

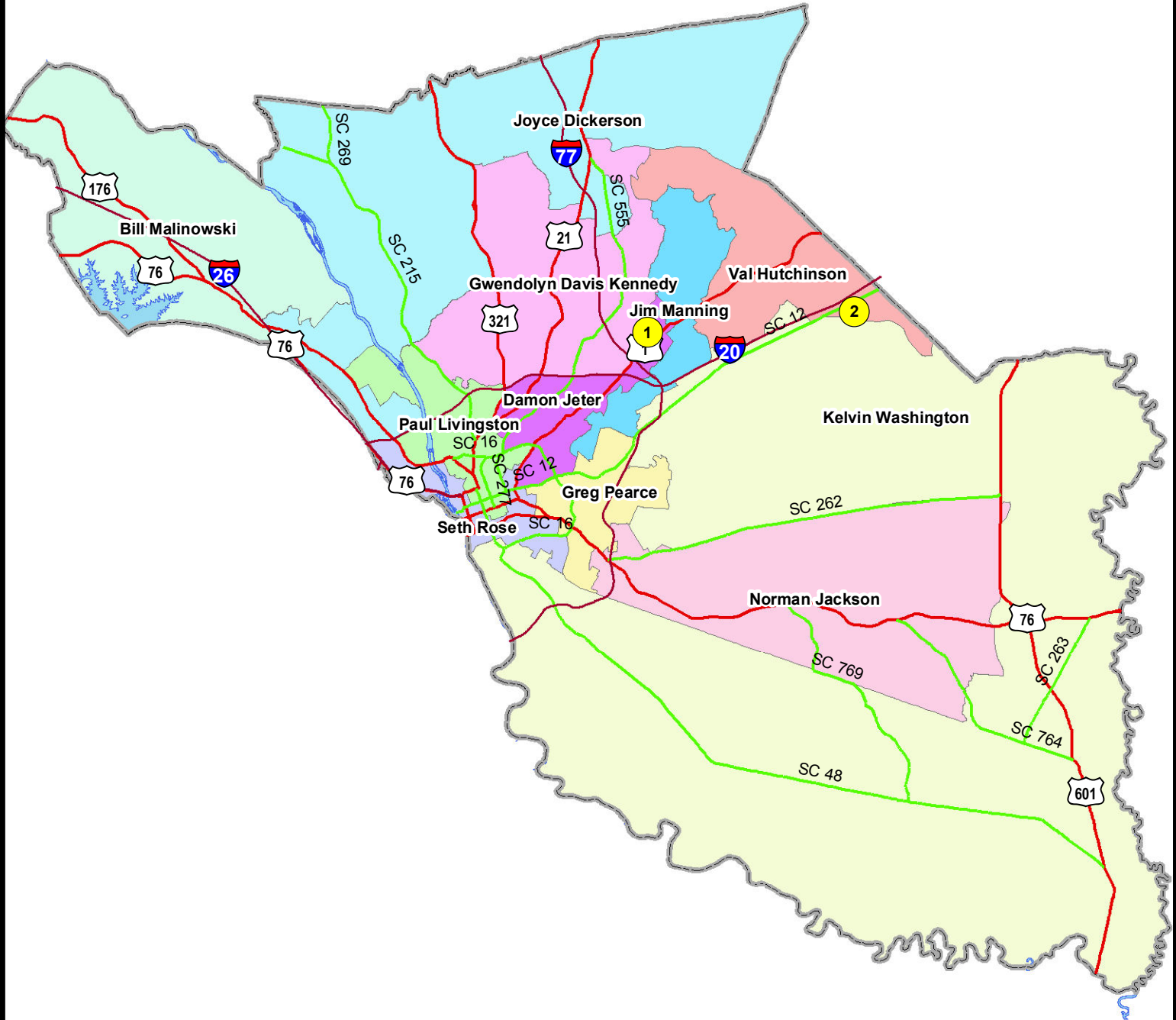
RICHLAND COUNTY COUNCIL  
ZONING PUBLIC HEARING



OCTOBER 23, 2012



# RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING OCTOBER 23, 2012



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 12-30 MA	Oliver Gospel Mission	19904-03-02	140 Flora Drive	Jeter
2. 12-32 MA	Terri Darragh	31600-02-18 (p)	Screaming Eagle Road	Hutchinson





**RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING**

**Tuesday, October 23, 2012  
7:00 P.M.  
2020 Hampton Street  
2<sup>nd</sup> Floor, Council Chambers  
Columbia, South Carolina**

**STAFF:**

Tracy Hegler, AICP .....Planning Director  
Geonard Price.....Deputy Planning Director/Zoning Administrator  
Amelia R. Linder, Esq..... Attorney  
Holland Jay 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 # 12-30 MA  
Oliver Gospel Mission  
M. Kevin Garrison, Esq.  
RS-MD to OI (6.82 acres)  
140 Flora Dr.  
TMS# 19904-03-02 [**FIRST READING**]  
Planning Commission Denied 6-0  
Page 1
2. Case #12-32 MA  
Terry Darragh  
Richland County Landfill, Inc.  
RU to HI (79.11 acres)  
Screaming Eagle Rd.  
TMS# 31600-02-18 (p) [**FIRST READING**]  
Planning Commission Approved 6-0  
Page 11

**TEXT AMENDMENT**

1. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SO AS TO REPEAL THE GREEN CODE STANDARDS AND TO HAVE SECTION 26-186 READ AS "RESERVED".  
[**FIRST READING**]  
Planning Commission Approved 6-0  
Page 21

2. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE AND PERFORMANCE STANDARDS; SECTION 26-176, LANDSCAPING STANDARDS; SUBSECTION (J), PROTECTION OF EXISTING TREES DURING DEVELOPMENT; PARAGRAPH (3), EXEMPTION – TREE PROTECTION; SO AS TO REMOVE BUFFER AND BMP REQUIREMENTS FOR FORESTRY ACTIVITIES.

**[FIRST READING]**

Planning Commission Approved 6-0

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3. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-53, LAND DEVELOPMENT PERMITS; SO AS TO CLARIFY THE PERMITTING PROCESS.

**[FIRST READING]**

Planning Commission Approved 6-0

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4. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SO AS TO CLARIFY THE SUBDIVISION REVIEW AND APPROVAL PROCESS.

**[FIRST READING]**

Planning Commission Approved 6-0

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## **OTHER BUSINESS**

## **ADJOURNMENT**



# Richland County Planning & Development Services Department

## Map Amendment Staff Report

**PC MEETING DATE:** October 1, 2012  
**RC PROJECT:** 12-30 MA  
**APPLICANT:** Kevin Garrison

**LOCATION:** Flora Drive

**TAX MAP NUMBER:** 19904-03-02  
**ACREAGE:** 6.82  
**EXISTING ZONING:** RS-MD  
**PROPOSED ZONING:** OI

**PC SIGN POSTING:** September 12, 2012

### Staff Recommendation

**Disapproval**

### Background /Zoning History

The current zoning, Residential Single-family Medium Density District (RS-MD), reflects the original zoning as adopted September 7, 1977.

The parcel contains seventy six (76) feet of frontage along Flora Drive.

### 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: 109 dwelling units  
The net density for this site is approximately: 76 dwelling units

Direction	Existing Zoning	Use
<b><u>North:</u></b>	RS-MD/RS-MD	Multifamily Residences (Pitts Apartments)/Single Family Residences (Rabon Farms)
<b><u>South:</u></b>	RS-MD	Single Family Residences (Greengate)
<b><u>East:</u></b>	RS-MD	Single Family Residences (Greengate)
<b><u>West:</u></b>	RS-MD	Single Family Residences

**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.

Non-Compliance: The proposed zoning would not be in compliance with the recommended objective for suburban commercial/office activities in the Comprehensive Plan. The site is not located at a traffic junction and would be surrounded by residential zoning.

**Traffic Impact**

The 2010 SCDOT traffic count (Station # 611) located northwest of the subject parcel on Rabon Road identifies 8,700 Average Daily Trips (ADT’s). Rabon Road is classified as a two lane undivided Collector, maintained by SCDOT with a design capacity of 8,600 ADT’s. Rabon Road is currently operating at Level of Service (LOS) “D”.

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

**Conclusion**

The subject parcel contains existing brick structures that are being utilized as an addiction recovery facility for homeless males (The Bethel House Ministries). Otherwise, the parcel has sidewalks and limited frontage along Flora Drive, residential vegetation, some street lighting, wooden and chain link fencing on the perimeter and a gentle slope. The immediate area is primarily characterized by residential use in all directions. North of the subject parcel is a non-conforming multi-family development (Pitts Development) and the Rabon Farms Abutting the south and east of the subject parcel is the Greengate Subdivison. Further south of the subject parcel at the intersection of Rabon Road and Flora Drive are some undeveloped and commercial uses. These uses are located on the south side of Rabon Road and include an automotive shop (Fish’s Customs), a landscaping service (Ambrosia Landscaping), and a convenience store with gas pumps (Exon Gas Station). There are two General Commercial District (GC) parcels located on the northwest and northeast corners of the intersection of Rabon Road and Flora Drive. Both sites are undeveloped.

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.

The subject parcel is within the boundaries of School District 2. Windsor Elementary School is located .6 miles southeast of the subject parcel on Dunbarton Road. The Jackson fire station



(number 32) is located .3 miles east of the subject parcel on Two Notch Road. There is a fire hydrant located on site as well as west of the parcel on Flora Drive. 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.

The subject parcel is contiguous to residential zoning uses on all sides. As such, any rezoning in the immediate area could have negative effects on the well-established residential community. The fact that Rabon Farms, among others, is a relatively recent development attests to continued residential development in the area. The apartments north of the subject parcel are considered non-conforming and are allowed to continue under their current status. As there exists no other non-residential zoning nearby, particularly OI zoning, rezoning this parcel could set a precedent for the rezoning of adjacent parcels and could be out of character with Rabon Farms, Greengate and other residential communities in the area. The exception is the commercial at the intersection of Flora Drive and Rabon Road. Since the parcel is surrounded by two established residential subdivisions staff is of the opinion that rezoning would encroach upon the established residential uses in the area. Based upon this rationale and the potential for negative impacts staff believes that the proposed request is not in compliance with the Comprehensive Plan and recommends **Disapproval** of this map amendment.

#### Zoning Public Hearing Date

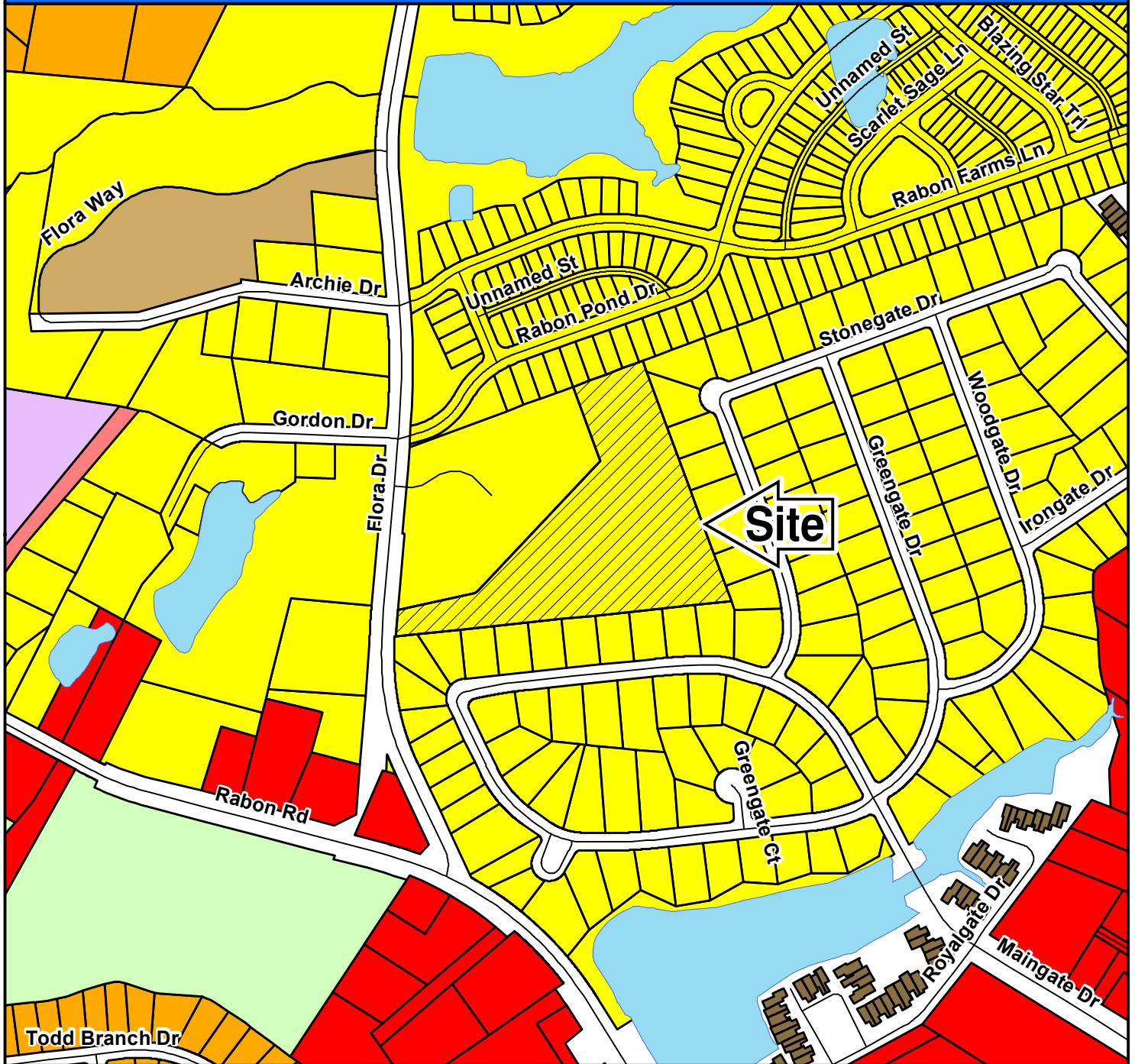
**October 23, 2012**

#### Planning Commission Action

At their meeting of **October 1, 2012** the Richland County Planning Commission **agreed** with the PSDS recommendation and recommends the County Council **disapprove** the proposed **Amendment** for **RC Project # 12-30 MA**.

# Case 12-30 MA

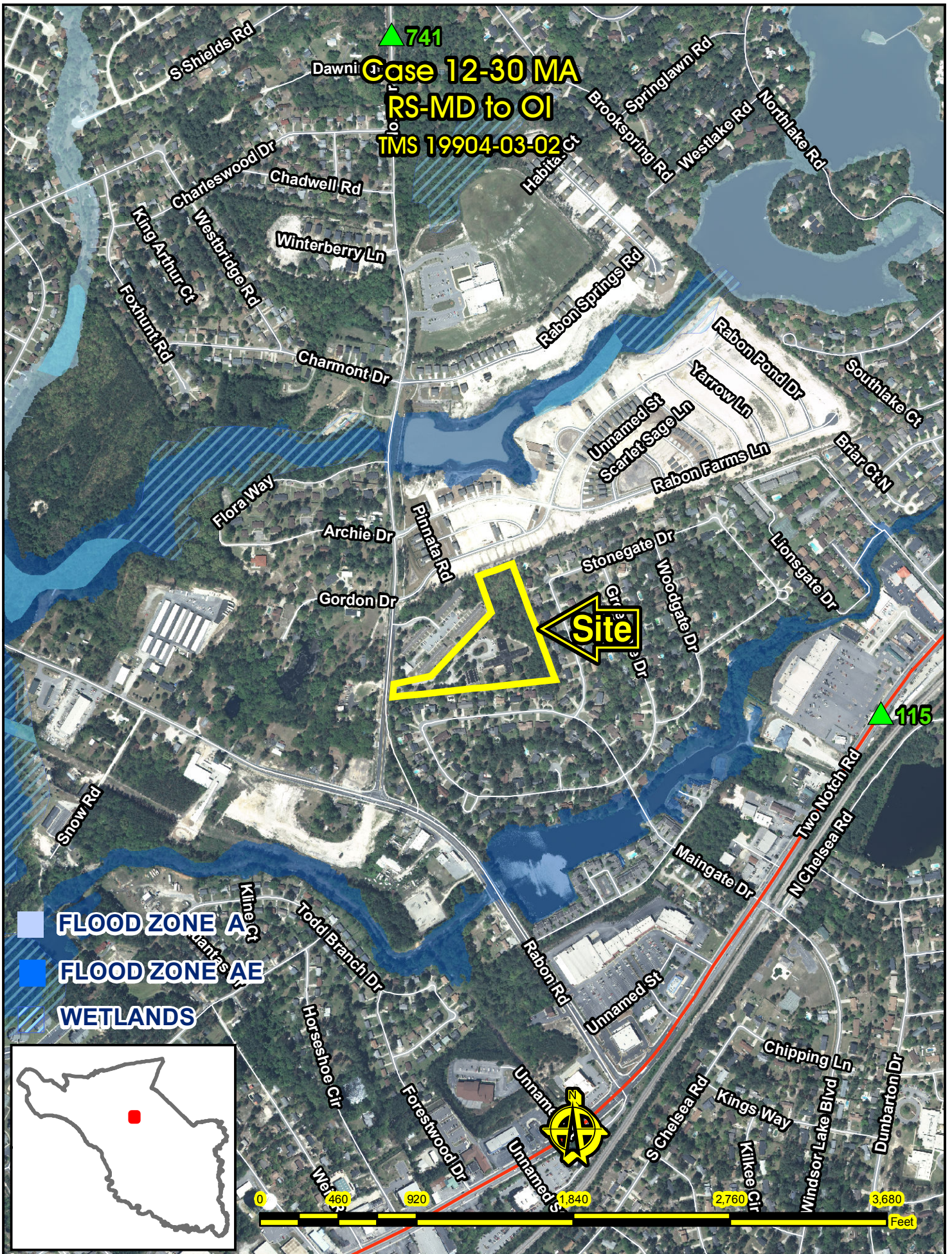
## RS-MD to OI



### ZONING CLASSIFICATIONS

CC-1	C-1	RS-E	MH	NC	LI	TROS
CC-2	C-3	RS-LD	RM-MD	GC	HI	Subject Property
CC-3	RG-2	RS-MD	RM-HD	RC	PDD	
CC-4	RR	RS-HD	OI	M-1	RU	





**The zoning change from RS-MD (Residential Medium Density) to OI (Office/Institutional) would permit the introduction of the following uses which were not allowed previously in the original zoning**

<b>USE TYPES</b>	<b>OI</b>
Continued Care Retirement Communities	SR
Dormitories	SE
Multi-Family, Not Otherwise Listed	P
Fraternity and Sorority Houses	P
Group Homes (10 or More)	SE
Rooming and Boarding Houses	SE
Special Congregate Facilities	SE
Clubs or Lodges ( <b>Ord No.054-08HR; 9-16-08</b> )	P
Dance Studios and Schools	P
Marital Arts Instructional Schools	P
Physical Fitness Centers	P
Ambulance Services, Transport	P
Animal Shelters	
Auditoriums, Coliseums, Stadiums	P
Cemeteries, Mausoleums ( <b>Ord. 069-10HR</b> )	SR
Colleges and Universities	P
Community Food Services	P
Correctional Institutions	
Courts	P
Day Care Centers, Adult ( <b>Ord. 008-09HR; 2-17-09</b> )	SR
Day Care, Child, Licensed Center ( <b>Ord. 008-09HR; 2-17-09</b> )	SR
Government Offices	P
Hospitals	P

Individual and Family Services, Not Otherwise Listed	P
Museums and Galleries	P
Nursing and Convalescent Homes	P
Orphanages	P
Post Offices	P
Postal Service Processing & Distribution	
Schools, Administrative Facilities	P
Schools, Business, Computer and Management Training	P
Schools, Fine Arts Instruction	P
Schools, Junior Colleges	P
Schools, Technical and Trade (Except Truck Driving)	P
Zoos and Botanical Gardens	SE
Accounting, Tax Preparation, Bookkeeping, and Payroll Services	P
Advertising, Public Relations, and Related Agencies	P
Automatic Teller Machines	P
Automobile Parking (Commercial)	P
Banks, Finance, and Insurance Offices	P
Barber Shops, Beauty Salons, and Related Services	P
Bed and Breakfast Homes/Inns ( <b>Ord. 020-10HR; 5-4-10</b> )	SR
Computer Systems Design and Related Services	P

Clothing Alterations/Repairs; Footwear Repairs	P
Construction, Special Trades, without Outside Storage	P
Employment Services	P
Engineering, Architectural, and Related Services	P
Funeral Homes and Services	P
Kennels	SR
Landscape and Horticultural Services	
Laundromats, Coin Operated	
Laundry and Dry Cleaning Services, Non-Coin Operated	P
Legal Services (Law Offices, Etc.)	P
Management, Scientific, and Technical Consulting Services	P
Massage Therapists	P
Medical/Health Care Offices	P
Medical, Dental, or Related Laboratories	P
Office Administrative and Support Services, Not Otherwise Listed	P
Packaging and Labeling Services	P
Pet Care Services (Excluding Veterinary Offices and Kennels)	P
Photocopying and Duplicating Services	P
Photofinishing Laboratories	P
Photography Studios	P
Picture Framing Shops	P
Professional, Scientific, and Technical Services, Not Otherwise Listed	P
Real Estate and Leasing Offices	P

Research and Development Services	SR
Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services)	SR
Watch and Jewelry Repair Shops	P
Weight Reducing Centers	P
Antique Stores (See Also Used Merchandise Shops and Pawn Shops)	P
Art Dealers	P
Bars and Other Drinking Places	SE
Book, Periodical, and Music Stores	P
Caterers, No On Site Consumption	P
Convenience Stores (with Gasoline Pumps)	P
Convenience Stores (without Gasoline Pumps)	P
Drugstores, Pharmacies, with Drive-Thru	P
Drugstores, Pharmacies, without Drive-Thru	P
Office Supplies and Stationery Stores	P
Optical Goods Stores	P
Outdoor Power Equipment Stores	
Restaurants, Cafeterias	P
Restaurants, Full Service (Dine-In Only)	P
Restaurants, Limited Service (Delivery, Carry Out)	P
Restaurants, Snack and Nonalcoholic Beverage Stores	P
Courier Services, Substations	P
Radio and Television Broadcasting Facilities (Except Towers)	P

Radio, Television, and Other Similar Transmitting Towers	SE
Utility Company Offices	P
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)	SR
Buildings, High Rise, 4 or 5 Stories	SR
Buildings, High Rise, 6 or More Stories	SE

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 # 19904-03-02 FROM RS-MD (RESIDENTIAL, SINGLE-FAMILY, MEDIUM DENSITY 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 # 19904-03-02 from RS-MD (Residential, Single-Family, Medium Density District) zoning to OI (Office and Institutional District) zoning.

Section II. 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. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section IV. 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:       October 23, 2012 (tentative)  
First Reading:       October 23, 2012 (tentative)  
Second Reading:  
Third Reading:







**Richland County  
Planning & Development Services Department**

Map Amendment Staff Report

**PC MEETING DATE:** October 1, 2012  
**RC PROJECT:** 12-32 MA  
**APPLICANT:** Terry Darragh

**LOCATION:** Screaming Eagle Road  
**TAX MAP NUMBER:** 31600-02-18 (Portion Of)  
**ACREAGE:** 79.11 acres  
**EXISTING ZONING:** RU  
**PROPOSED ZONING:** HI

**PC SIGN POSTING:** September 12, 2012

**Staff Recommendation**

Approval

**Background /Zoning History**

The current zoning, Rural District (RU), reflects the original zoning as adopted September 7, 1977. A previous request for parcels (12-07MA) 31600-02-17 & 18 totaling 232.91 acres was deferred at the request of the applicant at the June 4<sup>th</sup> Planning Commission meeting. Subsequently their request was withdrawn by the applicant. The remainder of the subject parcel not included in the rezoning has three hundred and forty eight (348) feet of frontage on Percival Road.

The parcel contains two thousand seven hundred and ninety three (2793) feet of frontage along Screaming Eagle Road.

**Summary**

The proposed zoning, Heavy Industrial (HI) District is intended to primarily accommodate uses of a manufacturing and industrial nature, and secondly, uses that are functionally related thereto, such as distribution, storage, and processing. General commercial uses are allowed, but are considered incidental to the predominantly industrial nature of this district.

No minimal lot area except as required by DHEC; and no maximum density standard.

<b>Direction</b>	<b>Existing Zoning</b>	<b>Use</b>
<b><u>North:</u></b>	RU	Undeveloped
<b><u>South:</u></b>	RU	Fort Jackson
<b><u>East:</u></b>	RU/RU	Mineral Extraction/Waste to Energy Plant
<b><u>West:</u></b>	RU	Undeveloped

## Plans & Policies

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

### Rural Area

Objective: Industrial uses should not locate near residential or commercial uses without adequate space for buffering/setbacks. Proposed industrial uses should consider sites with adequate room for expansion, existing infrastructure, and access to major arterials and/or highways. Sites will be considered during the rezoning process and periodically updated.

Compliance: The site is located 1.6 miles from the Interstate 20 interchange at Clemson Road. Additionally the site is adjacent to the Richland County Landfill and an operating sand mine. There appears to be adequate space to buffer the few adjacent residential parcels.

## Traffic Impact

The 2010 SCDOT traffic count (Station # 307) located west of the subject parcel on Screaming Eagle Road identifies 5,900 Average Daily Trips (ADT's). Screaming Eagle Road is classified as a two lane undivided Collector, maintained by SCDOT with a design capacity of 8,600 ADT's. Screaming Eagle Road is currently operating at Level of Service (LOS) “B”.

The 2010 SCDOT traffic count (Station # 217) located west of the subject parcel on Percival Road identifies 9,800 Average Daily Trips (ADT's). Percival Road is classified as a two lane undivided Minor Arterial, maintained by SCDOT with a design capacity of 10,800 ADT's. Percival Road is currently operating at Level of Service (LOS) “C”.

There are no planned or programmed improvements for this section of Screaming Eagle Road or Percival Road.

## Conclusion

The subject parcel is undeveloped, wooded, and has a rolling topography. The parcel located to the east of the subject parcel was previously mined for Kaolin (a type of clay typically used in ceramics, porcelain, medicines and paints). The surrounding area is characterized by some residential and industrial type uses. West of the site there is a scattering of residential parcels. Located further to the east of the subject parcels is the Richland County landfill. There is a sand mining operation (Hardaway Sand Plant) to the east of the subject parcel. The mine was originally zoned Rural District (RU) and was rezoned to Development District (D-1) in 1989, (case number 89-06MA) and subsequently expanded. However, in the countywide zoning map update that took place in 2005, the D-1 zoning was eliminated and the D-1 District became the RU district. The mine is allowed to continue operating as a legal nonconforming use. The existing mineral extraction operation (sand mine to the north) would not be allowed to expand without a rezoning. East of the subject parcel is a waste-to-energy plant operating in conjunction with the landfill. The large parcel to the south is Fort Jackson.

In accordance with Chapter 29 of the South Carolina Local Government Comprehensive Planning Enabling Act, Article 13 Section 6-29 1630, any land use or zoning decision located

within 3,000 feet of any military installation requires notification to the commander of the installation. The staff contacted Fort Jackson's Department of Public Works (DPW) Master Planning Division and was advised that the proposal will not adversely affect Fort operations. In addition, the parcel is part of the proposed Military Activity Zone (MAZ) 6 as identified in the Joint Land Use Study (JLUS). The MAZ 6 does not contain specific land use restrictions, but recommends coordination with the military installation. However, there are recommendations for limits to outdoor lighting. Those recommendations propose less visually intrusive lighting so that the glare does not interfere with operations that use night vision training. An additional recommendation suggests avigation or noise easements dedicated to the County that would grant the installation the right to conduct noise generating training activity.

The Heavy Industrial District (HI) permits certain uses outright, such as recreational, institutional, educational, civic, business and professional services, wholesale trade, transportation, information, warehousing, utilities, manufacturing, mining, and industrial, and retail trade and food services.

The subject parcel is within the boundaries of School District Two. Pontiac Elementary School is 1.84 miles west of the subject parcel on Spears Creek Church Road. The Northeast fire station (number 4) is located 2.1 miles west of the subject parcel on Spears Creek Church Road. There are no fire hydrants located near the subject property. Water and sewer would be provided by well and septic.

With a review of nearby land use characteristics, staff has found that the area to the west is made up of a mixture of uses that include large lot, residential housing and wooded tracts. The area to the east includes mining operations, wooded tracts, Fort Jackson, and Richland County's landfill. Both Percival Road and Screaming Eagle Road are two-lane roads, with existing heavy truck traffic generated by the landfill and local logging operations. The site is located adjacent to the landfill, which is a use permitted by special exception in the RU District. Given the nature of the uses east and south of the site, along with the fact that there appears to be adequate space to buffer the few residential parcels west of the site, staff is of the opinion that the rezoning request would be in character with the industrial type uses in the area.

As a result of this analysis the staff has concluded that the proposed zoning map amendment is in compliance with the Comprehensive Plan and recommends **Approval** of this request.

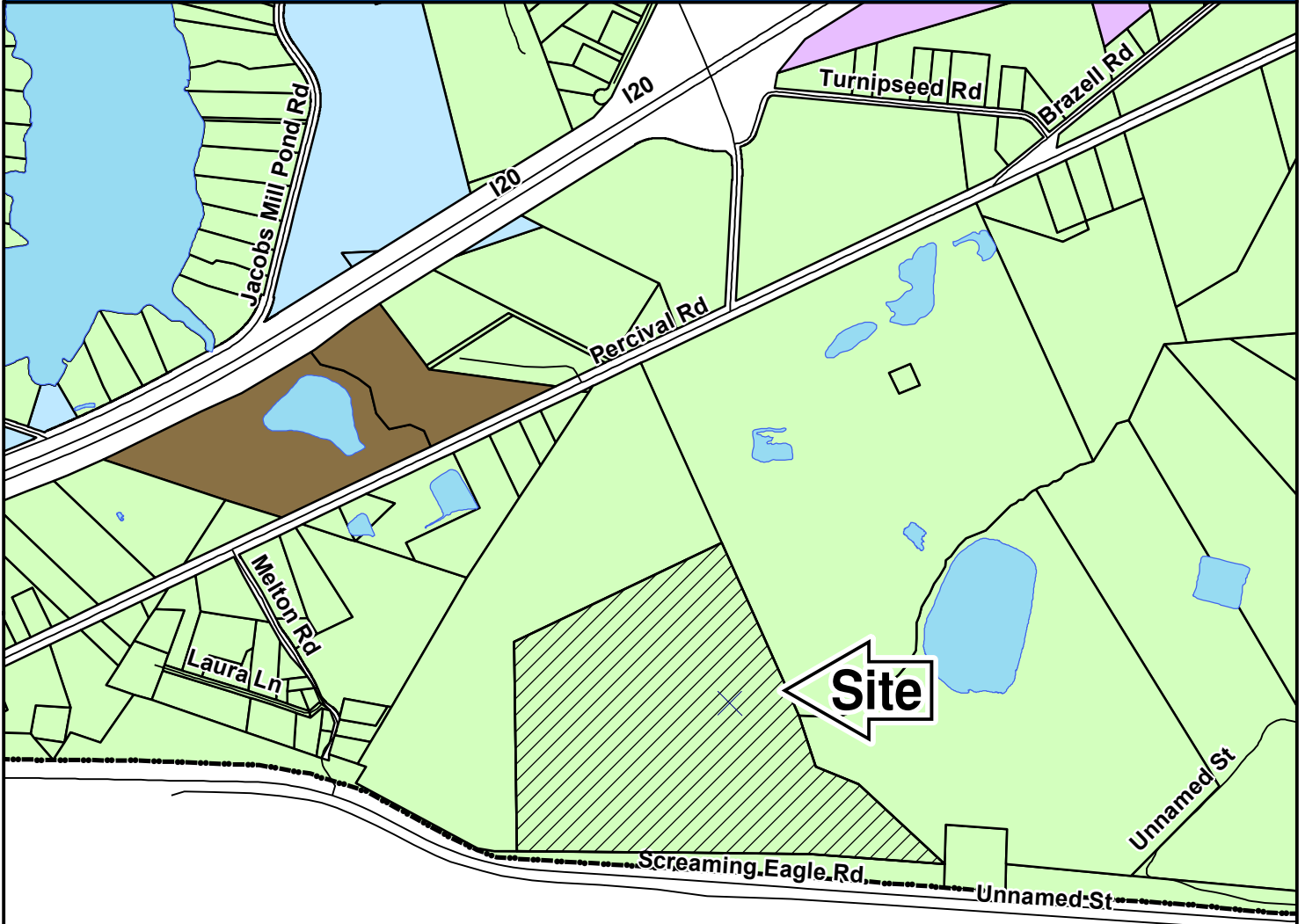
<b>Zoning Public Hearing Date</b>
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**October 23, 2012**

<b>Planning Commission Action</b>
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At their meeting of **October 1, 2012** the Richland County Planning Commission **agreed** with the PSDS recommendation and recommends the County Council initiate the ordinance consideration process to **approve the proposed Amendment** for **RC Project # 12-32 MA**.



























# Case 12-32 MA RU to HI



*City of  
Columbia*

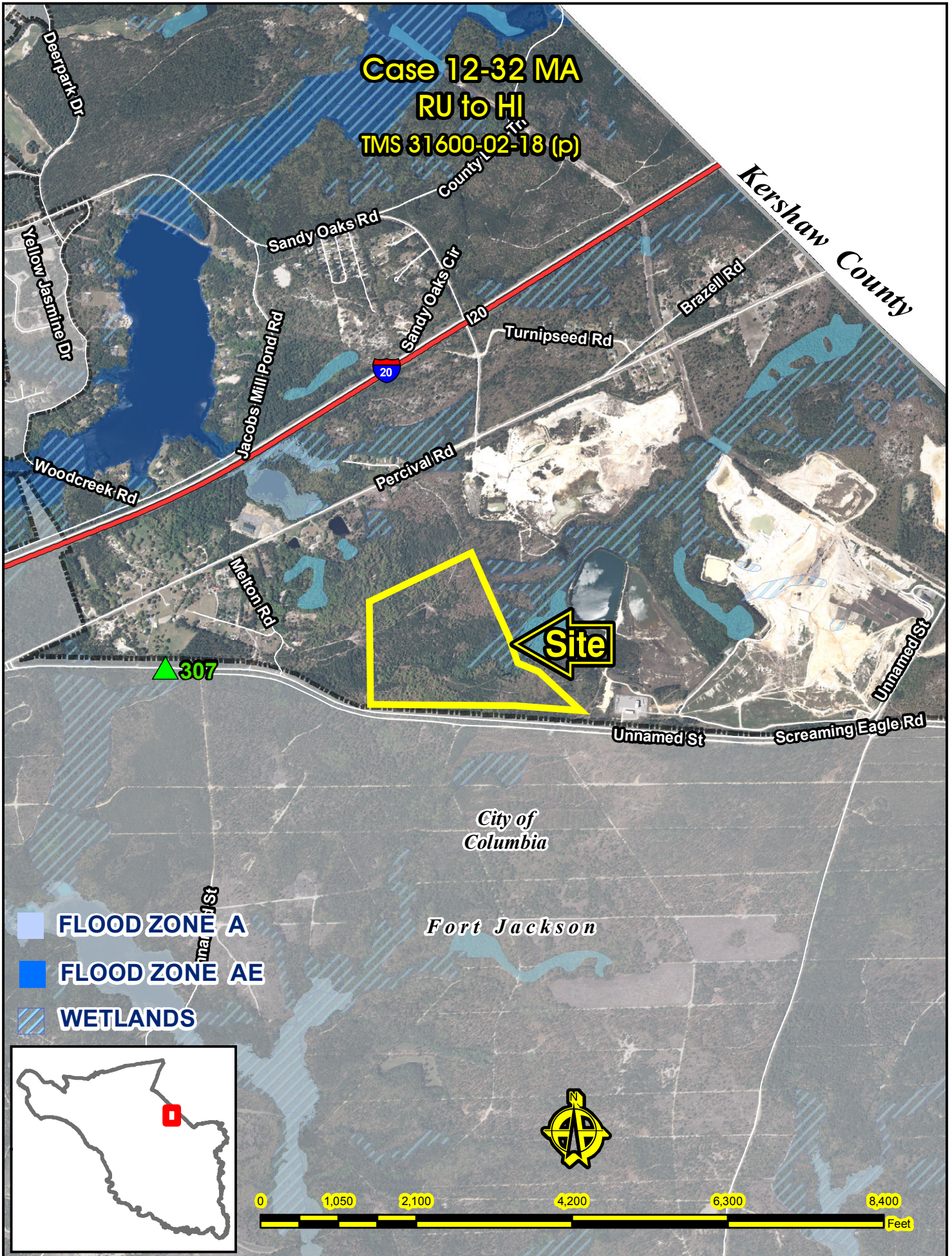
*Fort Jackson*

## ZONING CLASSIFICATIONS

 CC-1	 C-1	 RS-E	 MH	 NC	 LI	 TROS
 CC-2	 C-3	 RS-LD	 RM-MD	 GC	 HI	 Subject Property
 CC-3	 RG-2	 RS-MD	 RM-HD	 RC	 PDD	
 CC-4	 RR	 RS-HD	 OI	 M-1	 RU	



**Case 12-32 MA  
RU to HI  
TMS 31600-02-18 (p)**



**The zoning change from RU (Rural) to HI (Heavy Industrial) would permit the introduction of the following uses which were not allowed previously in the original zoning**

<b>USE TYPES</b>	<b>HI</b>
Go-Cart, Motorcycle and Similar Small Vehicle Tracks	P
Post Offices	P
Schools, Truck Driving	P
Automatic Teller Machines	P
Automobile Parking (Commercial)	P
Automobile Rental or Leasing	P
Automobile Towing, Not Including Storage	P
Automobile Towing, Including Storage Services	P
Building Maintenance Services, Not Otherwise Listed	P
Car and Light Truck Washes (See also Truck Washes)	P
Carpet and Upholstery Cleaning Services	P
Computer Systems Design and Related Services	P
Construction, Building, General Contracting, with Outside Storage	P
Construction, Building, General Contracting, without Outside Storage	P
Construction, Heavy, with Outside Storage	P
Construction, Heavy, without Outside Storage	P

Construction, Special Trades, with Outside Storage	P
Construction, Special Trades, without Outside Storage	P
Furniture Repair Shops and Upholstery	P
Janitorial Services	P
Laundry and Dry Cleaning Services, Non-Coin Operated	P
Linen and Uniform Supply	P
Packaging and Labeling Services	P
Photocopying and Duplicating Services	P
Photofinishing Laboratories	P
Publishing Industries	P
Rental Centers, with Outside Storage	P
Rental Centers, without Outside Storage	P
Repair and Maintenance Services, Appliance and Electronics	P
Repair and Maintenance Services, Automobile, Major	P
Repair and Maintenance Services, Automobile, Minor	P
Repair and Maintenance Services, Boat and Commercial Trucks, Large	P
Repair and Maintenance Services, Boat and Commercial Trucks, Small	P
Repair and Maintenance Services, Commercial and Industrial Equipment	P
Research and Development Services	P
Septic Tank Services	P

Tire Recapping	P
Truck (Medium and Heavy) Washes	P
Vending Machine Operators	P
Building Supply Sales with Outside Storage	P
Building Supply Sales without Outside Storage	P
Convenience Stores (with Gasoline Pumps)	P
Convenience Stores (without Gasoline Pumps)	P
Electronic Shopping and Mail Order Houses	P
Fuel Sales (Non-Automotive)	SR
Truck Stops	P
Used Merchandise Stores	
Apparel, Piece Goods, and Notions	P
Beer/Wine/Distilled Alcoholic Beverages	P
Books, Periodicals, and Newspapers	P
Chemicals and Allied Products	P
Drugs and Druggists' Sundries	P
Durable Goods, Not Otherwise Listed	P
Electrical Goods	P
Farm Products, Raw Materials	P
Farm Supplies	P
Flowers, Nursery Stock, and Florist Supplies	P
Furniture and Home Furnishings	P

Groceries and Related Products	P
Hardware	P
Jewelry, Watches, Precious Stones	P
Lumber and Other Construction Materials	P
Machinery, Equipment and Supplies	P
Market Showrooms (Furniture, Apparel, Etc.)	P
Metal and Minerals	P
Motor Vehicles	P
Motor Vehicles, New Parts and Supplies	P
Motor Vehicles, Tires and Tubes	P
Motor Vehicles, Used Parts and Supplies	P
Nondurable Goods, Not Otherwise Listed	P
Paints and Varnishes	P
Paper and Paper Products	P
Petroleum and Petroleum Products	SR
Plumbing & Heating Equipment and Supplies	P
Professional and Commercial Equipment and Supplies	P
Scrap and Recyclable Materials	SE
Sporting and Recreational Goods and Supplies (Except Sporting Firearms and Ammunition)	P
Sporting Firearms and Ammunition	P
Timber and Timber Products	P
Tobacco and Tobacco Products	P
Toys and Hobby Goods and Supplies	P
Airports or Air Transportation Facilities and Support Facilities	P
Bus Facilities, Interurban	P

Bus Facilities, Urban	P
Charter Bus Industry	P
Courier Services, Central Facility	P
Courier Services, Substations	P
Limousine Services	P
Materials Recovery Facilities (Recycling)	P
Power Generation, Natural Gas Plants, and Similar Production Facilities	P
Rail Transportation and Support Facilities	P
Recycling Collection Stations	P
Remediation Services	P
Scenic and Sightseeing Transportation	P
Sewage Treatment Facilities, Private	P
Taxi Service Terminals	P
Truck Transportation Facilities	P
Utility Service Facilities (No Outside Storage)	P
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)	
Warehouses, Self-Storage	P
Waste Collection, Hazardous	SE
Waste Collection, Other	P
Warehouses, Self-Storage	P
Waste Collection, Solid, Non-Hazardous	P
Waste Treatment and Disposal, Hazardous	SE
Waste Treatment and Disposal, Non-Hazardous	P
Water Treatment Plants,	P

Non-Governmental, Public	
Animal Food	P
Animal Slaughtering and Processing	P
Apparel	P
Bakeries, Manufacturing	P
Beverage, Other Than Soft Drink and Water, and Tobacco	P
Beverage, Soft Drink and Water	P
Cement and Concrete Products	P
Chemicals, Basic	P
Chemical Products, Not Otherwise Listed	P
Clay Products	P
Computer, Appliance, and Electronic Products	P
Dairy Products	P
Dolls, Toys, and Games	P
Fabricated Metal Products	P
Food Manufacturing, Not Otherwise Listed	P
Furniture and Related Products	P
Glass and Glass Products	P
Jewelry and Silverware	P
Leather and Allied Products (No Tanning)	P
Leather and Hide Tanning and Finishing	P
Lime and Gypsum Products	P
Machinery	P
Manufacturing, Not Otherwise Listed	P
Medical Equipment and Supplies	P
Mining/Extraction Industries	P
Office Supplies (Not Paper)	P
Paint, Coating, and Adhesives	P

Paper Products (Coating and Laminating)	P
Paper Products (No Coating and Laminating)	P
Petroleum and Coal Products Manufacturing	SR
Primary Metal Manufacturing	P
Printing and Publishing	P
Pulp, Paper, and Paperboard Mills	P
Rubber and Plastic Products	P
Seafood Product Preparation and Packaging	P
Signs	P
Soap, Cleaning Compounds, and Toilet Preparations	P
Sporting and Athletic Goods	P
Textile Mills	P
Textile Product Mills	P
Transportation Equipment	P
Wood Products, Chip Mills	P
Wood Products, Excluding Chip Mills	P
Sexually Oriented Businesses	SR



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 A PORTION OF TMS # 31600-02-18 FROM RU (RURAL DISTRICT) TO HI (HEAVY INDUSTRIAL 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 a portion of TMS # 31600-02-18 from RU (Rural District) zoning to HI (Heavy Industrial District) zoning, (as further described in Exhibit A, which is attached hereto).

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

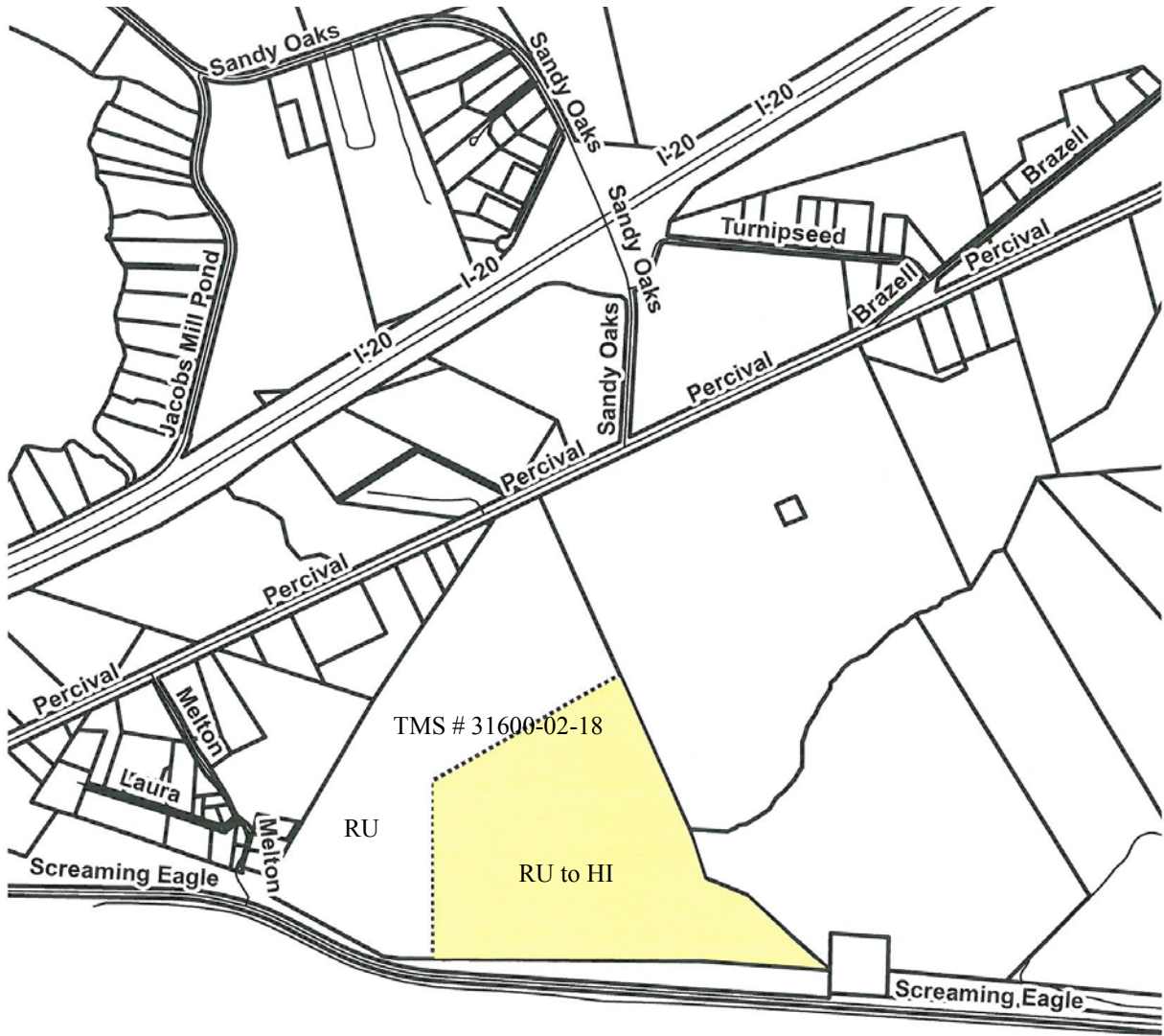
By: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012.

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

Public Hearing:       October 23, 2012 (tentative)  
First Reading:       October 23, 2012 (tentative)  
Second Reading:  
Third Reading:

Exhibit A



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 VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SO AS TO REPEAL THE GREEN CODE STANDARDS AND TO HAVE SECTION 26-186 READ AS “RESERVED”.

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 VII, General Development, Site, and Performance Standards; Section 26-186; is hereby amended to read as follows:

**Sec. 26-186. ~~Green Code standards.~~ Reserved.**

- ~~(a) — Purpose. Green Code standards are intended to encourage the development of residential communities based upon the Comprehensive Plan for Richland County, and which are designed to:~~
- ~~(1) — Preserve and protect environmental resources, scenic vistas, and natural and cultivated landscapes; and~~
  - ~~(2) — Enhance land, water, air and tree resources by minimizing the area of land disturbance, reducing impervious surface, optimizing stream buffers, preserving tree cover and encouraging retention and protection of Conservation Areas; and~~
  - ~~(3) — Reduce infrastructure maintenance costs as a result of efficient community design; and~~
  - ~~(4) — Provide a Conservation Area and pedestrian linkages and wildlife corridors among residential communities and to encourage recreation opportunities; and~~
  - ~~(5) — Preserve significant historical and archeological features; and to preserve and protect contiguous undeveloped areas within the development.~~
- ~~(b) — Applicability/Establishment. The owner of property within an RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, or CC zoning district may apply the development standards found within this section, in lieu of the development standards set forth for the applicable zoning district, subject to meeting the requirements of this section.~~

- ~~(c) — *Application.* A property owner desiring to use the development standards of this section must first submit an application to the Planning department. The application shall be accompanied by an “Existing Features Site Analysis Plan” (see subsection (e), below), and a “Concept Plan” (see subsection (f), below). An application will not be accepted if the property has been clear-cut (i.e. marketable timber has been removed; provided, however, thinning of pine timber is permitted pursuant to a certified forest management plan, with such plan addressing reforestation) within the past twenty-four (24) months. In addition, property must utilize a public sanitary sewer, unless the owner obtains prior approval from DHEC to utilize a well and septic tank system.~~
- ~~(d) — *Approval by the County’s Soil and Water Department.* A Conservation Area that delineates the land that is to be set aside for conservation purposes must be certified and accepted by the Richland County Soil and Water department. The Planning department shall submit this information to the Soil and Water department for review.~~
- ~~(e) — *Existing Features Site Analysis Plan.* At time of development, and prior to preparing the Concept Plan, an Existing Features Site Analysis Plan, sealed by a registered engineer or landscape architect, shall be prepared and submitted by the applicant or developer.~~
- ~~(1) — The purposes of the Existing Features Site Analysis Plan are to:~~
- ~~a. — Delineate areas that have been identified as worthy of permanent protection as a Conservation Area because of their environmental values.~~
  - ~~b. — Set forth the particulars of the site, including boundary, topographic data (minimum 2 foot contour intervals), existing structures and utility easements. County topographical data, current GIS data other published data will be acceptable.~~
  - ~~c. — Provide the starting point for design of the conservation subdivision with built areas being designed as separate from the areas delineated as worthy of permanent protection.~~
- ~~(2) — The Existing Features Site Analysis Plan shall include, at a minimum, the following information:~~
- ~~a. — Perennial and intermittent streams, wetlands, and FEMA designated 100-Year Flood Hazard Zones. The source of this information shall also be indicated. USACE approved delineation is not required. Delineation of stream buffers along intermittent streams and perennial streams. The required buffers are:~~

~~For an Intermittent stream—a 25-foot buffer on each side, and~~

~~For a Perennial stream—a 50-foot buffer on each side.~~

~~For a delineated wetland area—a 50-ft buffer.~~

- ~~b. Identification of tree lines, native woodlands, open fields or meadows, peaks or rock outcroppings, and prime agricultural land.~~
  - ~~c. Delineation of tree resource areas by type, such as hardwoods, pines or mixed; and old or new growth, as determined by existing and published data.~~
  - ~~d. Delineation of steep slope areas (25% or greater). The plan shall provide for protective vegetative cover on slopes greater than forty percent (40%).~~
  - ~~e. Identification of historical, archeological or other significant features.~~
  - ~~f. Identification of the Conservation Area, Open Space, or common areas contiguous to the project.~~
  - ~~g. Identification of protected plant species as listed by the South Carolina Department of Natural Resources, to be certified by a registered landscape architect, forester, arborist, biologist, botanist or horticulturist.~~
  - ~~h. The plan also shall include a notarized statement by the landowner that marketable timber has not been removed (provided, however, thinning of pine timber is permitted pursuant to a certified forest management plan, with such plan addressing reforestation) within the past twenty-four (24) months within stream and/or wetland buffer areas in the previous twenty-four (24) months prior to the approval of a Concept Plan.~~
- ~~(f) *Concept Plan.* At time of development application, a Concept Plan shall be submitted by the developer for review and approval in accordance with the requirements and procedures of this chapter. A Concept Plan shall consist of either a site plan or a sketch plan, including the following information:~~
- ~~(1) Delineation and specifications of a Conservation Area, including calculations, and any “Neighborhood Greens,” play areas, or trail system to be constructed.~~

- ~~(2) A typical detail on the plan indicating minimum lot width, building setback lines, off-street parking, street trees, sidewalks, and street pavement and right-of-way width.~~
- ~~(3) Minimum Lot width area and percent of floodplain specifications in tabular form; and density calculations (gross and net).~~
- ~~(g) Conservation Area Requirements. In order to use the development standards of this section, the Conservation Area shall meet the following requirements:
  - ~~(1) Delineation. Priority shall be given in delineating Conservation Areas as those areas of significance identified in the Existing Features Site Analysis Plan, around which the built areas are designed.~~
  - ~~(2) Undeveloped and Natural. The Conservation Area shall remain undeveloped and natural except for the provision of non-motorized passive recreation opportunities, such as running, walking, biking, and similar outdoor activities. Trail construction and maintenance activities shall be allowed, including trail markers and routine mowing. For trail systems, boardwalks are allowed. Trail wetland and stream bank mitigation projects are also permitted. Natural vegetation shall not be disturbed, except for utility crossings within the required buffers.
    - ~~a. "Primary Conservation Areas" are required to be included in the Conservation Area. These areas shall be covered by a provision for permanent protection and shall include 100-Year floodplains, stream buffer zones, and slopes greater than forty percent (40%) consisting of a contiguous area of at least 5,000 square feet, wetlands, endangered or threatened species or their habitat, archeological sites, cemeteries or burial grounds.~~
    - ~~b. "Secondary Conservation Areas" are features that are acceptable and desirable for Conservation Area designation, and may be covered by the provisions for permanent protection. These include important historic sites, existing healthy, native forests of at least one (1) contiguous acre, scenic view sheds, peaks and rock outcroppings, prime agriculture lands consisting of at least five (5) contiguous acres, and existing trails that connect the tract to neighboring areas. Also considered Secondary Conservation Areas are "Neighborhood Greens" and storm water management facilities and practices, and these may be constructed and maintained in the Conservation Area. However, "Neighborhood Greens" shall not exceed twenty percent (20%) of the total required Conservation Area.~~~~~~

- ~~e. Proposed Permanent Lakes that will be used for wet detention shall be credited at fifty percent (50%) of the land area.~~
  - ~~d. Existing lakes that are used for stormwater detention shall be credited at one hundred percent (100%), and no more than fifty percent (50%) of land area located within a proposed permanent wet stormwater basin may be credited.~~
- ~~(3) Exclusions. The following features are excluded from the minimum amount of Conservation Area that must be set aside:~~
- ~~a. Residential yards.~~
  - ~~b. Impervious surfaces in recreation areas shall not be credited.~~
  - ~~c. Land area within power, gas pipeline easements, sewer line easements or pump stations shall not be credited unless these easements contain sensitive areas and are approved for common use areas.~~
  - ~~d. Land area devoted to public or private streets or any land that has been, or is to be, conveyed to a public agency for such use as parks, schools, or other public facilities, shall not be credited.~~
  - ~~e. Dry stormwater detention basins shall not be credited.~~
- ~~(4) Ownership of Conservation Areas. Prior to any building permits being issued for the subdivision, the Conservation Area that is delineated on the Final Plat shall be permanently protected by either one or both of the following options:~~
- ~~a. Option 1. Conveyance to Qualified Organizations or Entities. Except for "Neighborhood Greens," developed recreation areas or Secondary Conservation Areas not desired for permanent protection, the Conservation Area shall be permanently protected by the: 1) recording of a covenant or conveyance of an easement which runs in perpetuity under South Carolina law in favor of any corporation, trust, or other organization holding land for the use of the public or certain governmental entities; or 2) conveyance of a conservation easement running in perpetuity to a third party "qualified organization" recognized by Federal Treasury Regulation Section 1.170A-14(e)(1). Qualified organizations recognized by this Treasury Regulation include, but may not be limited to, governmental entities, local and national land trusts, or other conservation groups that are organized or operated primarily or substantially for one of the conservation purposes specified in~~

~~the Internal Revenue Code. Governmental entities that qualify to be named in covenants or to receive conservation easements under the Treasury Regulation referred to above for purposes of this section shall include the Federal government, the State of South Carolina, Richland County, or authorities of the State of South Carolina or Richland County. If a covenant is recorded or an easement conveyed in favor of a governmental entity, formal acceptance by the governmental entity or qualified conservation organization shall be obtained prior to the recording of the covenant or conveyance of the easement. The developer shall record the necessary legal instrument to accomplish protection of the Conservation Area prior to, or concurrent with, the recording of the Final Plat. Both the deed and the Final Plat shall contain, at a minimum, the following covenant:~~

~~“The Conservation Area conveyed by deed and shown on the Final Plat shall remain permanently protected and shall not be disturbed or cleared except to clean up storm damage, or to create or maintain hiking trails, and shall have the following goals: 1) protection of streams, floodplains and wetlands; 2) protection of steep slopes; 3) protection of woodlands, open fields and meadows; 4) protection of historical and archeological features; 5) protection of significant wildlife habitats; 6) protection of scenic vistas; and 7) passive recreation and connectivity with nearby open spaces. The following uses may be allowed: passive recreational amenities, such as pervious-surface paths and minimal parking spaces; picnic and restroom facilities (constructed facilities shall not exceed fifteen percent (15%) of the Conservation Area). This covenant is intended to benefit said area to the public and the use of same to the subdivision lot owners and residents, and it shall run in perpetuity.”~~

- ~~b. Option 2. *Conveyance to the Property Owners' Association.*—A deed conveying ownership of the Conservation Area in fee simple to a property owner's association shall be recorded and delivered prior to, or concurrent with, the recording of the Final Plat for the first phase of the subdivision. The legal instrument shall contain, at a minimum, the same language required to be placed on a deed as stated in Option 1 of this Section.~~

~~The property owner's association bylaws or covenants, at a minimum, shall contain the following provisions:~~

- ~~1. Governance of the association.~~



- ~~2. Lien rights to the association for maintenance expenses and tax obligations.~~
  - ~~3. Responsibility for maintenance of the open space, including, if applicable, low impact development stormwater management mechanisms.~~
  - ~~4. Responsibility for insurance and taxes.~~
  - ~~5. Automatic compulsory membership of all lot purchasers and their successors; and compulsory assessments.~~
- ~~c. Conditions and timing of transferring control of the association from the developer to the lot owners.~~

~~The property owner's association, or other entity approved in advance by the Planning department, shall be responsible for the continuous maintenance and/or preservation of buffers, Conservation Area, trails and recreation areas.~~

~~(h) *Development Requirements.* Subdivisions shall meet the following requirements:~~

~~(1) Minimum Subdivision Size: 2 contiguous acres.~~

~~(2) Lot Area: No minimum.~~

~~(3) Minimum Yard Areas (Setbacks):~~

~~a. Front: 20 feet; provided, however, the front yard setback may be reduced to 5 feet if dwellings are provided side or rear entry garages.~~

~~b. Rear: 20 feet.~~

~~c. Side: 5 feet.~~

~~d. Corner lots secondary side  $\frac{1}{2}$  front or 10 feet~~

~~e. For alley loaded developments:~~

~~Front: 10 feet~~

~~Rear: 15 feet~~

~~Side: 3 feet, 6 feet combined~~

~~Corner lots secondary side 10 feet~~

~~f. For a zero "lot line" development:~~

~~Front: 15 feet~~

Rear: 15 feet  
Side: 0 feet, 6 feet combined  
Corner lots secondary side 7 1/2 feet

- ~~(4) Street Frontage Buffer along existing roads: Twenty five (25) feet in width (not part of any building lot). The street frontage buffer shall remain undisturbed and natural, except for entrance features, necessary street construction activities, right of way crossings, public utility easements, and corner right of way miters or radii. If the required street frontage buffer is void of vegetation, it shall be planted in accordance to landscape buffer type "A" to provide an effective visual screen, which may include landscaped berms and decorative fences. The street frontage buffer may be counted towards Conservation Area calculations.~~
- ~~(5) Maximum Height: Three (3) stories above ground level. (For the purpose of this subparagraph, "ground level" shall mean: the average finished ground elevation at the base of a structure to the highest point of the roof of the structure; provided that spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, mechanical equipment, or other such structures that are placed above roof level and are not intended for human occupancy, shall not be subject to height limitations).~~
- ~~(6) Yards: All disturbed areas on dwelling lots shall be stabilized with sod, or landscaped with mulch and native plants for landscaping and stabilization of the entire lot.~~
- ~~(7) Street trees shall be provided along all roads at intervals of twenty five (25) feet and shall be 2½ inch caliper/10 feet in height at time of planting.~~
- ~~(8) Proposed utilities shall be located underground.~~
- ~~(9) Community streets shall be as follows:
  - ~~a. Main Roads twenty four (24) feet pavement width with 1.5 feet minimum rolled curb.~~
  - ~~b. Park Roads seventeen (17) feet pavement width with 1.5 feet minimum rolled curb. On cul-de-sac bulbs, the inside curb shall be one (1) foot ribbon curb.~~
  - ~~c. Street Lighting if street lighting is proposed, a pedestrian scale shall be utilized (maximum 12 feet in height).~~~~

- ~~d. All streets shall conform to Richland County standards for pavement section, horizontal and vertical curvature. All streets in the community will have sidewalks on at least one side.~~
- ~~e. Sidewalks shall provide access to community trail systems. All sidewalks shall be a minimum of five (5) feet wide and meet ADA standards. Sidewalks shall be setback five (5) feet from the curb, providing a grass or landscaped buffer between the sidewalk and roadway.~~
- ~~(10) Storm water management. Where possible, detention shall be accomplished in wet ponds. In addition, low impact development (LID) options shall be utilized when feasible throughout the community. However, in either case, storm water controls shall meet Richland County's standards. LID stormwater mechanisms, such as grassy cul-de-sacs and neighborhood greens shall be owned and maintain by the Home Owners' Association.~~
- ~~(11) Pervious material may be used for sidewalks and driveways. The maximum impervious surface allowed is fifty percent (50%) of the developed area.~~
- ~~(12) Certification shall be issued by the Richland County Council for the completion of development that meets the within Green code standards, which enhances the environment, improves our quality of life, and prioritizes Green Development.~~
- ~~(i) Density. The residential gross density in each zoning district is established in other sections of this Code; provided, however, bonus density shall be granted based on meeting open space conservation targets as follows:
  - ~~—30% required minimum open space—10% bonus density~~
  - ~~—40% open space provided—20% bonus density~~
  - ~~—50% open space provided—30% bonus density~~Density bonus can be applied on a pro-rata basis for open space amounts falling between the benchmarks.~~
- ~~(j) Appeals. The Board of Zoning Appeals, consistent with section 26-58, shall hear appeals of decisions of the Planning Department pertaining to this section (26-186).~~

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-86, RU Rural District; Subsection (c), Development Standards; is hereby amended to read as follows:

(c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. ~~Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection.~~

(1) *Minimum lot area/maximum density:* Minimum lot area: 33,000 square feet (one acre), or as determined by the DHEC, but in no case shall it be less than 33,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings.

(2) *Minimum lot width:* 120 feet.

(3) *Structure size standards:* None.

(4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RU District:

a. Front: 40 feet.

b. Side: 20 feet.

c. Rear: 50 feet.

The minimum side and rear setback requirement for accessory buildings/structures in the RU District is twenty (20) feet. See also Section 26-185(b) of this chapter.

The landscape and bufferyard standards of Section 26-176 may require additional setback distances; if so, the most restrictive requirements shall apply.

(5) *Height standards:* The maximum height of structures in the RU District shall be 45 feet. Silos, barns, windmills, or other similar structures used for agricultural purposes are exempt from height requirements.

(6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.

(7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.

(8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter

- (9) *Signs*: Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards*: ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.
- (11) *Design and operation standards*: None.

SECTION III. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-87, RR Rural Residential District; Subsection (c), Development Standards; Paragraph 10, Recreation/open space standards; is hereby amended to read as follows:

- (10) *Recreation/Open Space Standards*: ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.

SECTION IV. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-88, RS-E Residential, Single Family – Estate District; Subsection (c), Development Standards; is hereby amended to read as follows:

- (c) *Development standards*. See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. ~~Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection.~~
  - (1) *Minimum lot area/maximum density*: Minimum lot area: 20,000 square feet, or as determined by DHEC, but in no case shall it be less than 20,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot, except for permitted accessory dwellings. However, see the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c) of this chapter.
  - (2) *Minimum lot width*: 100 feet.
  - (3) *Structure size standards*: None.
  - (4) *Setback standards*: The following minimum setbacks shall be required for principal uses in the RS-E District.
    - a. Front: 35 feet.
    - b. Side: 10 feet.

- c. Rear: 30 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 of this chapter.

The minimum side and rear setback requirement for accessory buildings/structures in the RS-E District is ten (10) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RS-E District shall be 45 feet. Silos, barns, windmills or other similar structures used for agricultural purposes are exempt from height requirements.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/Open Space Standards:* ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.
- (11) *Design and operation standards:* None.

SECTION V. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-89, RS-LD Residential, Single Family – Low Density District; Subsection (c), Development Standards; is hereby amended to read as follows:

- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. ~~Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection.~~

- (1) *Minimum lot area/maximum density:* Minimum lot area: 12,000 square feet or as determined by DHEC, but in no case shall it be less than 12, 000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c) of this chapter.
- (2) *Minimum lot width:* 75 feet.
- (3) *Structure size standards:* None.
- (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RS-LD District:
  - a. Front: 25 feet.
  - b. Side: 16 feet total for side setbacks, with 5 feet minimum on any one side.
  - c. Rear: 20 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 of this chapter.

The minimum side and rear setback requirement for accessory buildings/structures in the RS-LD District is five (5) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RS-LD District shall be 45 feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.

- (9) *Signs*: Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards*: ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.
- (11) *Design and operation standards*: None.

SECTION VI. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-90, RS-MD Residential, Single Family – Medium Density District; Subsection (c), Development Standards; is hereby amended to read as follows:

- (c) *Development standards*. See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. ~~Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection.~~
  - (1) *Minimum lot area/maximum density*: Minimum lot area: 8,500 square feet, or as determined by DHEC. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c) and the special exception provisions for single-family zero lot line dwellings at Section 26-152(d) of this chapter.
  - (2) *Minimum lot width*: 60 feet.
  - (3) *Structure size standards*: None.
  - (4) *Setback standards*: The following minimum setbacks shall be required for principal uses in the RS-MD District:
    - a. Front: 25 feet.
    - b. Side: 13 feet total for side setback, with 4 feet minimum for any one side.
    - c. Rear: 20 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 and Section 152 of this chapter.



The minimum side and rear setback requirement for accessory buildings/structures in the RS-MD District is five (5) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards*: The maximum height of structures in the RS-MD District shall be 45 feet.
- (6) *Landscaping/bufferyard standards*: Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards*: Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities*: Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs*: Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards*: ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.
- (11) *Design and operation standards*: None.

SECTION V. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-91, RS-HD Residential, Single Family – High Density District; Subsection (c), Development Standards; is hereby amended to read as follows:

- (c) *Development standards*. See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. ~~Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection.~~
  - (1) *Minimum lot area/maximum density*: Minimum lot area: 5,000 square feet, or as determined by DHEC. In no case shall the lot size be less than 5,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c) and the special

exception provisions for single-family zero lot line dwellings at Section 152(d) of this chapter.

- (2) *Minimum lot width:* 50 feet.
- (3) *Structure size standards:* None.
- (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RS-HD District:
  - a. Front: 25 feet.
  - b. Side: 12 feet total for side setbacks, with 4 feet minimum setback for any one side.
  - c. Rear: 20 feet.

The minimum side and rear setback requirement for accessory buildings or structures in the RS-HD District is five (5) feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 and Section 26-152 of this chapter.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RS-HD District shall be 45 feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.

- (10) *Recreation/open space standards:* ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.
- (11) *Design and operation standards:* None.

SECTION VI. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-92, MH Manufactured Home Residential District; Subsection (c), Development Standards; Paragraph 10, Recreation/open space standards; is hereby amended to read as follows:

- (10) *Recreation/Open Space Standards:* ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.

SECTION VII. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-93, RM-MD Residential, Multi-Family – Medium Density District; Subsection (c), Development Standards; Paragraph 10, Recreation/open space standards; is hereby amended to read as follows:

- (10) *Recreation/Open Space Standards:* ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.

SECTION VIII. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-94, RM-HD Residential, Multi-Family – High Density District; Subsection (c), Development Standards; Paragraph 10, Recreation/open space standards; is hereby amended to read as follows:

- (10) *Recreation/Open Space Standards:* ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.

SECTION IX. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-105, C Conservation Overlay District; Subsection (d), Development Standards; Paragraph (6), Recreation/open space standards; is hereby amended to read as follows:

- (6) *Recreational/open space standards:* ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the provisions established in Section 26-186 of this chapter~~ None.

SECTION X. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-109, CRD Corridor Redevelopment Overlay District; Subsection (d), Development Standards; Paragraph (7), Recreation/open space standards; is hereby amended to read as follows:

- (7) Recreation/Open Space Standards: All CRD developments that include residential units shall be required to dedicate open space. The amount of useable open space required for dedication shall be determined using the Open Space Dedication Matrix below. ~~Unless otherwise specified below, the requirements of Section 26-186 of this chapter shall apply.~~

SECTION XI. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-111, CC Crane Creek Neighborhood District; Subsection (d), Property Development Standards; Paragraph (3), Crane Creek Standards Summary Table; is hereby amended to read as follows:

(3) *Crane Creek Standards Summary Table.*

	<b>CC-1 – Residential</b>	<b>CC-2 – Neighborhood Mixed Use</b>	<b>CC-3 – Activity Center Mixed Use</b>	<b>CC-4 – Industrial</b>	
<b>Building Type</b>	Single-Family, Detached Dwelling				
	Townhouse				
	Civic/Institutional				
		Loft Dwelling Units			
		Live-Work Units			
		Commercial/Office			
		Mixed-use, nonresidential			
<b>Minimum Open Space</b>	<del>As required in Section 26-186.</del> The requirements of Section 26-111 (d) (11) do not apply.	10% of development acreage. The requirements of Section 26-111 (d) (11) apply.			
<b>Sidewalk</b>	5 feet				
<b>Drainage</b>	Open Swale or Closed	Closed and LID			
<b>Minimum Height</b>	None	30 feet for mixed use buildings.		None	
<b>Maximum Height</b>	45 feet	45 feet	75 feet (only applies to Loft Dwelling, Commercial/Office, and Mixed Use, non-residential)	75 feet	

LID – Low Impact Development Techniques

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

SECTION XIV. Effective Date. This ordinance shall be enforced from and after December 31, 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:       October 23, 2012 (tentative)  
First Reading:       October 23, 2012 (tentative)  
Second Reading:  
Third Reading:



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 VII, GENERAL DEVELOPMENT, SITE AND PERFORMANCE STANDARDS; SECTION 26-176, LANDSCAPING STANDARDS; SUBSECTION (J), PROTECTION OF EXISTING TREES DURING DEVELOPMENT; PARAGRAPH (3), EXEMPTION – TREE PROTECTION; SO AS TO REMOVE BUFFER AND BMP REQUIREMENTS FOR FORESTRY ACTIVITIES.

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 VII, General Development, Site and Performance Standards; Section 26-176, Landscaping Standards; Subsection (j), Protection of Existing Trees During Development; Paragraph (3), Exemptions – Tree Protection; is hereby amended to read as follows:

- (3) *Exemptions – tree protection.* Commercial timber, tree farms, agricultural operations, or timber clearing on private property are exempt from tree protection requirements, but must comply with the buffer requirements and other voluntary protective measures known as “Best Management Practices (BMPs)”, as published by the South Carolina Forestry Commission. In addition to the BMPs, this shall include an undisturbed buffer along the entire perimeter of the property, including road frontages, except for approved access crossings. Such buffer shall be fifty (50) feet wide or equal to the required setback for the zoning district in which the property is located, whichever is greater.

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 enforced from and after \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2012.

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Michelle M. Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:           October 23, 2012 (tentative)  
First Reading:           October 23, 2012 (tentative)  
Second Reading:  
Third Reading:



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; SO AS TO CLARIFY THE PERMITTING PROCESS.

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; is hereby amended to read as follows:

**Sec. 26-53. Land development permits.**

- (a) *General.* No building or other structure shall be erected, moved, added to, or structurally altered without a land development permit being issued by the county. In addition to building or structural change, a land development permit shall also be required for expansions of existing uses as well as for a change of use. A land development permit shall not be issued by the planning department except in conformity with the provisions of this chapter, unless the planning department receives a written order from the Richland County Board of Zoning Appeals in the form of an interpretation involving error (Section 26-58) or a special exception (Section 26-56) or variance (Section 26-57). If the permit is denied, reasons for the denial shall be stated. The planning department shall notify the Building and Inspections Department and the Emergency Services Department whenever plans are submitted that affect the “Emergency Planning Zone” (EPZ) of the V.C. Summer Nuclear Plant (which is located in Fairfield County) that involves an entity that will employ or house more than one hundred (100) persons in a facility on a regular basis, as in those instances an evacuation plan must be first submitted to and approved by the Emergency Services Department prior to the issuance of any building permit or land development permit.
- (b) *Processes.* There are three types of land development permit processes: land development compliance review, minor land development review, and major land development review. The type of process to be applied to a particular development application depends on the nature of the development proposed.
  - (1) *Land development compliance review.*
    - a. *Applicability.* Construction of detached single-family dwelling units and two-family dwellings on individual lots of record are

subject only to land development compliance review in order to obtain a land development permit. In addition, changes of use not involving new construction are subject only to land development compliance review in order to obtain a land development permit.

~~b. *Pre-application procedure.* No pre-application conference is required prior to applying for a land development permit subject to land development compliance review. Applicants are encouraged to call or visit the planning department prior to requesting a land development permit to determine what information is required for the application.~~

eb. *Plan submittal.* An application for a land development permit subject to land development compliance review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted – including the permit fee, as established by Richland County Council.

~~1. *Filing of application.* An application for a land development permit subject to land development compliance review may be filed by the owner of the property or by an authorized agent. The application for a land development permit shall be filed with the planning department on a form provided by the department.~~

~~2. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.~~

dc. *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 thirty (30) days of receipt. Failure to act within 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.

ed. *Public notification.* No public notification is required for land development permit issuance subject to land development compliance review.

fe. *Formal review.* No formal review is required for land development permit issuance subject to land development compliance review.

gf. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.

hg. *Appeals.* Appeals of the decisions of the planning department regarding land development permit applications, which must be filed within thirty (30) days after actual notice of the decision, shall be heard by the planning commission under the procedures set forth at Section 26-58 of this chapter. Such appeals shall encompass all issues for appeal. An appeal from the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

ih. *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may ~~apply request to the planning department for~~ a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved by the planning department shall render the land development permit invalid.

(2) *Minor land development review.*

a. *Applicability.* Minor land developments are those developments (exclusive of residential or commercial subdivisions) that do not meet the standards for applicability for “land development compliance review” or “major land development” review. If a phased project would reach the thresholds for a major land development within a five (5) year period, then the project shall be treated as a major land development, regardless of the size of the individual phases. To be considered a minor land development, the subdividing of property or the dedication of land to the county for open space or other public purposes shall not be part of the development. Minor land developments are subject to the review process outlined in subparagraphs b. through f. below in order to obtain a land development permit.

~~b. *Pre-application procedure.* No pre-application conference is required prior to applying for a land development permit subject to minor land development review. Applicants are encouraged to call or visit the planning department prior to requesting a land development permit to determine what information is required for the application.~~

cb. *Plan submittal.* An application for a land development permit subject to minor land development review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted – including the permit fee, as established by Richland County Council.

~~1. *Filing of application.* An application for a land development permit subject to minor land development review may be filed by the owner of the property or by an authorized agent. The application for a land development permit shall be filed with the planning department on a form provided by the department and shall be accompanied by plans drawn to scale of the development. The application and plans shall include all information requested by the department.~~

~~2. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.~~

dc. *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 ten (10) 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 thirty (30) days of receipt. Failure to act on an application within 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.

~~ed.~~ *Public notification.* No public notification is required for land development permit issuance subject to minor land development review.

~~fe.~~ *Formal review.* No formal review is required for land development permit issuance subject to minor land development review.

~~gf.~~ *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter. However, requests for variances from the requirements set forth in Article IX. shall be heard by the planning commission.

~~hg.~~ *Appeals.* Appeals of the decisions of the planning department regarding land development permit applications (subject to minor land development review), which must be filed within thirty (30) days after actual notice of the decision, shall be heard by the planning commission under the procedures set forth in Section 26-58 of this chapter. Such appeals shall encompass all issues for appeal. An appeal of the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision. In the alternative, also within thirty (30) days, a

property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court, accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

ih. *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may ~~apply request to the planning department for~~ a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved by the planning department shall render the land development permit invalid.

(3) *Major land development review.*

- a. *Applicability.* Major land developments are those developments, exclusive of residential or commercial subdivisions, which:
1. Involve one hundred thousand (100,000) or more square feet of nonresidential floor space;
  2. Involve one hundred and fifty (150) or more multi-family residential dwelling units, lots or manufactured home spaces in a manufactured home district; and/or
  3. Involve the dedication of land to the county for open space or other public purposes.

Due to the size of these projects, a more formal review process is required. This review process is established to ensure the safety of the public and to assure that adequate services and facilities can be provided for these developments and to assure that they do not

negatively impact the area in which they are proposed to be located or the county as a whole.

~~b. *Pre application procedure.* All applicants for a land development permit that is subject to major plan development approval are required to schedule a pre-application conference with the planning director prior to the preparation of development plans. This conference allows the applicant and planning staff an opportunity to discuss the review process, the requirements for completing the review schedule, contact persons for services and permits, and information regarding site plan requirements. The staff can also determine if any special reviews will be required. It is also highly recommended that the developer, as appropriate, meet with representatives of the neighborhood in which the proposed project is located. This meeting, which can be held at the pre-application stage, will allow the developer an opportunity to explain the proposed project and to be informed of the concerns of the neighborhood.~~

eb. *Plan submittal.*

1. *Filing of application.* Applications for land development permits subject to major land development review ~~may~~ shall be filed by the owner of the property or an authorized agent. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council. ~~The application shall be filed with the planning department on a form provide by the department and shall be accompanied by the required number of site plans. The application and plans shall include all information requested by the department. The schedule for submittal of applications in order to have them reviewed at established technical review team and planning commission meetings shall be maintained in the planning department.~~
2. *Preparation of plans.* Site plans for developments requiring major land development review shall be prepared by a registered architect, engineer, landscape architect, or licensed surveyor. ~~Plans shall include a Traffic Impact Assessment.~~
3. ~~*Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.~~

dc. *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)~~ ten (10) days of the most recent submission date. Provided the application is complete, the following shall occur:

1. ~~*Planning staff review Scheduling.* Plans for development requiring major land development review shall be reviewed by the planning department for compliance with the requirements of this chapter. The schedule for meetings of the Development Review Team shall be kept and maintained in the Office of the Richland County Planning and Development Services Department.~~

2. *Development review team.* The planning department shall ~~present~~ distribute site plans ~~for developments requiring major land development review~~ to members of the development review team. ~~Within thirty (30) days of receipt of a site plan from the planning department, t~~The development review team members shall review the site plans for compliance with the development regulations of Richland County. Upon review, ~~the existing federal, state and local laws and regulations, as well as for compatibility with the county's comprehensive plan.~~ The development review team shall ~~take~~ determine one of the following ~~three (3) actions on the application within fifteen (15) days of reviewing the site plan.:~~

[a] ~~*Approval by development review team*~~The project is in compliance with the development regulations of Richland County. If the site plan is approved by the development review team, the planning department shall notify the applicant and transmit the site plan to the planning commission for their information.

[b] ~~*Conditional approval by development review team*~~The project is not in compliance with the development regulations of Richland County. ~~If~~ tThe site plan receives conditional approval, the applicant shall revise the plan based upon the conditions of the approval and resubmit it. The revised plan shall be reviewed by the planning department and if it meets all of the review team conditions, the site plan shall be transmitted to the Richland County Planning Commission for their information. Conditional approval may also be



~~appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections e. and f. below.~~

~~[e] Denial by development review team. If the site plan is shall be denied, and the reasons for denial shall be provided to the applicant. The site plan may be revised to address the reasons for denial and resubmitted ~~in accordance with the provisions of this chapter.~~ The denial may also be appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections e. and f. below and the payment of any fees established by the Richland County Council. Revised site plans shall be administratively reviewed; provided, however, major changes that materially affect the characteristics of the site plan, as determined by the planning director, may require an additional DRT review.~~

~~Appeals must be filed within fifteen (15) days of the date the decision is received by the applicant for a land development permit.~~

~~The decision of the DRT will be posted on the first day of the month outside of the Planning Department Office. Appeals must be filed to the Planning Commission within fifteen (15) days of the posting.~~

ed. *Public notification.* No public notification is required for land development permit applications ~~issuance subject to major land development review where a report of approval is being made by the development review team. However, when an appeal is made to the planning commission, notice of said appeal shall be published in a newspaper of general circulation in the county fifteen (15) days in advance of the hearing. Such notice shall contain the date, time, and place of the public hearing, and the nature and character of the proposed action. The notice shall also inform the public where information may be examined and when and how written comment may be submitted on the proposed matter.~~

~~f. Formal review.~~

~~1. Public hearing or report before planning commission. Following receipt of a report or appeal on a proposed major~~

~~land development plan, the matter shall be scheduled for report or hearing by the Richland County Planning Commission. The planning commission shall consider this request at the next available meeting. There shall be no public hearing held in conjunction with a report on a development project approved by the development review team. In these cases, the commission shall receive a report on the decision of the development review team for their information. In case of an appeal, the planning commission shall conduct a public hearing on said appeal. Failure by the planning commission to act within sixty (60) days of the original complete submittal (minus any time taken for making changes as set forth by the development review team) shall constitute approval, unless this time period is extended by mutual agreement.~~

~~2. *Decision by planning commission.* Where an appeal has been made to them on a major land development, the Richland County Planning Commission, after conducting the public hearing, may: deny approval, table the application pending submittal of additional information, or approve the application for a land development permit. The decision on the land development permit application shall be by a majority vote of the commission as set forth in the bylaws of the commission.~~

g. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.

h. *Appeals.*

1) ~~Appeals of the decisions of shall be made to the Richland County Planning Commission, subject to the procedures set forth in Sec. 26-58 and the payment of fees as established by Richland County Council, by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision and must encompass all issues for appeal. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.~~

2) Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision of the planning commission may appeal such decision to the circuit court, provided that a proper petition is filed with the Richland County Clerk of Court within thirty (30) days after receipt of the written notice of the decision by the applicant. An appeal shall cease all staff review regarding the subject property. However, a reconsideration request may be heard at the same time as an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

~~ig.~~ *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may ~~apply request to the planning department for~~ a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved by the planning department shall render the land development permit invalid.

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 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:       October 23, 2012 (tentative)  
First Reading:       October 23, 2012 (tentative)  
Second Reading:  
Third Reading:

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 26-54, SUBDIVISION REVIEW AND APPROVAL; SO AS TO CLARIFY THE SUBDIVISION REVIEW AND APPROVAL PROCESS.

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 26-54, Subdivision Review and Approval; is hereby amended to read as follows:

**Sec. 26-54. Subdivision review and approval.**

- (a) *General.* Pursuant to the requirements of Section 6-29-1110, et seq., of the South Carolina Code of Laws, as amended, no subdivision of land in Richland County may be recorded without review and approval in accordance with this section. No road, right-of-way, easement, or other land, shall be accepted, or maintained by the county, be extended or connected, nor shall any certificate of occupancy be issued by a department of the county for any building, or other improvements, until the subdivision, and/or other property division, complies with the requirements of this section. These review procedures are designed to ensure that the purposes of various regulations set forth in this section are carried out and that the objectives and policies of the comprehensive plan for the county are implemented.
- (b) *Sketch ~~(site)~~ plans and plats to show flood limit lines as depicted on the current FIRM panel.* All sketch ~~(site)~~ plans for subdivisions and plats submitted for approval pursuant to this section shall be prepared by a registered engineer or licensed surveyor and shall contain a delineation of all flood lines and floodway boundary lines, as shown on the County's Flood Insurance Rate Map as adopted in Section 26-106 (b).
- (c) *Processes.* There are three types of subdivision review processes: administrative review, minor subdivision review, and major subdivision review. The type of process to be applied to a particular development application depends on the nature of the development proposed.
  - (1) *Administrative review.*

a. *Applicability.* The following types of subdivisions are subject to administrative review in accordance with this section:

1. The combination or recombination of portions of previously platted and recorded lots where the total number of lots is not increased and the resultant lots are equal to the applicable site development standards set forth in this chapter.
2. The division of land into parcels of five (5) acres or more where it does not result in the creation of a new roadway or the widening of an existing roadway.
3. The combination or recombination of entire lots of record where no new road or change in existing roads is involved.
4. The division of a parcel into two (2) lots which do not result in the construction of a new road or the improvement (including, but not limited to, paving and/or widening) of an existing road; or the construction of new water facilities, other than private on-site wells; or the construction of new sewerage facilities, other than on-site septic tanks; or the construction of new storm drainage facilities, other than roadside swales and culverts; and is not in conflict with any provision or portion of the comprehensive plan, official map, or this chapter.

~~b. *Pre-application procedure.* There is no pre-application procedure for administrative subdivision review. Applicants are encouraged to visit the planning department prior to requesting subdivision approval to determine what information is required for the application.~~

~~eb. *Plan-s*Submittal. Applications for administrative subdivision review shall be filed by the owner of the property or an authorized agent. The application shall be filed with the planning department. All documents/information required on the application must be submitted – including the permit fee, as established by Richland County Council. Plats must be prepared by a South Carolina licensed land surveyor.~~

- ~~1. *Filing of application.* Applications for administrative subdivision review shall be filed by the owner of the property or an authorized agent. The application shall be filed with the planning department and shall be~~

~~accompanied by a final subdivision plat containing all information as required by the department.~~

~~2. Fees. A permit fee, as established by the Richland County Council, shall be submitted with the application.~~

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

~~ed. Public notification. No public notification is required for administrative subdivision review.~~

~~fe. Formal review. No formal review is required for administrative subdivision review.~~

~~gf. Variances. Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter. However, variances from the requirements set forth in Article IX. must be approved by the planning commission.~~

~~hg. Appeals.~~

~~1) Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Sec. 26-58 and the payment of fees as established by Richland County Council. A person who may have a substantial interest in the decision of the planning department regarding subdivision applications may appeal such decision to the Richland County Planning Commission. Such appeal must be made within thirty (30) days of receipt of the decision by the property owner. The appeal shall be in writing and delivered to the planning department. The appeal must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the basis or reason for the appeal. An appeal from the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice~~

~~of the decision. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.~~

2) Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision of the planning commission may appeal such decision to the circuit court, provided that a proper petition is filed with the Richland County Clerk of Court within thirty (30) days after receipt of the written notice of the decision by the applicant. An appeal shall cease all staff review regarding the subject property. However, a reconsideration request may be heard at the same time as an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

ih. *Recordation/aApproval validity/final plat/recordation.* A final plat for an approved subdivision subject to administrative review shall be recorded by the applicant, within thirty (30) days of approval, with the Richland County Register of Deeds and a copy of the recorded plat shall be provided to the planning department by the applicant for the public record. Any hold-harmless agreement, if required, shall be attached to said recorded plat and any other subsequent property transfer instruments, and shall run with the land. No building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property.

1. *Recordation.* A signed and sealed plat for an approved subdivision must be recorded by the applicant, within thirty (30) days of approval, with the Richland County Register of Deeds. The applicant shall provide the planning



department with at least one (1) copy of the recorded plat. No building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property.

2) Approval validity. Failure to record a plat within thirty (30) days shall invalidate the plat approval.

(2) *Minor subdivision review.*

- a. *Applicability.* The minor subdivision review process is required for those divisions of land that do not qualify for administrative subdivision review (see above) but which consist of less than fifty (50) lots. A minor subdivision shall not require engineered documents pertaining to design of infrastructure or the dedication of land to the county for open space or other public purpose. If a phased project, with fewer than fifty (50) lots in one or more phases, involves a total of fifty (50) or more lots within five (5) years of the recording of any prior phase, then the project shall be treated as a major subdivision, regardless of the size of the individual phases.
- b. ~~*Filing of application*~~*Submittal.* An application for minor subdivision review shall be filed by the owner of the property or by an authorized agent. The application for minor subdivision approval shall be filed with the planning department on a form provided by the department. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council.
- c. *Staff review.*
  1. *Planning staff review.* Plans for minor subdivision developments s 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 s developments 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 or deny the application for a minor subdivision within thirty (30) days after the submission date of a completed application. If the department does not

provide the applicant with a notice of the application's status within thirty (30) days after the submission date of a completed application, then the application shall be deemed approved.

- d. *Public notification.* No public notification is required for minor subdivision review.
- e. *Formal review.* No formal review is required for minor subdivision plan approval.
- f. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.
- g. *Appeals.*

1. Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Section 26-58, and the payment of fees established by the Richland County Council.

2. Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who has a substantial interest in the decision may appeal such decision of the Richland County Planning Commission to the Circuit Court, provided that a proper petition is filed with Richland County Clerk of Court within thirty (30) days after the applicant receives written notice of the decision. An appeal shall cease all staff and review agency activity regarding the subject project. However, a reconsideration request may be heard at the same time an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the Planning Commission may appeal by filing a notice of appeal with the Circuit Court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

- h. ~~Approval validity~~/Recordation/approval validity.

1. *Recordation.* A signed and sealed plat for a minor subdivision must be recorded by the applicant within ~~thirty (30)~~ one hundred eighty (180) days of approval, with the Richland County Register of Deeds. Approval of the plat shall constitute the final subdivision approval. The applicant shall provide the planning department with at least one (1) copy of the recorded plat. No building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property.
3. *Approval validity.* Failure to record a plat within ~~thirty (30)~~ one hundred eighty (180) days shall invalidate plat approval.

(3) *Major subdivision review.*

- a. *Applicability.* The major subdivision review process is required for all those subdivisions of land in Richland County that do not meet the requirements for exemption from the subdivision review process (See definition of “subdivision” in Section 26-22 above) and that do not qualify for administrative or minor subdivision review (Section 26-54(b)(1) and Section 26-54(b)(2)). Any subdivision that involves the dedication of land to the county for open space or other public purposes shall be considered a major subdivision. Any major subdivision with fewer than fifty (50) lots shall not be required to install sidewalks along roads abutting the development.

~~b. *Pre-application procedure.* It is required that every applicant for major subdivision review meet with the planning department in a conference prior to the submittal of a subdivision plat. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plans/plats for approval. It is also highly recommended that the developer, as appropriate, meet with representatives of the neighborhood in which the proposed project is located. This meeting, which can be held at the pre-application stage, will allow the developer to explain the proposed project and to be informed of the concerns of the neighborhood.~~

~~e. *Plan submittal.*~~

1. ~~*Filing of application.* An application for major subdivision review may be filed by the owner of the property or by an authorized agent. The application for major subdivision approval shall be filed with the planning department on a~~

~~form provided by the department. The application shall be accompanied by a sketch plan containing all information required on the application including a sketch of the entire proposed development even in cases where the development is occurring in phases. Sketch plans for developments requiring major land development review shall be submitted in both a paper and a digital format as specified by the County, and shall be prepared by a registered architect, engineer, landscape architect, or licensed surveyor.~~

~~2. Fees. A permit fee, as established by the Richland County Council, shall be submitted with the application.~~

db. *Sketch plan review and approval.*

1. Plan submittal. An application for major subdivision review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted – including the permit fee, as established by Richland County Council. Sketch plans shall be prepared by a registered architect, engineer, landscape architect, or licensed surveyor.

12. *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 application applicant of the deficiencies within ~~fifteen (15)~~ ten (10) days of the most recent submission date. Provided that the application is complete, the following shall occur:

[a] Scheduling. The schedule for meetings of the Development Review Team shall be kept and maintained in the office of the Richland County Planning and Development Services Department.

~~[a] Planning staff review. Sketch plans for development requiring major subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter.~~

[b] *Development review team.* The planning department shall ~~present~~ distribute sketch plans ~~for developments requiring major subdivision review to members of~~ the development review team. ~~Within~~

~~thirty (30) days of receipt from the planning department, The development review team members shall review the sketch plans for compliance with existing federal, state, and local laws as well as compatibility with the county's comprehensive plan the development regulations of Richland County. Upon review, tThe development review team shall take determine one of the following three (3) actions on the application within fifteen (15) days of reviewing the sketch plan:~~

[1] ~~Approval by development review team. The project is in compliance with the development regulations of Richland County.~~ If the sketch plan is approved by the development review team, the planning department shall notify the applicant and transmit the sketch plan to the planning commission for their information only.

~~[2] Conditional approval by development review team. If the sketch plan receives conditional approval, the applicant shall revise the plan based upon the conditions of the approval and resubmit it. The revised plan shall be reviewed by the planning department, and if it meets all of the review team conditions, the sketch plan shall be transmitted to the Richland County Planning Commission for their information. Conditional approval may also be appealed to the planning commission subject to the procedures for a public hearing set forth in subsections 2. and 3. below.~~

[3] ~~Denial by development review team. The project is not in compliance with the development regulations of Richland County. If tThe sketch plan is shall be denied, and the reasons for denial shall be provided to the applicant. The sketch plan may be revised to address the reasons for denial and resubmitted in accordance with the provisions of this chapter. The denial may also be appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections d.2. and d.3. below, and the payment of~~

~~any fees established by the Richland County Council. Revised sketch plans shall be administratively reviewed; provided, however, major changes that materially affect the characteristics of the sketch plan, as determined by the Planning Director, may require an additional DRT review.~~

~~Appeals shall only be filed by the applicant, a contiguous landowner, or an adjacent landowner, and must be filed within fifteen (15) days of the date the decision is received by the applicant for a land development permit.~~

~~The decision of the DRT will be posted on the first day of the month outside of the Planning Department Office. Appeals must be filed to the Planning Commission within fifteen (15) days of the posting.~~

~~2. *Public notification.* No public notification is required for major subdivision sketch plan review where a report of approval is being made by the development review team. However, when an appeal is made to the planning commission, notice of said appeal shall be published in a newspaper of general circulation in the county fifteen (15) days in advance of the hearing. Such notices shall contain the date, time, and place of the public hearing, and the nature and character of the proposed action. The notice shall also inform the public where information may be examined and when and how written comment may be submitted on the proposed matter.~~

~~3. *Formal review.*~~

~~[a] *Public hearing or report before planning commission.* Following receipt of a report or appeal on a proposed major subdivision sketch plan, the matter shall be scheduled by the Richland County Planning Commission. The planning commission shall consider this matter at the next available meeting. There shall be no public hearing held in conjunction with a report on a sketch plan approved by the development review team. In these cases, the commission shall receive a report on the decision of~~

~~the development review team for their information. In case of an appeal, the planning commission shall conduct a public hearing on said appeal. Failure by the planning commission to act within sixty (60) days of complete submittal shall constitute approval unless this time period is extended by mutual agreement.~~

~~[b] — *Decision by the planning commission.* Where an appeal has been made to them on a major subdivision sketch plan, the Richland County Planning Commission, after conducting the public hearing, may: deny approval, table the application pending submittal of additional information, or approve the application. The planning commission shall approve the sketch plan if it finds:~~

~~[1] — The proposed project complies with the policies and objectives of the county comprehensive plan.~~

~~[2] — The proposed project complies with the purpose, scope, and provisions of this chapter.~~

~~[3] — The county address coordinator has approved the subdivision name and addresses, and the planning commission has approved the subdivision road names. (See Section 26-183 of this chapter).~~

~~[4] — The proposed project complies with the subdivision sketch plan checklist of the planning department.~~

~~The applicant shall be provided with a written statement of the planning commission's action (approval, approval with conditions, or denial). Such statement shall, at a minimum, include findings of fact based on the criteria described above and shall establish the general parameters for the development of the entire area subject to the sketch plan. The county shall not accept an application for a preliminary plan, or for roads, storm drainage or sediment/erosion control, until the sketch plan is approved.~~

42. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.

53. *Appeals.* ~~Pursuant to the requirements of Section 6-29-1150 (C) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision may appeal such decision of the planning commission to the circuit court, provided that a proper petition is filed with the Richland County Clerk of Court within thirty (30) days after receipt of the written notice of the decision by the applicant. An appeal shall cease all staff and review agency activity regarding the subject project. However, a reconsideration request may be heard at the same time an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.~~

[a] Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Sec. 26-58 and the payment of fees as established by Richland County Council.

[b] Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision of the planning commission may appeal such decision to the circuit court, provided that a proper petition is filed with the Richland County Clerk of Court within thirty (30) days after receipt of the written notice of the decision by the applicant. An appeal shall cease all staff review regarding the subject property. However, a reconsideration request may be heard at the same time as an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's



responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

~~6. *Reconsideration of proposed subdivision.* The planning commission may reconsider any decision it made on a proposed major subdivision when an applicant has submitted new facts directly related to the proposed project that have been discovered subsequent to the planning commission's sketch plan decision. Simply seeking an opportunity to make a better argument shall not warrant planning commission reconsideration of a sketch plan decision. Such alleged new factual information shall be submitted to the planning department within fourteen (14) days of the planning commission sketch plan decision to be eligible for reconsideration. The planning commission shall consider whether the request for reconsideration meets the criteria for reconsideration at the next available planning commission meeting. A request for reconsideration shall toll the time limit requirement to file an appeal pursuant to the requirements of subparagraph 5. above.~~

74. *Approval validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon written notice of sketch plan approval for a subdivision phase, the applicant shall have a two (2) year vested right to proceed with the development of the approved subdivision phase under the requirements of Article V (Zoning Districts and District Standards) of this Chapter, which are in effect on the date of sketch plan approval. Failure to submit an application for preliminary plan approval within this two (2) year period shall render the sketch plan approval void. However, the applicant may ~~apply request to the planning department for~~ a one (1) year extension of this time period no later than ~~thirty (30)~~ thirty (30) days and no earlier than ~~120 sixty (60)~~ sixty (60) days prior to the expiration of the sketch plan approval. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment

having become effective prior to the expiration of the approval. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved sketch plan that has not first been reviewed and approved by the planning department shall render the sketch plan approval invalid.

*ec. Preliminary (construction drawings) subdivision plan review and approval.*

1. ~~*Purpose/s*~~Submittal. ~~The purpose of the preliminary subdivision plan stage of major subdivision review is to ensure that the subdivision can be built in substantial compliance with the approved sketch plan. The preliminary plan shall be submitted to the planning department in both a paper and a digital format as specified by the County, and shall contain all information required by the department. An application for preliminary plan review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council.~~

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 if the application is not complete. Provided that the application is complete, ~~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).~~ the following shall occur:

[a] *Development review.* The preliminary plat for developments requiring major subdivision review shall be reviewed by county development review staff for compliance with the development regulations of Richland County and conformity with the approved sketch plan and preliminary plan.

[b] The planning department shall approve or deny the application for a preliminary subdivision within thirty (30) days after the submission date of a completed application. If the department does not provide the applicant with a notice of the application's status within thirty (30) days after the submission date of a completed application, then the application shall be deemed approved.

3. *Public notification.* No public notification is required for major subdivision preliminary plan review and approval.
4. *Formal review.* No formal review is required for major subdivision preliminary plan review and approval.
5. *Variances.* ~~There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review. Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals as set forth in Sec. 26-57 of this chapter.~~
- ~~6. *Appeals.* The applicant, a contiguous landowner, or an adjacent landowner may appeal a planning department decision regarding the preliminary subdivision plan to the planning commission. Such appeal must be in writing and must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the basis or reason for the appeal. Such appeal shall be heard at the planning commission's next available meeting.~~
76. *Approval validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon written notice of preliminary plan approval for a subdivision phase, the applicant shall have a two (2) year vested right to proceed with the development of the approved subdivision phase under the requirements of Article VII (General Development, Site, and Performance Standards) and Article VIII (Resource Protection Standards) of this Chapter, which are in effect on the date of preliminary plan approval. Failure to submit an application for either bonded plat or final plat approval within this two (2) year period shall render the preliminary subdivision plan approval void. However, the applicant may apply request to the planning department for a one (1) year extension of this time period no later than thirty (30) days and no earlier than ~~120~~ sixty (60) days prior to the

expiration of the preliminary subdivision plan approval. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the approval. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved preliminary plan that has not first been reviewed and approved by the planning department shall render the preliminary subdivision plan approval invalid. Preliminary subdivision plan approval allows the issuance of building permits or manufactured home setup permits in the name of the subdivision developer only, for one model dwelling unit per subdivision phase, as well as for a temporary construction office or storage structure or a temporary security office/quarters. ~~However, approval must be obtained from DHEC for water supply and sewage disposal prior to building occupancy.~~

fd. *Bonded subdivision ~~plan~~ plat review and approval.*

1. ~~*Purpose/s*~~Submittal. ~~The purpose of the bonded subdivision plan stage of major subdivision review is, by mutual consent of both the developer and the county, to record a bonded plat, enable the conveyance of lots to third parties, and allow the issuance of building permits and manufactured home setup permits to third parties before the construction, installation, and acceptance of all required infrastructure improvements. The county protects these third parties and assures the orderly completion of the subdivision infrastructure by choosing to accept, in accordance with the provisions in Section 26-223 of this chapter, a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the county the actual construction and installation of all improvements and utilities within a specified time period. The bonded plan shall be submitted to the planning department in both a paper and a digital format as specified by the County, and shall contain all information required by the department. An application for bonded plat review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council.~~

2. *Staff review.* The planning department shall review the bonded ~~plan plat~~ submittal and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within ten (10) days after the most recent submission date. Provided that the application is complete, the following shall occur:

[a] ~~*Planning-staff Development review.*~~ Bonded ~~plans plats for development requiring major subdivision review~~ shall be reviewed by ~~the planning department~~ county development review staff for compliance with the ~~requirements of this chapter~~ development regulations of Richland County 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.~~

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

3. *Public notification.* No public notification is required for major subdivision bonded ~~plan plat~~ review and approval.

4. *Formal review.* No formal review is required for major subdivision bonded ~~plan plat~~ review and approval.

5. *Variances.* ~~There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review. Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals as set forth in Sec. 26-57 of this chapter.~~

~~6. Appeals. An applicant, or other party of interest, may appeal a planning department decision regarding the bonded subdivision plan to the planning commission. Such appeal shall be heard at the planning commission's next available meeting.~~

76. ~~Approval validity/~~Recordation. ~~If~~ Once approved, prior to recordation, the bonded plat must be signed ~~in the appropriate place~~ by the land development administrator or his/her designee. The approval of a bonded plat for a major subdivision shall not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. A bonded plat for a major subdivision must be recorded by the applicant within thirty (30) days of approval with the Richland County Register of Deeds. The applicant shall provide the planning department with at least ~~one (1)~~ five (5) copyies of the recorded plat. Except as allowed under Section 26-54(b)(3)e.7. of this chapter, no building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property. If the developer fails to complete the bonded infrastructure improvements and submit a complete application for final subdivision ~~plan~~ plat approval within the specified time period, the county may proceed to collect the financial surety and assume responsibility for completing the required infrastructure improvements.

ge. *Final subdivision ~~plan~~ plat review and approval.*

1. ~~Purpose/s~~Submittal. ~~The purpose of the final subdivision plan stage of major subdivision review is to document the satisfactory completion of required infrastructure improvements, enable the conveyance of lots to third parties, and allow the issuance of building permits and manufactured home setup permits to third parties. Following approval of a preliminary subdivision plan for a major subdivision, (and optionally, a bonded subdivision plan) and the installation and acceptance of required infrastructure improvements, a final plat shall be prepared and submitted in both a paper and a digital format as specified by the County. The final plat application shall contain all information required by the planning~~

~~department, including written county and utility provider acceptance of all infrastructure. An application for final plat review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council.~~

2. *Staff review.* The planning department shall review the final ~~plan plat~~ submittal and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within ten (10) days after the most recent submission date. ~~No later than thirty (30) days after receipt of a complete final plat package, the department shall approve, approve with conditions, or deny the final plat application. Failure on the part of the planning department to act on the final plat within thirty (30) days after receiving a complete application shall constitute approval. Provided that the application is complete, the following shall occur:~~
  - ~~[a] *Development review.* The final plat for developments requiring major subdivision review shall be reviewed by county development review staff for compliance with the development regulations of Richland County and conformity with the approved sketch plan and preliminary plan.~~
  - ~~[b] The planning department shall approve or deny the final subdivision plat application based on written findings of fact. Failure on the part of the planning department to act on the final plat within thirty (30) days after receiving a complete application shall constitute approval.~~
3. *Public notification.* No public notification is required for major subdivision final ~~plan plat~~ review and approval.
4. *Formal review.* No formal review is required for major subdivision final ~~plan plat~~ review and approval.
5. *Variances.* ~~There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review. Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals as set forth in Sec. 26-57 of this chapter.~~

~~6. Appeals. An applicant, or other party of interest, may appeal a planning department decision regarding the final subdivision plan to the planning commission. Such appeal shall be heard at the planning commission's next available meeting.~~

~~76. Approval validity/Recordation. If approved, prior to recordation, the final plat must be signed in the appropriate place by the land development administrator. The approval of a final plat for a major subdivision shall not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. A final plat for a major subdivision must be recorded by the applicant within thirty (30) days of approval with the Richland County Register of Deeds. The applicant shall provide the planning department with at least one (1) copy of the recorded plat. Except as allowed under Section 26-54(b)(3)e.7. or unless an optional bonded plat has already been approved and recorded, no building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded final plat of the subject property. Once approved, prior to recordation, the final plat must be signed by the land development administrator or his/her designee. A final plat for a major subdivision must be recorded by the applicant within thirty (30) days of approval with the Richland County Register of Deeds. The applicant shall provide the planning department with at least five (5) copies of the recorded plat. The approval of a final plat for a major subdivision shall not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. Except as allowed under Section 26-54(b)(3)e.7., or unless an optional bonded plat has already been approved and recorded, no building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded final plat of the subject property.~~

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 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:       October 23, 2012 (tentative)  
First Reading:       October 23, 2012 (tentative)  
Second Reading:  
Third Reading:

**PROCEDURES FOR SENDING REZONING MATTERS ‘BACK’ TO THE PLANNING COMMISSION**

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

