaning Services, Non-Coin Operated											P	P	P	P	P	P	P
Legal Services (Law Offices, Etc.)											P	P	P	P	P	P	
Linen and Uniform Supply															P	P	P
Locksmith Shops												P	P	P	P	P	
Management, Scientific, and Technical Consulting Services											P	P	P	P	P	P	P
Massage Therapists											P	P	P	P	P	P	
Medical/Health Care Offices											P	P	P	P	P	P	
Medical, Dental, or Related Laboratories											P	P	P	P	P	P	
Motion Picture Production/Sound Recording														P	P	P	
Office Administrative and Support Services, Not Otherwise Listed											P	P	P	P	P	P	

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Packaging and Labeling Services											P	P	P	P	P	P	P
Pet Care Services (Excluding Veterinary Offices and Kennels)											P	SR	SR	P	P	P	P
Photocopying and Duplicating Services											P	P	P	P	P	P	P
Photofinishing Laboratories											P	P	P	P	P	P	P
Photography Studios											P	P	P	P	P		
Picture Framing Shops											P	P	P	P	P		
Professional, Scientific, and Technical Services, Not Otherwise Listed											P	P	P	P	P	P	P
Publishing Industries														P	P	P	P
Real Estate and Leasing Offices											P	P	P	P	P		
Recreational Vehicle Parks and Recreation Camps		SR															
Rental Centers, with Outside Storage														SR	P	P	P
Rental Centers, without Outside Storage													P	P	P	P	P
Repair and Maintenance Services, Appliance and Electronics													SR	SR	SR	SR	P
Repair and Maintenance Services, Automobile, Major														<u>SR</u>	P	P	P
Repair and Maintenance Services, Automobile, Minor													P	P	P	P	P
Repair and Maintenance Services, Boat and Commercial Trucks, Large															P		P
Repair and Maintenance Services, Boat and Commercial Trucks, Small															P	P	P
Repair and Maintenance Services, Commercial and Industrial Equipment															P	P	P
Repair and Maintenance Services, Home and Garden Equipment														P	P	P	
Repair and Maintenance Services, Personal and Household Goods											P	P	P	P	P	P	

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Repair and Maintenance Services, Television, Radio, or Other Consumer Electronics											SR	P	P	P	P	P	
Research and Development Services														P	P	P	P
Security and Related Services														P	P	P	P
Septic Tank Services													P				P
Tanning Salons												P	P	P	P		
Tattoo Facilities													P	P	P		
Taxidermists													P	P	P	P	
Theaters, Live Performances															P	P	
Theaters, Motion Picture, Other Than Drive-Ins												SE	P	P	P	P	P
Theaters, Motion Picture, Drive-Ins													SE	SE	P	SE	
Tire Recapping															P		P
Travel Agencies (without Tour Buses or Other Vehicles)											P	P	P	P	P		
Traveler Accommodations, Not Otherwise Listed													P	P	P		
Truck (Medium and Heavy) Washes														P	P	P	P
Vending Machine Operators															P	P	P
Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services)											SR	SR	P	P	P	P	P
Watch and Jewelry Repair Shops											P	P	P	P	P		
Weight Reducing Centers											P	P	P	P	P		

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (b), Permitted Uses with Special Requirements Listed by Zoning District; is hereby amended to read as follows:

(b) *Permitted uses with special requirements listed by zoning district.*

- (1) Accessory Dwellings - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, M-1)
- (2) Amusement or Water Parks, Fairgrounds - (GC, M-1, LI)
- (3) Animal Shelters - (GC, M-1, LI)
- (4) Antennas - (All Districts)
- (5) Athletic Fields - (TROS, NC, RC)
- (6) Banks, Finance, and Insurance Offices – (NC, RC)
- (7) Barber Shops, Beauty Salons, and Related Services - (RU, RM-MD, RM-HD)
- (8) Bars and other Drinking Places - (RC, GC, M-1, LI)
- (9) Batting Cages - (GC, M-1, LI)
- (10) Bed and Breakfast Homes/Inns - (RU, RR, RM-MD, RM-HD, OI, NC, RC, GC)
- (11) Beer/Wine/Distilled Alcoholic Beverages – (GC)
- (12) Body Piercing Facilities – (GC)
- (13) Buildings, High-Rise, Four (4) or Five (5) Stories – (RM-HD, OI, GC)
- (14) Bus Shelters/Bus Benches - (All Districts)
- (15) Car and Light Truck Washes- (RC)
- (16) Cemeteries and Mausoleums - (RU, OI, NC, RC, GC, M-1, LI, HI)
- (17) Continued Care Retirement Communities - (RM-MD, RM-HD, OI, RC, GC)
- (18) Construction, Building, General Contracting, with Outside Storage - (M-1, LI)

- (19) Construction, Building, Heavy, with Outside Storage - (M-1, LI)
- (20) Construction, Special Trades, with Outside Storage - (M-1, LI)
- (21) Country Clubs with Golf Courses - (TROS, RU, GC, M-1, LI)
- (22) Day Care, Adult, Home Occupation (5 or fewer) – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, GC)
- (23) Day Care Centers, Adult - (RU, OI, NC, RC, GC, M-1)
- (24) Day Care, Child, Family Day Care, Home Occupation (5 or fewer) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, GC)
- (25) Day Care Centers, Child, Licensed Centers - (RU, OI, NC, RC, GC, M-1)
- (26) Drugs and Druggists' Sundries – (GC)
- (27) Durable Goods, Not Otherwise Listed – (GC)
- (28) Dwellings, Manufactured Homes on Individual Lots - (RU, MH)
- (29) Dwellings, Manufactured Homes on Individual Lots - (RR, RS-E)
- (30) Dwellings, Single Family, Zero Lot Line, Common and Parallel - (Common: RM-MD, RM-HD, OI, GC, M-1; Parallel: RS-E, RS-LD, RS-MD, RS-HD, RM-MD, RM-HD, OI, M-1)
- (31) Electrical Goods – (GC)
- (32) Fuel Oil Sales (Non-Automotive) - (M-1, HI)
- (33) Furniture and Home Furnishings – (GC)
- (34) Golf Courses - (TROS, GC, M-1, LI)
- (35) Golf Driving Ranges (Freestanding) - (TROS, RC, GC, M-1, LI)
- (36) Go-Cart, Motorcycle, and Similar Small Vehicle Tracks - (GC)
- (37) Group Homes (9 or Less) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (38) Home Occupations - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)

- (39) Kennels - (RU, OI, RC, GC, M-1, LI)
- (40) Libraries – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (41) Lumber and Other Construction Materials – (GC)
- (42) Machinery, Equipment and Supplies – (GC)
- (43) Manufactured Home Sales – (GC, M-1)
- (44) Manufactured Home Parks – (MH, M-1)
- (45) Market Showrooms - (GC)
- (46) Motor Vehicles, New Parts and Supplies – (GC)
- (47) Motor Vehicles, Tires and Tubes – (GC)
- (48) Nondurable Goods, Not Otherwise Listed – (GC)
- (49) Paints and Varnishes – (GC)
- (50) Pet Care Services – (NC, RC)
- (51) Petroleum and Coal Products Manufacturing - (HI)
- (52) Petroleum and Petroleum Products - (M-1, HI)
- (53) Places of Worship – (RU, RR, RM-MD, RM-HD, RC)
- (54) Plumbing and Heating Equipment and Supplies – (GC)
- (55) Poultry Farms – (RU)
- (56) Produce Stands – (RU)
- (57) Public or Private Parks- (All Districts)
- (58) Public Recreation Facilities- (All Districts)
- (59) Radio, Television, and Other Similar Transmitting Towers – (M-1)
- (60) Recreational Vehicle Parks and Recreation Camps – (RU)

(61) Rental Centers, With Outside Storage – (GC)

(62) Repair and Maintenance Services, Automobile, Major – (GC)

(63)~~(62)~~ Repair and Maintenance Service, Appliance and Electronics - (RC, GC, M-1, LI)

(64)~~(63)~~ Research and Development Services – (OI)

(65)~~(64)~~ Schools, Including Public and Private Schools, Having a Curriculum Similar to Those Given in Public Schools - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)

(66)~~(65)~~ Sexually Oriented Businesses - (GC, HI)

(67)~~(66)~~ Sporting Firearms and Ammunition – (GC)

(68)~~(67)~~ Swim and Tennis Clubs – (TROS)

(69)~~(68)~~ Swimming Pools - (TROS, RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)

(70)~~(69)~~ Tobacco and Tobacco Products – (GC)

(71)~~(70)~~ Utility Substations - (All Districts)

(72)~~(71)~~ Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services) - (OI, NC)

(73)~~(72)~~ Warehouses (General Storage, Enclosed, Not Including Storage of Any Hazardous Materials or Waste as Determined by Any Agency of the Federal, State, or Local Government) - (OI, NC, RC, GC)

(74)~~(73)~~ Warehouses (Self Storage) - (RC, GC, M-1, LI)

(75)~~(74)~~ Yard Sales - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)

(76)~~(75)~~ Zoos and Botanical Gardens – (GC, M-1)

SECTION III. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; is hereby amended by the insertion of a new paragraph to read as Paragraph “(63) Repair and Maintenance Services, Automobile, Major; the existing Paragraph (63) is renumbered to read as Paragraph (64), and all remaining paragraphs are renumbered in appropriate chronological order.

(63) Repair and Maintenance Services, Automobile, Major

- a. Use districts: General Commercial.
- b. Vehicles shall be either stored inside enclosed structures or screened by solid walls, opaque fences, dense evergreen shrubbery or the like so that they are not visible from any public road or from the ground level of adjacent property used for residential or office purposes.
- c. Vehicle parts and equipment shall be stored inside enclosed structures.
- d. Any required front or secondary front yard shall not be used for storage.
- e. The side and rear yard setback for storage areas shall be at least twenty-five (25) feet from property lines.
- f. Operations associated with the business shall not be conducted outside of the building(s).

SECTION IV. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION V. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION VI. Effective Date. This ordinance shall be enforced from and after _____, 2012.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE ____ DAY

OF _____, 2012

Michelle Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

Public Hearing: February 28, 2012 (tentative)
First Reading: February 28, 2012 (tentative)
Second Reading:
Third Reading:

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Richland County
Planning and
Development
Services

MEMO

To: Richland County Council
Milton Pope, County Administrator
Sparty Hammett, Assistant County Administrator

From: Geonard H. Price, Zoning Administrator
Amelia Linder, Esq.

Date: January 27, 2012

Re: Review of language regarding the location of group homes

On January 24, 2012, County Council directed staff to present options on how to minimize the impact of group homes on residential neighborhoods.

Section 26-22 of the Richland County Code of Ordinances defines a group home as, “A residential home, provided by an agency, organization or individual, for mentally or physically handicapped persons and which is licensed by the State of South Carolina to provide such a service.

It should first be noted that these “group homes” are regulated by State law, and are under the purview of the South Carolina Department of Health and Environmental Control (DHEC). A facility cannot be licensed without the consent of DHEC’s “Health Facilities Construction team” (regarding number of beds, fire and life safety, etc.), and a facility cannot admit more residents than it is licensed for.

Regulations governing “Intermediate Care Facilities for the Intellectually Disabled (ICF/IDs)” can be found in the S.C. Code of Regulations, Section 61-13. Facilities are described as follows:

"Habilitation center (for persons with intellectual disability or persons with related conditions)", which means a facility that serves four or more persons with intellectual disability or persons with related conditions and provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room, board, and active treatment for their intellectual disability or related conditions. Habilitation centers will provide ICF/ID services. Habilitation centers are further classified as "small" facilities and "large" facilities:

"Institutional Occupancy", which means facilities that are designed and built to provide medical care and sleeping facilities to six (6) or more persons who are not capable of self-preservation because of a physical or mental disability and need physical assistance to evacuate the building.

“Residential Occupancy” is a building or portion of a building designed and built to provide care and services to two (2) or more unrelated persons over a period exceeding twenty-four hours who have need of regular care but have mental and physical capabilities for self preservation.

Facilities of five (5) sleeping beds or less will be classified as "Residential Occupancy" and will follow the requirements in the Standard Building Code for "Residential Occupancy". If there is live-in staff, the bed(s) for the staff are counted as a "sleeping bed" but not as a "licensed bed".

Facilities of six (6) sleeping beds or more will be classified as "Residential Dormitory Occupancy" and will follow the requirements in the Standard Building Code for "Residential Occupancy" and include those requirements for a dormitory.

A "small" facility is one of 15 or less beds and may be residential or institutional occupancy depending on the care required.

A "large" facility is one of 16 or more beds and shall be institutional occupancy.

Regulations governing “Community Residential Care Facilities (CRCFs)” can be found in the S.C. Code of Regulations, Section 61-84. These facilities are defined as follows:

“A facility which offers room and board and which, unlike a boarding house, provides/coordinates a degree of personal care for a period of time in excess of 24 consecutive hours for two or more persons, 18 years old or older, not related to the licensee within the third degree of consanguinity. It is designed to accommodate residents' changing needs and preferences, maximize residents' dignity, autonomy, privacy, independence, and safety, and encourage family and community involvement. Included in this definition is any facility (other than a hospital), which offers or represents to the public that it offers a beneficial or protected environment specifically for individuals who have mental illness or disabilities. These facilities may be referred to as "assisted living" provided they meet the above definition of community residential care facility.”

In addition, “Community Residential Care Facilities” shall be “planned, designed, and equipped to provide and promote the health, safety, and well-being of each resident. Facility design shall be such that all residents have access to required services. There shall be 200 gross square feet per licensed bed in facilities 10 beds or less, and in facilities licensed for more than 10 beds, an additional 100 gross square feet per licensed bed.

Facilities licensed for five beds or less shall be classified as Residential Occupancy and shall follow the requirements of the Standard Building Code (SBC) for Residential Occupancy.

Facilities licensed for six beds or more shall follow the requirements of the SBC for Residential R-4 Occupancy and the requirements for dormitories.

Facilities housing six or more residents who are incapable of self-preservation shall meet the requirements of the SBC for Institutional Occupancy.

And most relevant to this discussion is Section 6-29-770 (E) of the South Carolina Code of Laws, which prohibits Richland County from creating any type of legislation which would control the location of group homes serving nine (9) or fewer:

“The provisions of this section do not apply to a home serving nine or fewer mentally or physically handicapped persons provided the home provides care on a twenty-four hour basis and is approved or licensed by a state agency or department or under contract with the agency or department for that purpose. A home is construed to be a natural family or such similar term as may be utilized by any county or municipal zoning ordinance to refer to persons related by blood or marriage. Prior to locating the home for the handicapped persons, the appropriate state agency or department or the private entity operating the home under contract must first give prior notice to the local governing body administering the pertinent zoning laws, advising of the exact site of any proposed home. The notice must also identify the individual representing the agency, department, or private entity for site selection purposes. If the local governing body objects to the selected site, the governing body must notify the site selection representative of the entity seeking to establish the home within fifteen days of receiving notice and must appoint a representative to assist the entity in selection of a comparable alternate site or structure, or both. The site selection representative of the entity seeking to establish the home and the representative of the local governing body shall select a third mutually agreeable person. The three persons have forty-five days to make a final selection of the site by majority vote. This final selection is binding on the entity and the governing body. In the event no selection has been made by the end of the forty-five day period, the entity establishing the home shall select the site without further proceedings. An application for variance or special exception is not required. No person may intervene to prevent the establishment of a community residence without reasonable justification.”

Section 6-29-770 (F) states that “Prospective residents of these homes must be screened by the licensing agency to ensure that the placement is appropriate.” And Section 6-29-770 (G) states that “The licensing agency shall conduct reviews of these homes no less frequently than every six months for the purpose of promoting the rehabilitative purposes of the homes and their continued compatibility with their neighborhoods.”

Therefore, any language crafted towards group homes (9 or fewer) would, and must, pertain to single-family residential dwelling uses. In other words, if a residential structure cannot be used as a home for the mentally and/or physically handicapped, then it also cannot be used by a traditional family.

PLANNING COMMISSION	PLANNING COMMISSION RECOMMENDATION	COUNTY COUNCIL ACTION AT THE ZONING PUBLIC HEARING	Goes back to PC and is reviewed	Goes back to PC and starts over	Does not go back to PC
Zoning District X to Zoning District Y	APPROVE	APPROVE			X
Zoning District X to Zoning District Y	DENY	APPROVE			X
Zoning District X to Zoning District Y	APPROVE	DENY			X
Zoning District X to Zoning District Y	DENY	DENY			X
Zoning District X to Zoning District Y	APPROVE	Zoning District X to Zoning District Z		X	
Zoning District X to Zoning District Y	DENY	Zoning District X to Zoning District Z		X	
Zoning District X to PDD	APPROVE	Zoning District X to PDD with less restrictions	X		
Zoning District X to PDD	APPROVE	Zoning District X to PDD with more restrictions			X
Zoning District X to PDD	DENY	Zoning District X to PDD with less restrictions	X		
Zoning District X to PDD	DENY	Zoning District X to PDD with more restrictions			X

