

**RICHLAND COUNTY  
DEVELOPMENT AND SERVICES  
COMMITTEE**

**AGENDA**

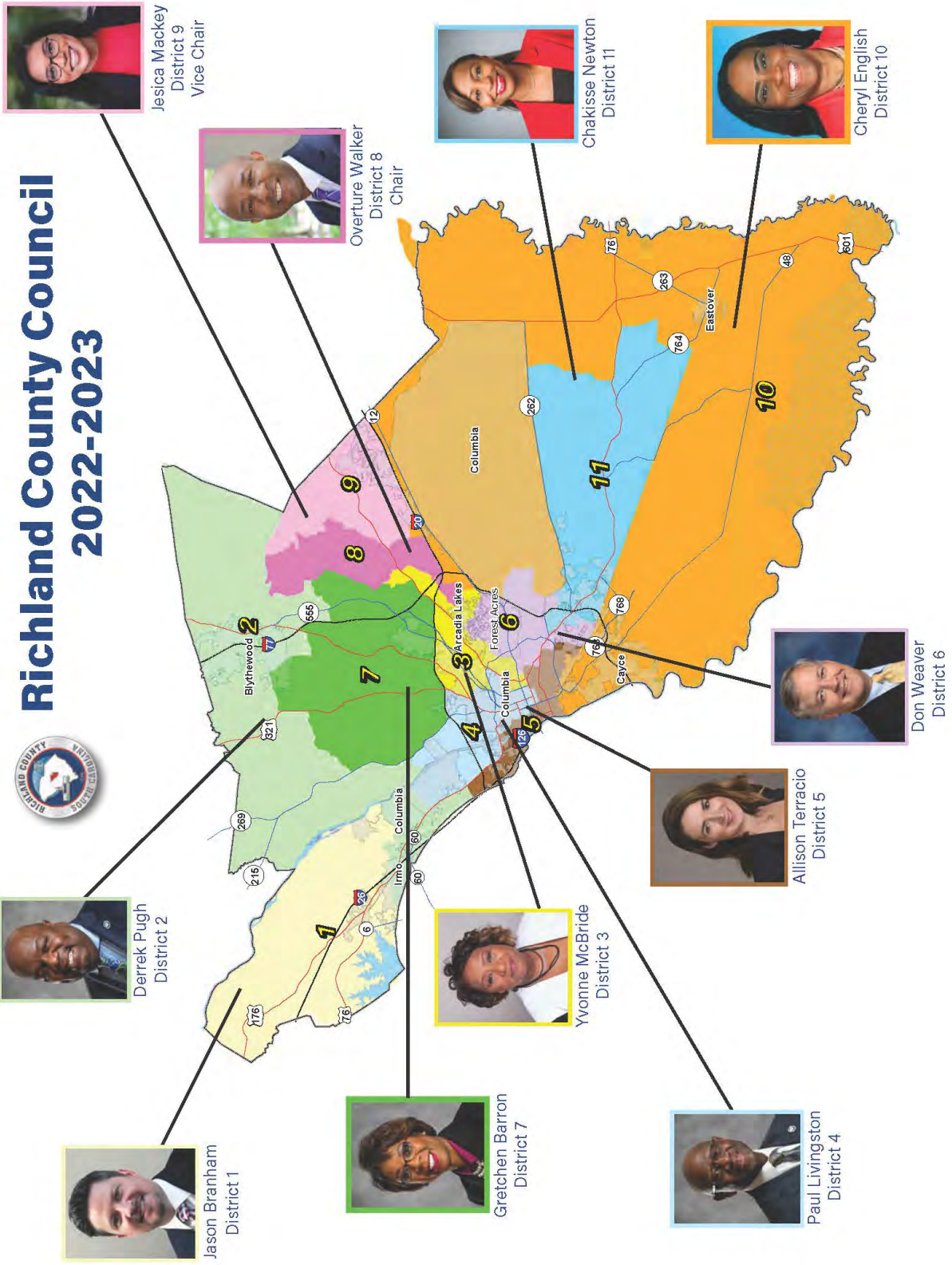


**TUESDAY MARCH 28, 2023**

**5:00 PM**

**COUNCIL CHAMBERS**

# Richland County Council 2022-2023





**Richland County  
Development and Services Committee**

**AGENDA**

March 28, 2023 - 5:00 PM  
2020 Hampton Street, Columbia, SC 29204

The Honorable Derrek Pugh	The Honorable Allison Terracio	The Honorable Gretchen Barron	The Honorable Cheryl English	The Honorable Chakisse Newton, Chair
County Council District 2	County Council District 5	County Council District 7	County Council District 10	County Council District 11

1. **CALL TO ORDER** The Honorable Chakisse Newton
  
2. **APPROVAL OF MINUTES** The Honorable Chakisse Newton
  - a. February 28, 2023 [PAGES 6-8]
  
3. **ADOPTION OF AGENDA** The Honorable Chakisse Newton
  
4. **ITEMS FOR ACTION** The Honorable Chakisse Newton
  - a. Economic Development - Partial Closure of Locklier Road [PAGES 9-14]
  - b. Utilities - Southeast Sewer Master Plan [PAGES 15-30]
  - c. Department of Public Works - Engineering Division -Traffic Calming Policy Update [PAGES 31-47]
  
5. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED** The Honorable Chakisse Newton
  - a. I move to direct the Administrator to conduct a review of the rank weeds and vegetation ordinance and recommend any updates that would improve the effectiveness of the ordinance particularly as it relates to safety, enforcement, and blight reduction. [Newton - August 30, 2022] [PAGE 48]

- b. Direct the Administrator to create regulations for the operation of Short Term Rentals (STRs) in unincorporated Richland County. Those regulations would be listed as an amendment to the current Ordinance relating to residential rental property regulations similar to the Absentee Landlord Ordinance that is currently being considered. Consideration should be given to licensing, safety measures, number of occupants allowed, effects on infrastructure such as sewer and water, EMS and Law Enforcement potential response and not having them create a nuisance in the neighborhood. [MALINOWSKI - December 6, 2022] [PAGES 49-62]

*\*\*The Business Service Center has the lead on this topic. The matter was also brought before the Planning Commission for its input. A report will be forthcoming once the Planning Commission has completed its review.*

- c. Direct the County Administrator to work with staff to ensure the proposed Short Term Rental Ordinance requires each homeowner who wishes to provide a short- term rental to obtain a business license and pay accommodation taxes. [TERRACIO - January 3, 2023] [PAGES 49-62]

*\*\*The Business Service Center has the lead on this topic. The matter was also brought before the Planning Commission for its input. A report will be forthcoming once the Planning Commission has completed its review.*

- d. Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [PUGH and NEWTON - January 3, 2023] [PAGES 63-72]

*\*\*Staff has not yet began research due to time commitments related to the adoption of the Land Development Code.*

## 6. ADJOURNMENT

The Honorable Chakisse Newton



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.



Richland County Council  
REGULAR SESSION  
**MINUTES**  
May 17, 2022 – 6:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

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COUNCIL MEMBERS PRESENT: Chakisse Newton, Chair; Derrek Pugh, Allison Terracio, Gretchen Barron, and Cheryl English

OTHERS PRESENT: Tamar Black, Michelle Onley, Dan Kim, Chelsea Bennett, Michael Byrd, Dante Roberts, Ashiya Myers, Angela Weathersby, Elizabeth McLean, Stacey Hamm, Michael Maloney, John Thompson, Leonardo Brown, Dale Welch, Aric Jensen, and Abhijit Deshpande

1. **CALL TO ORDER** – Chairman Derrek Pugh called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
  - a. December 12, 2022 – Ms. Barron moved to approve the minutes as distributed, seconded by Ms. English.  
In Favor: Pugh, Terracio, Barron, English, and Newton  
The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** - Ms. Terracio moved to adopt the agenda as published, seconded by Ms. Barron.  
In Favor: Pugh, Terracio, Barron, English, and Newton  
The vote in favor was unanimous.
4. **ELECTION OF CHAIR**- Ms. Barron moved to nominate Ms. Newton as Chair, seconded by Ms. English.  
In Favor: Pugh, Terracio, Barron, English, and Newton.  
The vote in favor was unanimous.  
Mr. Pugh stated Ms. Newton was online but requested he lead the meeting in her absence. He also thanked the committee on behalf of Ms. Newton for appointing her chair of the committee.
5. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**
  - a. I move to direct the Administrator to conduct a review of the rank weeds and vegetation ordinance and recommend any updates that would improve the effectiveness of the ordinance particularly as it relates to safety, enforcement, and blight reduction. [Newton - August 30, 2022] – Mr. Pugh stated staff continues its research of ordinances

from other communities and industry best management practices. Staff anticipates presenting its findings to the committee during its March meeting.

Ms. Newton stated that she was having technical difficulties and would like her vote recorded in favor of the previous items.

- b. Direct the Administrator to create regulations for the operation of Short Term Rentals (STRs) in unincorporated Richland County. Those regulations would be listed as an amendment to the current Ordinance relating to residential rental property regulations similar to the Absentee Landlord Ordinance that is currently being considered. Consideration should be given to licensing, safety measures, number of occupants allowed, effects on infrastructure such as sewer and water, EMS and Law Enforcement potential response and not having them create a nuisance in the neighborhood. [MALINOWSKI - December 6, 2022] – Mr. Pugh stated that staff stated the Business Service Center has the lead on this topic. The matter was also brought before the Planning Commission for its input. A report will be forthcoming once the Planning Commission has completed its review.

ACA Jensen stated that the State Legislature is considering a bill to “Ban the Ban” of short-term rentals. It would be included in their report as the bill moves through the legislature.

Ms. Barron inquired if the county was looking to mirror the State Legislature’s bill.

Mr. Jensen responded, depending on the bill. The current bill looks to ban communities from banning short-term rentals and create regulations on how short-term rentals occur.

Ms. Terracio inquired about the timeline.

Mr. Jensen stated there are two complications, one being the Legislature and the other being the Land Development Code (LDC). The drafted LDC has provisions to allow short-term rentals, but the current 2005 code does not. They would either have to amend the 2005 code or adopt the new code.

Ms. Newton inquired if the motion needed to be modified because the motion maker is no longer on Council.

Attorney McLean responded the motion was properly before them before the councilmember left, so there is no need for modification.

- c. Direct the County Administrator to work with staff to ensure the proposed Short Term Rental Ordinance requires each homeowner who wishes to provide a short-term rental to obtain a business license and pay accommodation taxes. [TERRACIO - January 3, 2023] - Mr. Pugh stated that the Business Service Center has the lead on this topic. The matter was also brought before the Planning Commission for its input. A report will be forthcoming once the Planning Commission has completed its review.
- d. Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [PUGH, BARRON, and NEWTON - January 3, 2023] – Mr. Pugh noted that staff has not yet begun research due to time commitments for adopting the Land Development Code.

Ms. Terracio noted Ms. Newton shared an article related to this topic.

Ms. Barron inquired about a timeline for when staff plans to start working on this, as she would like to include this with some of the forthcoming development.

Mr. Brown responded they hoped to decide on the LDC maps within the next 30-45 days, as the same staff is involved in working on this motion. Staff did not want to hinder the community by not addressing the more extensive projects, which would allow them to bring more on. After the council reviews the maps and the recommendation from the planning commission and decides will enable staff to move forward with the next project(s).

Ms. Barron stated she understood but still encouraged staff to move forward.

Mr. Pugh agreed with Ms. Barron as they had many requests for development in their districts.

6. **ADJOURNMENT** - Ms. Barron moved to adjourn, seconded by Ms. Terracio.

In Favor: Pugh, Terracio, Barron, English, and Newton

The vote in favor was unanimous.

The meeting adjourned at approximately 5:16 PM.



**RICHLAND COUNTY  
ADMINISTRATION**

2020 Hampton Street, Suite 4069  
Columbia, SC 29204  
803-576-2050

**Agenda Briefing**



<b>Prepared by:</b>	Jeff Ruble	<b>Title:</b>	Director
<b>Department:</b>	Economic Development	<b>Division:</b>	
<b>Date Prepared:</b>	February 13, 2023	<b>Meeting Date:</b>	February 28, 2023
<b>Legal Review</b>	Patrick Wright via email	<b>Date:</b>	March 16, 2023
<b>Budget Review</b>	Abhijit Deshpande via email	<b>Date:</b>	February 17, 2023
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	February 17, 2023
<b>Approved for consideration:</b>	County Administrator	Leonardo Brown, MBA, CPM	
<b>Meeting/Committee</b>	Development & Services		
<b>Subject</b>	Locklier Road Partial Road Closure		

**RECOMMENDED/REQUESTED ACTION:**

Staff recommends that County Council approves to close a portion of Locklier Road.

Request for Council Reconsideration:  Yes

**FIDUCIARY:**

Are funds allocated in the department’s current fiscal year budget?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:**

The costs associated with this request would include any court fees required for the petition along with any barricades necessary to close the road at each end to through traffic.

Per the County Attorney’s office, the court cost for filing is \$0.00. There is a minimal cost for barricades.

*Applicable department/grant key and object codes:* 1200992050 526500.4852500

**OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:**

Not applicable.

**COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:**

There are no legal concerns regarding this matter.

**REGULATORY COMPLIANCE:**

Richland County Ordinance Sec. 21-14 (See attached)

S.C. Code of Laws § 57-9-10 (See attached)

**MOTION OF ORIGIN:**

There is no associated motion of Council origin.

Council Member	
Meeting	
Date	

**STRATEGIC & GENERATIVE DISCUSSION:**

Locklier Road is an existing road, approximately 2.5 miles in length, that begins at Blythewood Road and ends at Fulmer Road. A 0.27 mi portion of the road is paved with a dedicated 66' right-of-way (ROW). The remainder of the road is dirt, with a portion having a dedicated 66' ROW, a portion running through County property with a variable ROW, and a portion only having a prescriptive easement running through Saddle Brook Properties. The majority of this dirt portion is only 10' - 13' which prohibits two-way traffic from safely passing along the road.

Currently, Richland County owns the majority of the property that this road runs through (see attached exhibit with County property highlighted in red.) This property is known as the Blythewood Industrial Park. Richland County Economic Development, in partnership with the Department of Commerce, is actively showing this property to several industries that have an interest in developing it.

During the 2015 flood, this road suffered a significant amount of erosion, with one culvert being completely washed out. This area (noted on the attached exhibit) was not repaired after the flood, and passage is currently impossible. This request is to close the road from Blythewood Rd. down to this washed-out area (approximately 2.25 mi). The portion of the road just to the south of the washed-out area would remain open to the public to allow access to the Saddle Brook Properties LLC parcel.

Public Works requests the petition process be initiated to close a portion of this road for the following reasons:

1. The narrow width of the existing road makes it almost impossible for two-way traffic to pass.
2. The washed-out culvert makes it impossible for travel along the entire length of the road.
3. The existing dirt portion does not currently serve any residences or businesses.
4. The existing road splits the property in half, which is undesirable for interested industries.
5. For any industry that chooses to build on the property, their access points would be on Blythewood Rd. and/or Community Rd., cancelling the need for the dirt portion of Locklier Rd. to remain.

**ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:**

Goal 4: Plan for Growth through Inclusive and Equitable Infrastructure; Objective 4.3 Create excellent facilities.

**ADDITIONAL COMMENTS FOR CONSIDERATION:**

Due to the current impassable condition of the dirt portion of the road, there would be no adverse effects to any Emergency Services caused by closing this road.

**ATTACHMENTS:**

1. Richland County Ordinance Sec. 21-14
2. S.C. Code of Laws § 57-9-10
3. Road Closure Exhibit

## Attachment 1

### **Sec. 21-14. Abandonment of public roads and right-of-ways.**

(a) Any person or organization wishing to close an existing public street, road, or highway in the county to public traffic shall petition a court of competent jurisdiction in accordance with section 57-9-10, et seq. of the state code of laws. The petition shall name the county as a respondent (unless the county is the petitioner). The county attorney shall advise the court with regard to the county's concurrence or opposition after consultation with the county's planning, public works, and emergency services departments, and after consideration by county council. It shall be the responsibility of the petitioner to physically close the roadway if a petition is successful. The county attorney may submit such petition on behalf of the county if so directed by county council.

(b) Any person or organization wishing the county to abandon maintenance on an existing county-maintained street, road or highway shall submit to the public works department a petition to do so signed by the owners of all property adjoining the road and by the owners of all property who use the road as their only means of ingress/egress to their property. The petition shall state that the property owners release and indemnify the county from any duty to maintain the road. At the recommendation of the county engineer, the county administrator shall have the authority to act on a petition that involves a dead-end road; county council shall have the authority to approve petitions under all other circumstances. If the petition is approved, the county engineer may require the property owners to place an appropriate sign alongside or at the end of the road.

(c) Any person or organization wishing to acquire ownership of an unused road right-of-way in the county (including a public right-of-way that is dedicated either by deed, prescription, or recordation of a plat) may submit a petition for consideration by county council. If it is determined by the county's planning department and public works department that the right-of-way will not be utilized by the county for road purposes, county council may approve a quit-claim deed conveying the county's interest to the owners of the adjoining property. Unless the owners of the adjoining property agree to another division, each may acquire that portion of the right-of-way adjacent to his/her property on his/her side of the right-of-way's centerline. The grantee(s) of the quit-claim deed(s) shall be responsible for preparing the deed(s) prior to county council's consideration of the request. Upon approval and execution of the deed(s), the grantee(s) shall be responsible for recording the deed(s) in the office of the register of deeds and for returning a filed copy to the office of the county attorney. The county council may require the grantees) to pay up to the fair market value, as determined by the county assessor's office, in exchange for the conveyance of the right-of-way. Upon recordation of the deed, the county assessor's office shall adjust the appraisal of the adjoining parcels to reflect the value of the additional property.

(Code 1976, § 8-1009; Ord. No. 071-01HR, § I, 11-6-01; Ord. No. 005-03HR, § I, 1-21-03)

## Attachment 2

### South Carolina Code of Laws Unannotated

#### Title 57 - Highways, Bridges and Ferries

##### CHAPTER 9

##### Abandonment or Closing of Streets, Roads, or Highways

**SECTION 57-9-10.** Petition to abandon or close street, road, or highway; notice.

Any interested person, the State or any of its political subdivisions or agencies may petition a court of competent jurisdiction to abandon or close any street, road or highway whether opened or not. Prior to filing the petition, notice of intention to file shall be published once a week for three consecutive weeks in a newspaper published in the county where such street, road or highway is situated. Notice also shall be sent by mail requiring a return receipt to the last known address of all abutting property owners whose property would be affected by any such change, and posted by the petitioning party along the street, road, or highway, subject to approval of the location of the posting by the governmental entity responsible for maintenance of the street, road, or highway. The Department of Transportation shall promulgate regulations which once effective will establish the minimum mandatory size, language, and specific positioning of signs pursuant to this section.

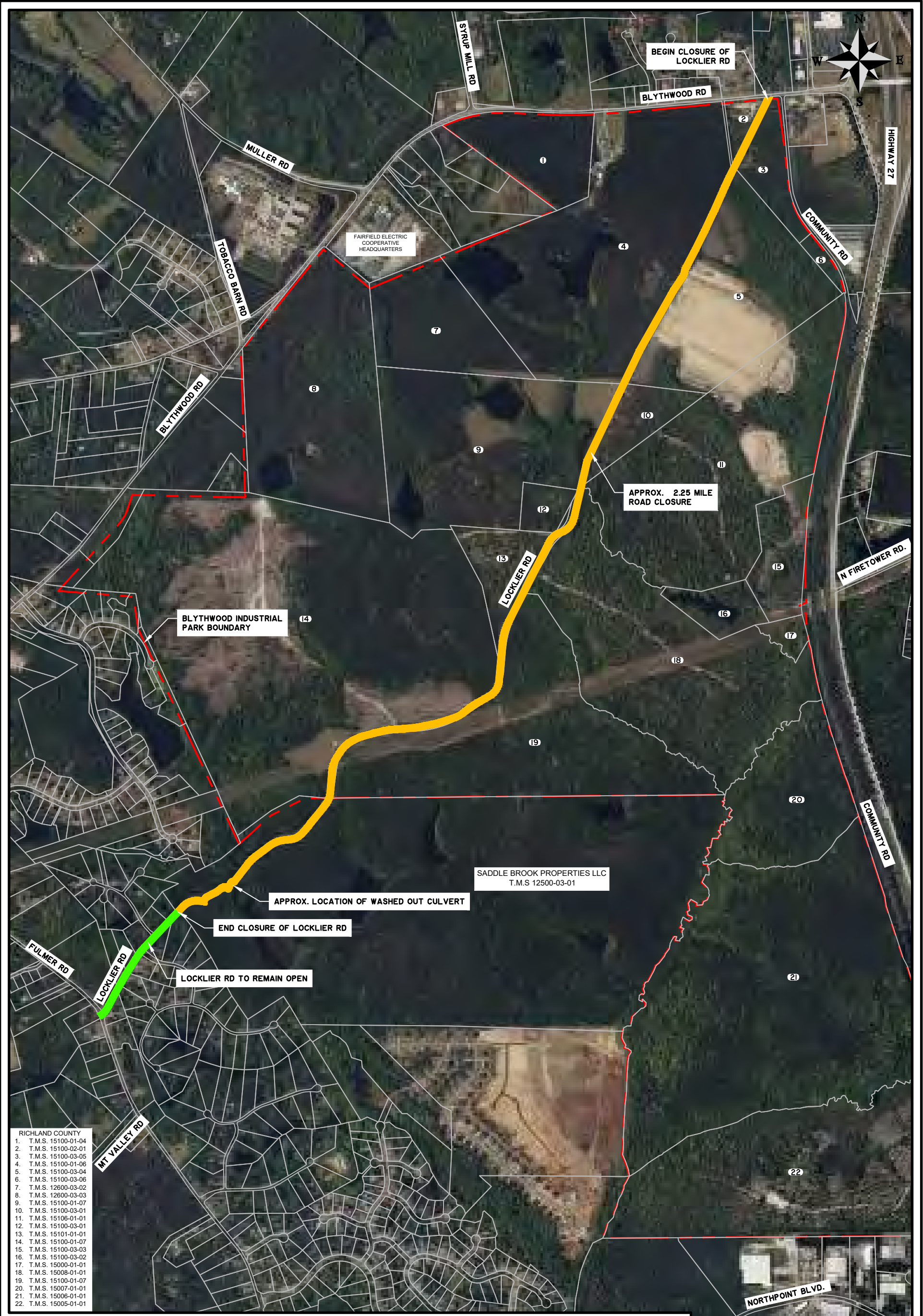
HISTORY: 1962 Code Section 33-521; 1962 (52) 2183; 2012 Act No. 184, Section 1, eff June 7, 2012.

**SECTION 57-9-20.** Court shall make determination.

If the court shall determine that it is to be the best interest of all concerned that such street, road or highway be abandoned or closed, the court shall then determine in whom the title thereto shall be vested and issue an appropriate order.

HISTORY: 1962 Code Section 33-522; 1962 (52) 2183.

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**LOCKLIER RD - ROAD CLOSURE EXHIBIT**

**BLYTHWOOD INDUSTRIAL PARK**

CLIENT:  
**RICHLAND COUNTY**

LOCATION: RICHLAND COUNTY, SC  
DATE: 02/13/2023  
JOB NUMBER: J-27015.0006

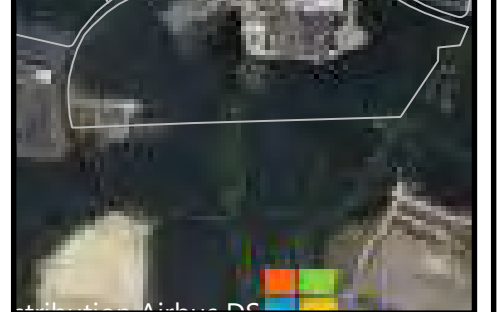
DRAWN BY: MTC  
REVIEWED BY: ABB

SHEET: 1 OF 1  
SCALE: 1" = 1000'

**THOMAS & HUTTON**

1501 Main Street • Suite 760  
Columbia, SC 29201 • 803.451.6789

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**RICHLAND COUNTY  
ADMINISTRATION**

2020 Hampton Street, Suite 4069  
Columbia, SC 29204  
803-576-2050



**Agenda Briefing**

<b>Prepared by:</b>	Bill Davis	<b>Title:</b>	Director
<b>Department:</b>	Utilities	<b>Division:</b>	
<b>Date Prepared:</b>	March 3, 2023	<b>Meeting Date:</b>	March 28, 2023
<b>Legal Review</b>	Patrick Wright via email	<b>Date:</b>	March 21, 2023
<b>Budget Review</b>	Abhijit Deshpande via email	<b>Date:</b>	March 8, 2023
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	March 9, 2023
<b>Approved for consideration:</b>	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCEM	
<b>Meeting/Committee</b>	Development & Services		
<b>Subject</b>	Southeast Sewer Master Plan		

**RECOMMENDED/REQUESTED ACTION:**

Richland County Utilities (RCU) recommends approval of the concept plan so AECOM can complete the Southeast Sewer Master Plan.

Request for Council Reconsideration:  Yes

**FIDUCIARY:**

Are funds allocated in the department’s current fiscal year budget?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:**

The current budget allotted amount is \$77,000. This includes the \$7000 contingency.

*Applicable department/grant key and object codes:* 2110367000.526500

**OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:**

Not applicable.

**COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:**

There are no legal concerns regarding this matter.

**REGULATORY COMPLIANCE:**

Not applicable.

**MOTION OF ORIGIN:**

There is no associated Council motion of origin.

Council Member	
Meeting	
Date	

**STRATEGIC & GENERATIVE DISCUSSION:**

Phase One of the Southeast Water & Sewer project is complete. Serving as the system's backbone, Phase 1 helped connect sewer customers within the City of Columbia's transfer area to the Richland County Utilities (RCU) Eastover Wastewater Treatment Plant.

The current capacity of Phase 1 has been exhausted due to the growth from the "willingness to serve" letters issued to several thousand new residential homes awaiting connection. RCU is ready to proceed with the next two critical phases and expand the Eastover Wastewater Treatment Plant. The gravity flow design utilizing the Myers Creek, Cabin Creek, and Cedar Creek outfalls will enable RCU to connect additional residents in Council Districts 10 and 11. The concept plan was a joint effort with Development Services (attachment 1).

Strategic Goal 4.2 establishes the need to create a concerted effort between the various departments within Richland County to ensure water, sewer, and roads are developed in a comprehensive manner to plan for smart growth across the County. Within the water and sewer industry, the standard practice is to create a Master Plan.

Richland County Utilities entered into an agreement with AECOM to provide a comprehensive Sewer Master Plan for the entire southeast area. The scope is limited to properties within Richland County Utilities 208 Management Area. The overall goal of the Master Plan is to identify short-term (3-5 years), intermediate (10-15 years), and long-term capital improvement projects (20 years) to serve sewer to the customers across the southeast where economically practical and where grant funding may be feasible.

Developing a comprehensive plan will support smart growth throughout the area and will align with the Lower Richland Tourism Plan. Additionally, when utilities and roads are in place, the County can attract large industrial projects within designated areas identified in the comprehensive plan. Working with the Economic Development Department, Utilities will be able to plan for these industrial projects well in advance and thus position the County to capture them. When projects are developed in the planned area, growth occurs in an orderly and sustainable manner which in turn provides a mechanism to positively impact economy by generating revenue and jobs well into the future. Utilities would ask for Council's approval of the concept plan so we can authorize AECOM to proceed with developing the Master Plan. The plan can be completed within 8 to 12 months of Council approval. Once the Master Plan is complete, the County will select consultants and begin the design phase for the short-term projects as well as seek funding sources for construction for the projects.



**ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:**

Strategic Goal 4: Plan for Growth through inclusive and equitable infrastructure

Objectives:

- 4.1: Establish plans and success metrics that allow for smart growth
- 4.2: Coordinate departments to prepare for anticipated growth in areas by providing water, sewer, and roads in necessary locations
- 4.3: Create excellent facilities

**ADDITIONAL COMMENTS FOR CONSIDERATION:**

The requested action falls under RCU's Key Performance Indicator (KPI) #2: Develop Master Plans for Utilities Department Facilities and Water and Sewer Services.

**ATTACHMENTS:**

1. 2022 SE Project Presentation to Council March 2023

# SOUTHEAST SEWER MASTER PLAN

March 28, 2023

Development & Services Committee



# AGENDA

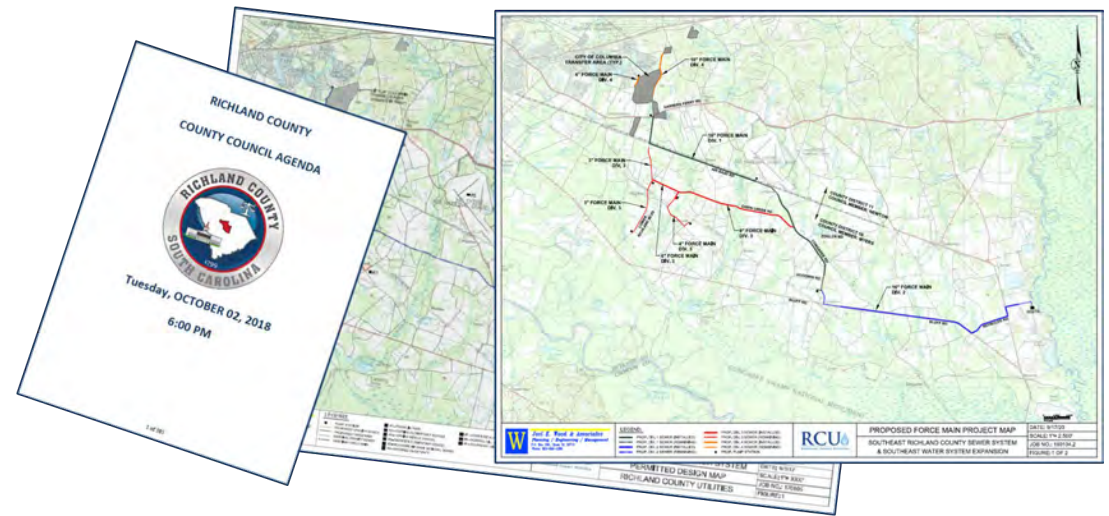
- Current County Sewer System Locations
- Southeast Water & Sewer Phase 1
- Current Needs at Eastover Wastewater Treatment Plant (WWTP)
- Remaining Phase 1 Sewer Capacity
- Phases 1-3 as approved October 02, 2018
- Southeast Sewer Phases 2 & 3 Concept Plan & Projects
- Questions?



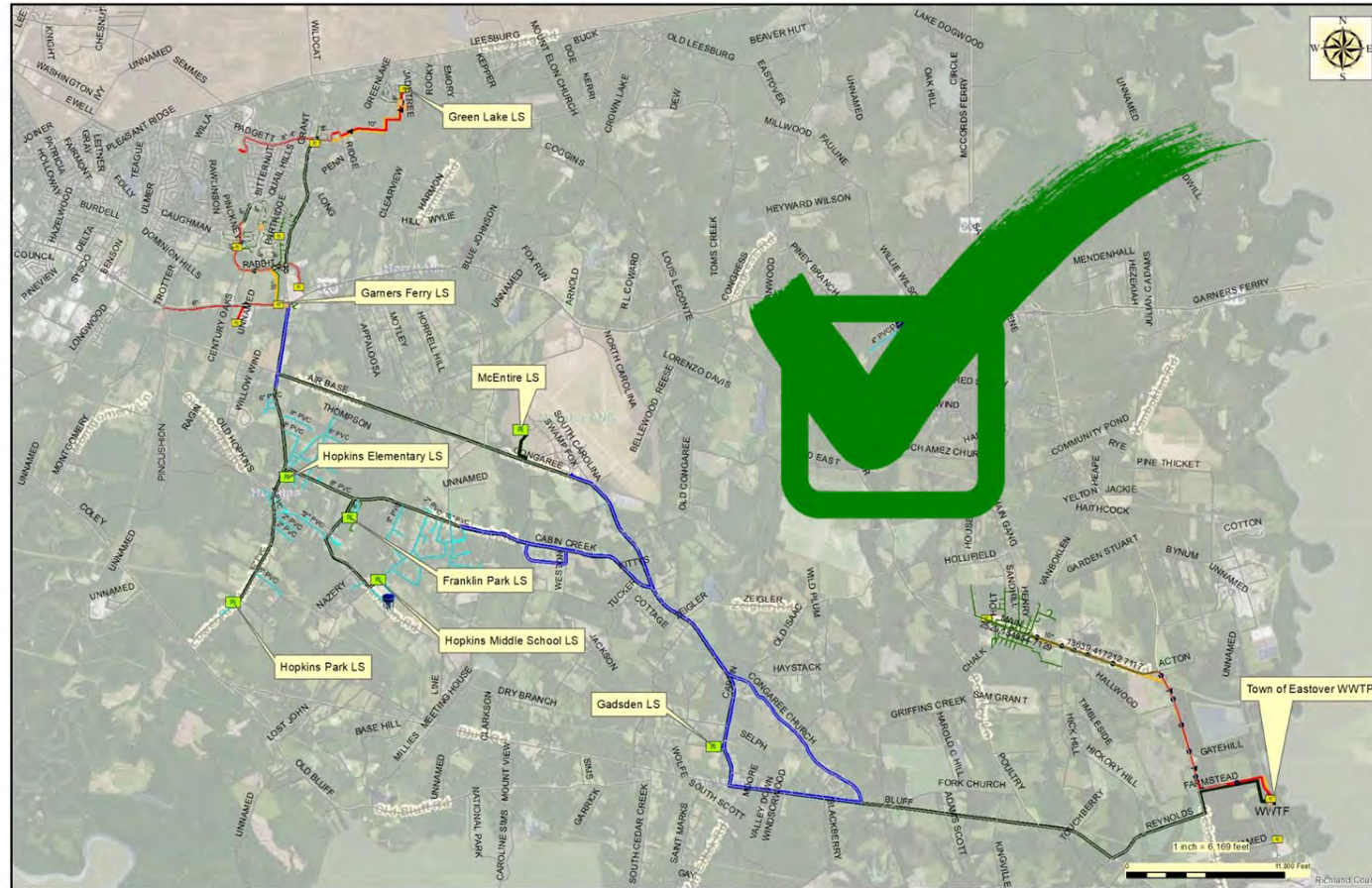


# SOUTHEAST WATER & SEWER PHASE 1

- Approved by Council on October 2, 2018
- Awarded in 4 divisions in spring of 2020



# SOUTHEAST WATER & SEWER PHASE 1 IS COMPLETE



# CURRENT EASTOVER WWTP NEEDS

- An interim biosolids plan for the Eastover WWTP was awarded to Bionomics; a belt press will be in operation in the next few months
- New well system - the existing irrigation well is inadequate for future process water needs
- An upsized return activated sludge pumping system
- A lime feed system
- Increase the capacity of our disinfection system
- Certified lab at the plant
- A storage facility and maintenance office space



# REMAINING PHASE 1 SEWER CAPACITY

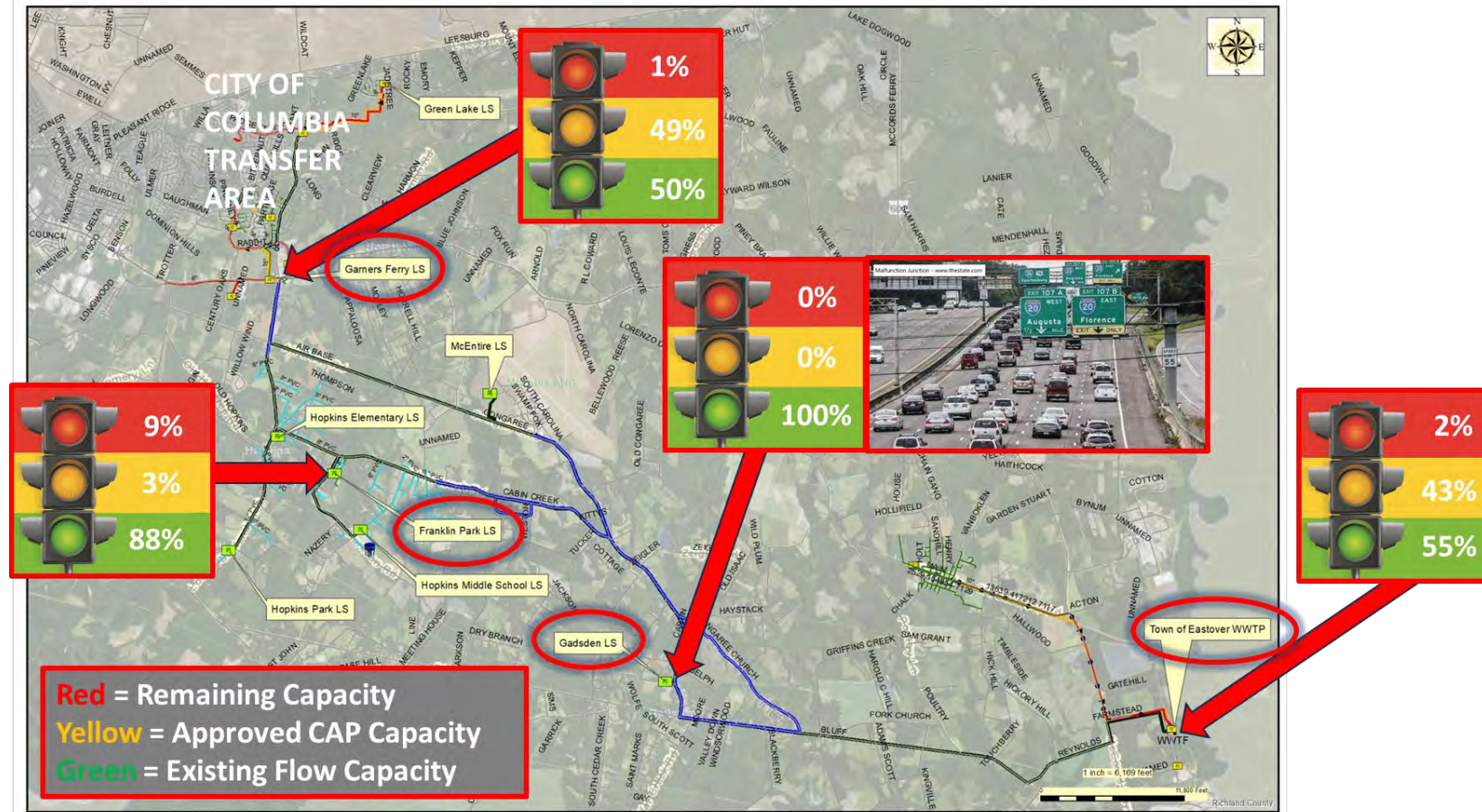
Infrastructure	Utilization
Garners Ferry Road Pump Station	100%
Franklin Pump Station	91%*
Gadsden Pump Station	100%
Eastover WWTP	100%

- Quick response from developers interested in utilizing the Phase 1 sewer infrastructure throughout the southeast
- Issued willingness to serve letters for several thousand residential homes in the southeast
- \*Franklin Park Pump Station has 9% capacity remaining
- Gadsden Pump Station receives flows from Garners Ferry Road, Franklin Park, and McEntire Pump Stations
- Only a few areas remain to accept minimal additional growth

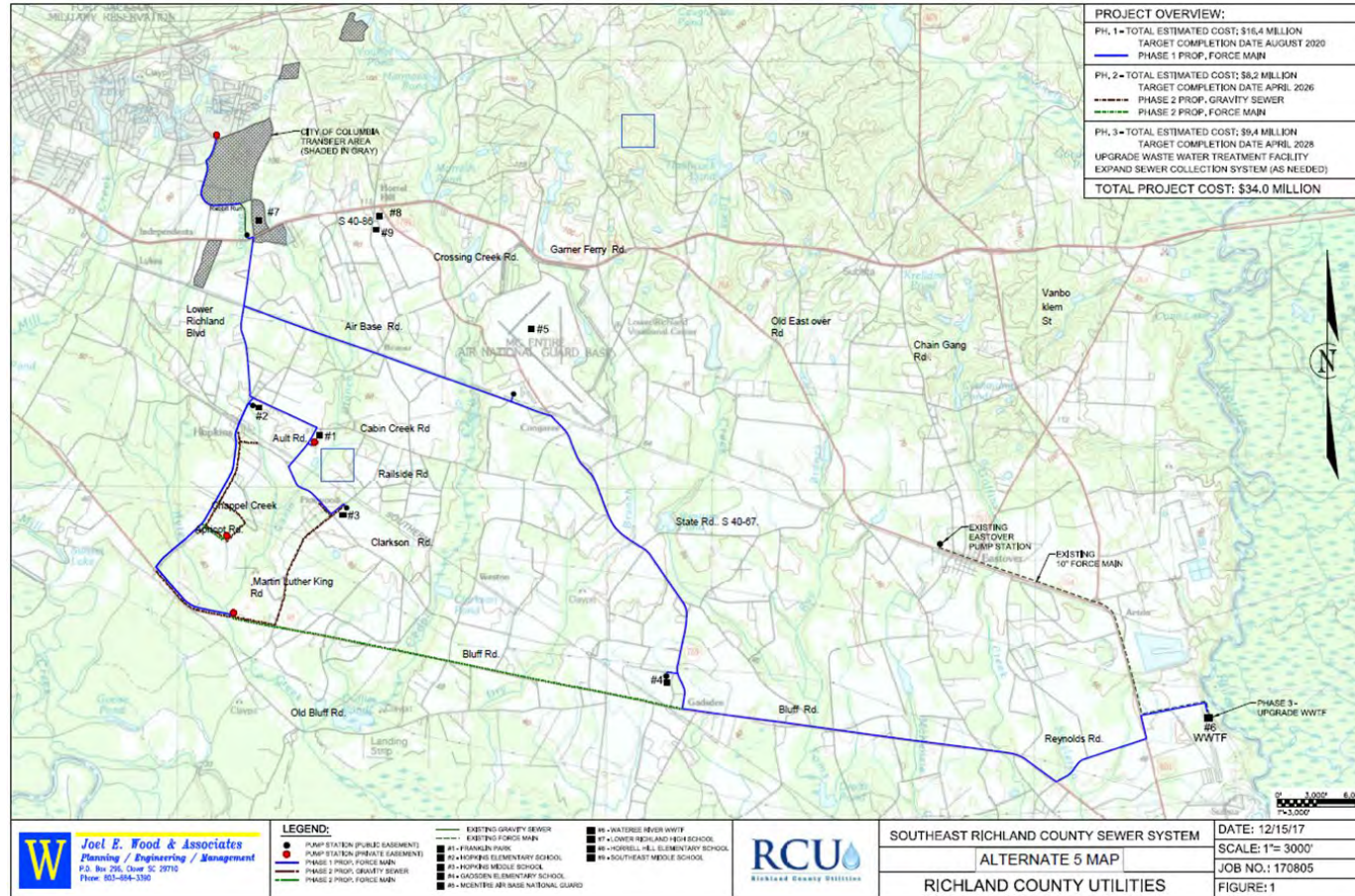




# REMAINING PHASE 1 SEWER CAPACITY



# PHASE 1 THROUGH 3 AS APPROVED OCT 02 2018



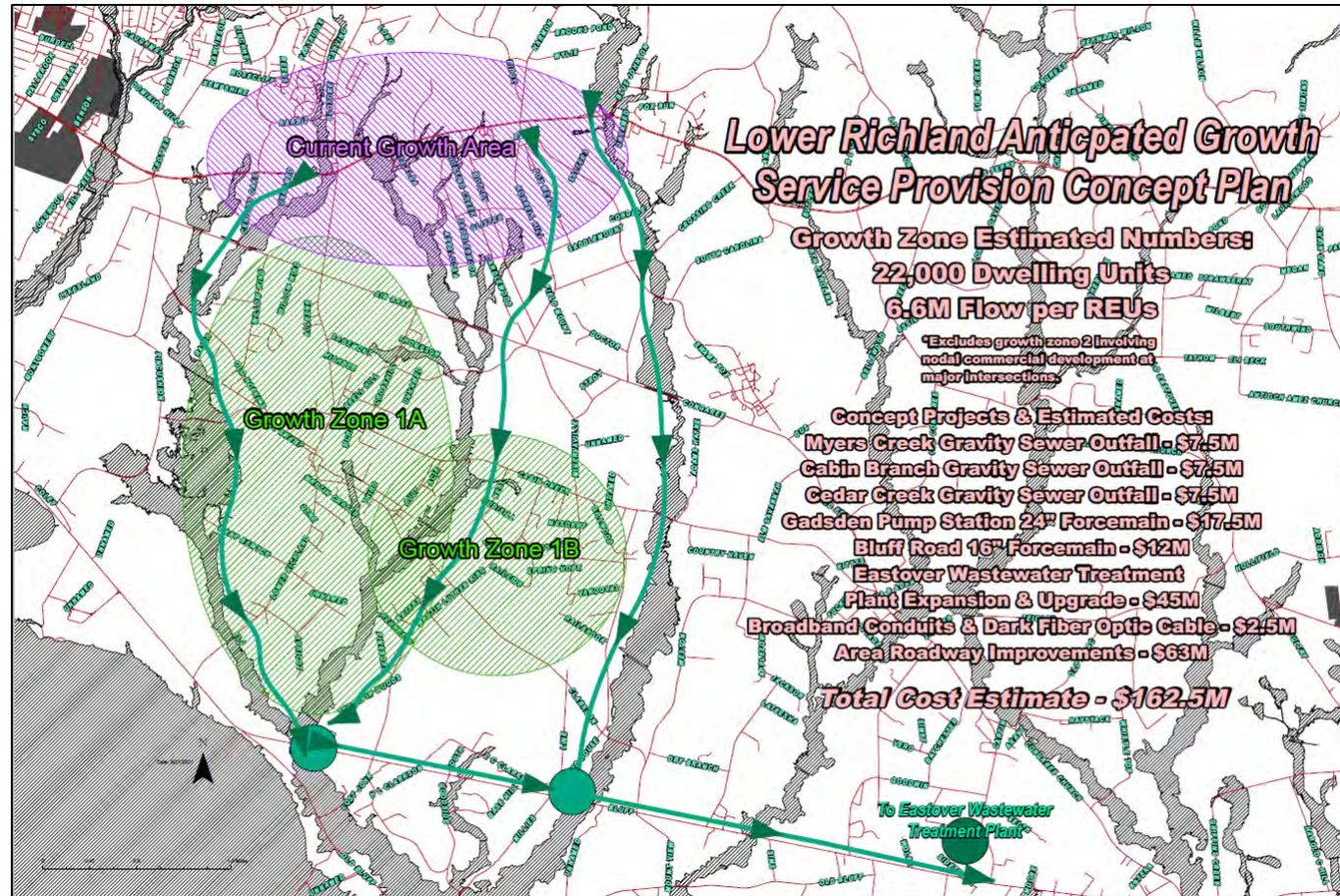
Richland County  
Government

# SOUTHEAST SEWER PHASES 2 AND 3

- RCU and Planning staff have been working with Councilwoman English to develop a Concept Plan
- We have retained an Engineer, AECOM, to work on the Southeast Sewer Master Plan
- We are seeking council approval of the concept plan so that AECOM can complete the Southeast Sewer Master Plan
- The Master Plan will define the Phase 2 projects



# SOUTHEAST SEWER PHASES 2 & 3 CONCEPT PLAN



# RECOMMENDED SOUTHEAST SEWER PHASE 2 & 3 PROJECTS

- 24” force main for additional capacity
- Expansion of the Eastover WWTP to achieve additional capacity for Phase 1-3 Design Flows
- Other major short-term projects to add capacity along the three growth corridors in Concept Plan
- The Southeast Sewer Master Plan will define projects
- Without these projects, we will;
  - Limit growth in the Southeast
  - Face long-term moratoriums in certain areas
  - Be expose to potential regulatory penalties



# QUESTIONS?



# UTILITIES



**RICHLAND COUNTY  
ADMINISTRATION**

2020 Hampton Street, Suite 4069  
Columbia, SC 29204  
803-576-2050



**Agenda Briefing**

<b>Prepared by:</b>	Shirani Fuller	<b>Title:</b>	County Engineer
<b>Department:</b>	Public Works	<b>Division:</b>	Engineering
<b>Date Prepared:</b>	March 6, 2023	<b>Meeting Date:</b>	March 28, 2023
<b>Legal Review</b>	Patrick Wright via email	<b>Date:</b>	March 9, 2023
<b>Budget Review</b>	Abhijit Deshpande via email	<b>Date:</b>	March 9, 2023
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	March 17, 2023
<b>Approved for consideration:</b>	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCEM	
<b>Meeting/Committee</b>	Development & Services		
<b>Subject</b>	Traffic Calming Policy		

**RECOMMENDED/REQUESTED ACTION:**

The Department of Public Works requests County Council adopt the Traffic Calming Policy as revised March 1, 2023.

Request for Council Reconsideration:  Yes

**FIDUCIARY:**

Are funds allocated in the department’s current fiscal year budget?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:**

There are no budgetary implications.

*Applicable department/grant key and object codes:*

**OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:**

Not applicable.

**COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:**

There are no legal concerns regarding this matter.

**REGULATORY COMPLIANCE:**

There is not an external regulation to this policy. Regulation is set by the Traffic Calming Policy.

**MOTION OF ORIGIN:**

There is no associated Council motion of origin.

Council Member	
Meeting	
Date	

**STRATEGIC & GENERATIVE DISCUSSION:**

The Department of Public Works (DPW) has the ability to evaluate a limited number of County and state-maintained roads annually to determine if traffic-calming devices should be installed. The intent of traffic-calming is to reduce the negative impacts of speeding within residential areas. This service is provided by staff members in the Engineering Division who evaluate geometry of roads, program and install sensors to capture traffic data, download and interpret reports.

The County Traffic Calming Policy sets standards to ensure all roads are evaluated in the same manner. Studies are performed almost year-round; however, common industry practice is to not perform studies when school is out of session. Therefore, studies are not performed during summer or school holidays.

Based on the overwhelming number of requests received and the small percentage of requests that meet all criteria for an installation, staff recommends adjusting the policy to reflect the need for neighborhood support prior to a traffic study being performed. The policy change reorganizes the process so that after staff provides an initial review, the neighborhood must sign on to the traffic calming, then staff conducts the traffic study to make the final determination of feasibility.

DPW recognized there has been a change in motorist behavior towards static traffic control devices over the last several years. Physical devices help regulate speed within residential areas. Staff would like to see the installation shift to the planning stage of a new development as opposed to becoming the County’s burden after neighborhoods are complete.

**ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INTIATIVE:**

Goal 3: Commit to Fiscal Responsibility; Objective 3.2: Establish process to prioritize initiatives to align with available resources.

Staff has recommended a clear process for vetting projects including establishing facility priorities and determining financial resources aligning with the improvement plan. The reorganization of the process will achieve the desired result in this alignment of the needs to the funds.

**ATTACHMENTS:**

1. Traffic Calming Policy
2. Traffic Calming Devices
3. Petition Form



**RICHLAND COUNTY**  
**DEPARTMENT OF PUBLIC WORKS**

400 Powell Road  
 Columbia, SC 29203



## Traffic Calming Policy

Updated: March 1, 2023

### References:

Manual on Uniform Traffic Control Devices (MUTCD)  
 Institute of Transportation Engineers - Traffic Calming  
 SCDOT Traffic-Calming Guidelines 2019

### Enclosures:

Traffic Calming Options  
 Petition Form

### Section 1- Purpose:

To establish criteria and considerations that will allow Richland County to install traffic calming devices on County- and state-maintained streets, in order to mitigate or reduce the negative impact of speeding through residential areas.

### Section 2- Definitions:

Arterial Highways - Roads that carry longer distance traffic between important activity and population centers.

Functional Classification - Refers to the different types or classes of highways that comprise a complete road system.

Impacted Area - Area that is generally a neighborhood area, but can be the same as a petition area, as determined by the Richland County Department of Public Works (DPW) for County-maintained streets and in cooperation with the South Carolina Department of Transportation (SCDOT) for state-maintained streets.

Local Residential - A street in a residential area used primarily for access to abutting properties and for feeding traffic to collector streets.

Mean Speed - The average individual vehicle's speed passing a point on a roadway or lane in miles per hour (mph).

Minor Collector - Road that links the local system with arterial highways.

Petition Area - Area bounded by surrounding collector or arterial roads, as determined by DPW for County-maintained streets and in cooperation with the SCDOT for state-maintained streets.

### Section 3- Background:

#### A. General

Effective traffic calming measures can safely reduce vehicle speeds on streets when installed in accordance with standard provisions. For traffic calming devices to be effective, they must be located specifically in accordance with well defined traffic engineering criteria for the sole purpose of mitigating documented speeding situations.

The traffic calming standards in this document identify criteria used to determine the viability of traffic calming installations. Also outlined in Section 4- Procedures, is the mandatory level of neighborhood support needed to approve installations and cost responsibilities associated with the installation of the traffic calming devices.

The Department of Public Works (DPW) will be responsible for implementing the traffic calming policy on all public streets within Richland County, to include County- and state-maintained streets, and excluding areas within the City of Columbia.

In addition, any municipalities within Richland County that currently have an intergovernmental agreement with Richland County Public Works will be responsible for the equal sharing of legal liability for the installation of traffic calming devices on all streets.

#### B. Criteria for Traffic Calming Installation

Traffic calming devices shall be considered for installation only when a location meets all of the following criteria:

1. The traffic calming devices shall be located on a paved street with a functional classification designation of “local residential” or “minor collector”;
2. The street shall not have more than one moving lane in each direction and shall be at least 1,000 feet in length;
3. Annual average daily traffic volume on the street shall be more than 500 vehicles but less than 4,000 vehicles;
4. The street must have a speed limit of 30 miles per hour (mph) or less on a County road and 25 mph or less on a state road;



5. In both directions, the mean speed on the street shall be at least 5 mph over the posted speed limit; and/or the 85th percentile speed must be 10 mph over the posted speed limit;
6. The street shall not be a route that is heavily used because of close proximity to emergency vehicle facilities;
7. Primary accesses to commercial or industrial sites are not eligible;
8. Any street selected for the installation of a speed humps as a traffic calming device shall not be resurfaced within five years of speed hump installation.

Section 4- Procedures:

A. Request for Traffic Calming Devices

The procedure to request installation of traffic calming devices in Richland County shall be as follows:

1. The installation of traffic calming devices shall be considered only upon written request of a resident living on the subject street of the request. If an organized homeowner's association (HOA) or neighborhood association exists, they must concur with the request. Requests can be submitted to the Ombudsman's Office through the One-Call Response Center or sent to the following address:

Richland County Department of Public Works (DPW)  
Engineering Division  
400 Powell Road  
Columbia, SC 29203

2. The written formal request shall assign a point of contact (POC) to represent the HOA or subject street. The POC must be willing to serve as a contact person with whom DPW can work with throughout the traffic calming request process. Other duties for the POC are described within this document.
3. Upon receiving the request, DPW will perform a review of the subject street to determine if meets the readily available criteria for consideration of a traffic calming device.

B. Neighborhood Support Documentation

Once a request has been determined to be eligible for consideration of a traffic calming device, the support of the neighborhood and the impacted areas must be documented as described below:



1. A petition area will be defined by DPW for County-maintained streets and will be defined by the County in conjunction with SCDOT for state-maintained streets.
2. After a petition area is determined, DPW will discuss the area with the POC. In addition, DPW will supply the POC a map of the petition area and petition forms for use.
3. The POC will be responsible for obtaining at least 75 percent of the total occupied households or businesses within the designated petition area.
4. If the minimum 75 percent concurrence within the petition area is not met, a request for an exception can be made to the County Engineer. Community support is viewed as essential to this process. Only in special circumstances will an exception be granted on a County-owned road. SCDOT will allow exceptions on state roads only as approved by County Council.
5. If the minimum 75 percent concurrence within the petition area is met and submitted within the time frame above, the request will be placed on a list to receive a traffic study analysis.

#### C. Traffic Study

1. DPW will perform all necessary vehicle counts and speed evaluations. If a traffic study meets criteria to have a traffic calming device installed (see section B(3) Criteria) then DPW will contact County Maintenance, the Sheriff's Department, and Emergency Management for input on the request.
2. Based on a review of all data and consideration of input from other departments, final determination will be made by the responsible agency:
  - a. DPW will determine the eligibility of County-maintained roads. A written, formal response will be sent to the POC. The response will report the findings of the review and whether the subject street meets all criteria for traffic calming device installation.
  - b. If the street is maintained by the state, DPW will forward all data collected to the District Traffic Engineer for the S.C. Department of Transportation (SCDOT) for their concurrence and an encroachment permit.
3. Subject streets found to be ineligible for traffic-calming device installation may request a new traffic study after a two-year waiting period.

Meeting eligibility requirements does not guarantee approval of a traffic-calming project or measure.



- Traffic-calming measures are not eligible if they compromise roadway safety, based on limited sight distance, severe grades, or other engineering judgment.
- Traffic-calming measures are not eligible if the petition requiring 75 percent support or County Council approval cannot be obtained. Residential support of the project is necessary for a successful program.
- Some solutions might be acceptable for one portion of the impacted area but not acceptable for another portion.

#### D. Location of Traffic Calming Devices

DPW staff, under the direct supervision of the County Engineer, will determine the final location of all traffic-calming devices in accordance with these standards, and in accordance with safe engineering principles based on, but not limited to, the following guidelines:

1. The traffic-calming device shall not be located within 200 feet of a stop sign or an intersection on the selected street;
2. The traffic-calming device shall not be located within a horizontal curve with a radius of 300 feet or less;
3. The traffic-calming device shall not be installed in a vertical curve with inadequate stopping sight distance and/or with a grade of 8 percent or more;
4. Drainage on the street shall not be compromised by installation of the traffic calming device;
5. Safety on the roadway shall not be compromised by installation of the traffic calming device.

#### E. Traffic Calming Device Removal

In order for traffic calming devices to be removed, the following criteria must be applied:

1. The traffic calming devices considered for removal must be in place for at least two years.
2. If one traffic calming device is requested for removal on a street with multiple traffic calming devices, the DPW will review all locations to determine whether additional

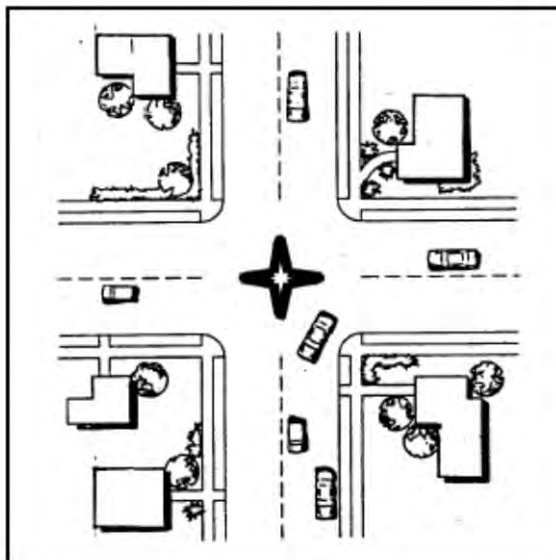


traffic calming devices must be included in the removal process. Removing one traffic calming device in a series could have an adverse impact on traffic speeds on that street.

3. In order for removal to occur, a formal written request must be sent to the Director of Public Works. A POC must be assigned in this request. If a neighborhood association or HOA exists, they must concur with the removal request.
4. A petition must be obtained from the original designated petition area. DPW will give this information to the POC.
5. The POC will be responsible for obtaining support of at least 75 percent of the total occupied households or businesses within the designated petition area.
6. If a request fails to meet the 75 percent minimum, the request to remove the traffic-calming devices will be denied.
7. If a request meets the 75 percent minimum, DPW will remove the requested and/or designated traffic calming devices at the expense of the requesting neighborhood/community, HOA or by the residents along the subject street. Costs associated with the removal of traffic-calming devices will not be incurred by Richland County.
8. DPW will determine a cost for an internal crew to remove the device based on current labor and equipment rates, as well as fuel cost. If necessary, a contractor currently under contract or three quotes can be solicited to remove the traffic calming devices. This cost will be submitted to the POC. Once Richland County receives a check from the POC, work to remove the speed humps will start.



## STAR DIVERTER

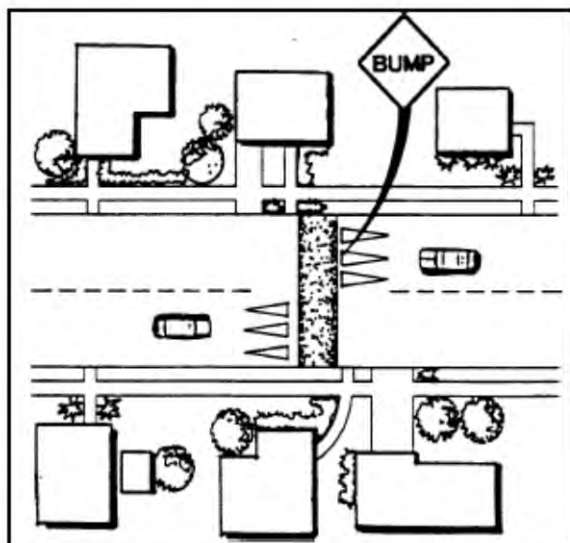


The **star diverter** is a raised island permitting only right turns at an intersection, similar to a forced turn island. They are often compared to the traffic circle (see *Speed Control Measures*), but are more restrictive. Star diverters are the least common installations among volume control measures.

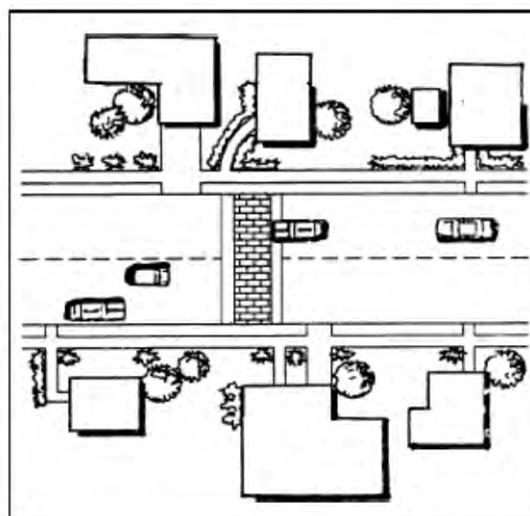
Phase II - Speed Control Measures are primarily used to address speeding problems by changing vertical alignment, changing horizontal alignment, or narrowing the roadway. Their intent is to slow traffic in an area.

**Speed humps** are rounded raised areas placed across the road. ITE recommends that a speed hump be 12 feet long (in the direction of travel), 3 to 4 inches high, parabolic in shape, and have a design speed of 15 to 20

### SPEED HUMPS (road humps, undulations)

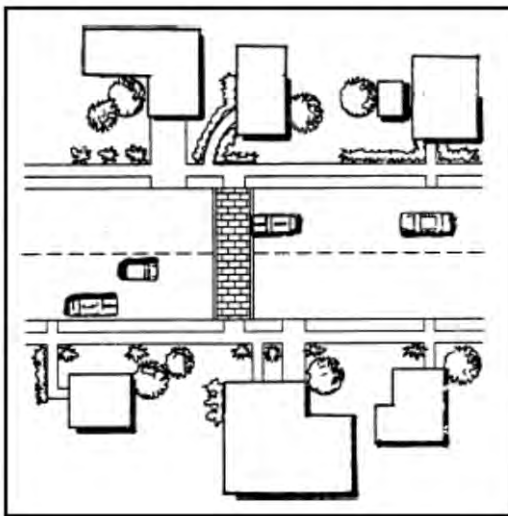


### SPEED TABLES (trapezoidal humps, speed platform)

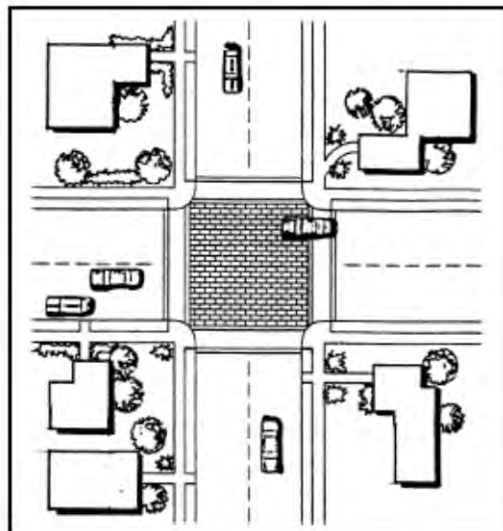


mph. Other humps have also been used successfully, including 22-foot long humps and humps with rounded, sinusoidal, and circular profiles. They have been rated well for low cost and effectiveness in reducing vehicle speed and negatively for appearance and legal liability. To alleviate controversy from emergency services, the "split" or "offset" speed humps were created. Split humps extend from curb to centerline on one side of the street and then, separated by a gap, continue on the other side allowing fire trucks to weave around them. **Speed tables** are essentially flat-topped speed humps often constructed with brick or other textured materials on the flat section. The textured surface provides a visual cue to the driver that the road is changing who must adapt by slowing. The most common speed table (designed by Seminole County, FL) is 3 to 4 inches high and 22 feet long (in the direction of travel), with 6-foot ramps at the ends and a 10-foot field on top. Speed tables have an 85th percentile speed of 25 to 30 mph, are less jarring than the standard speed hump, and

**RAISED CROSSWALKS**  
(raised crossings, sidewalk extension)



**RAISED INTERSECTIONS**  
(raised junctions, intersection humps, plateaus)



have better aesthetic appeal. The speed table can be used on higher classification roads and is more expensive than the speed hump.

Speed humps and speed tables can be installed for costs vary depending on the type and design.

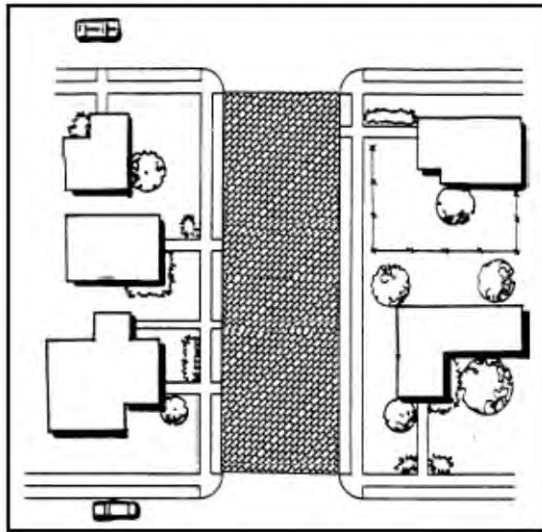
**Raised crosswalks** are mid-block speed tables using with crosswalk markings and signage to indicate the pedestrian crossing to drivers and direct pedestrians to the crossing. A raised crossing brings the street up to sidewalk level, or slightly below to provide a "lip" for the visually impaired. Slowed traffic and enhanced pedestrian visibility improve safety at the crossing.

**Raised intersections** are speed tables covering entire intersections, with ramps on all approaches using brick or other textured materials on the flat section. The textured surface provides a visual cue to the driver to slow down. These intersections rise to sidewalk level, or slightly below to provide a "lip" for the visually impaired. They make entire intersections into pedestrian territory.

The cost for installation of raised crosswalks and raised sidewalks will range per square foot.

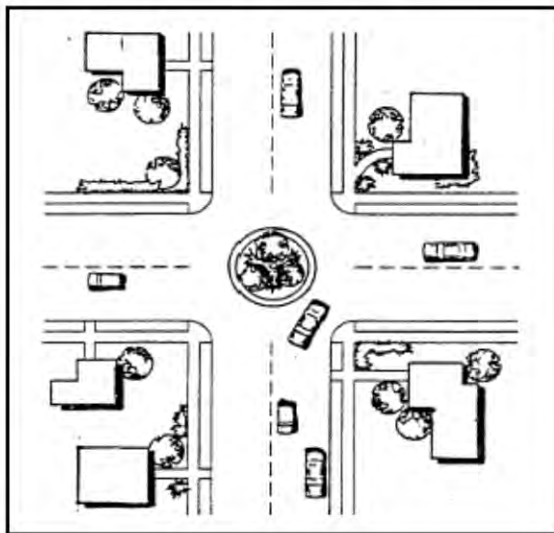


## TEXTURED PAVEMENTS



**Textured pavements** are roadway surfaces paved with brick, concrete pavers, stamped asphalt, or other surface materials that produce constant small changes in vertical alignment. These surfaces also provide a visual cue that the road is changing and the driver must adapt by slowing. Textured pavements aim to mimic the effect of old cobblestone and brick streets on travel speeds. However, they can present difficulties to pedestrians and bicycles, particularly in wet conditions. Textured pavement can be installed for a cost ranging per city block (500 feet), depending upon the texture type selected.

## NEIGHBORHOOD TRAFFIC CIRCLES (intersection islands)

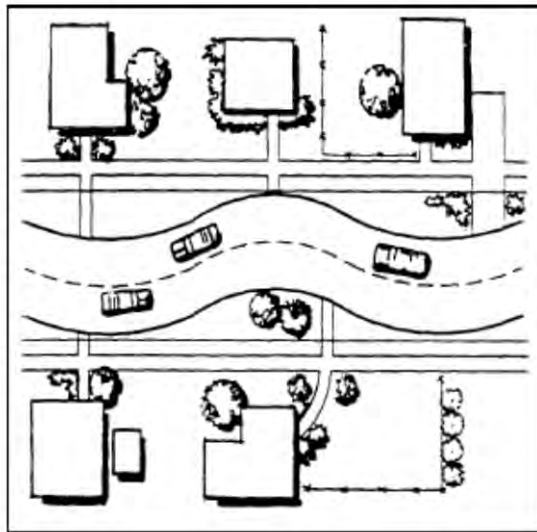


**Traffic circles** are raised islands, placed in intersections, around which traffic circulates. They are typically controlled by YIELD signs on all approaches. Traffic circles impede the through movement and force drivers

to slow down to yield. Traffic circles are not as controversial as speed humps, but also raise concerns such as the inability of large vehicles to turn at small-radius curves. This impact to truck movements has led some jurisdictions allow the left movement through the circle.

Traffic circles can be designed and installed for costs vary depending upon the type and dimensions of the circle. This cost could also increase significantly if street reconstruction is required to expand the traffic circle geometrics to roundabout proportions – for higher volume applications.

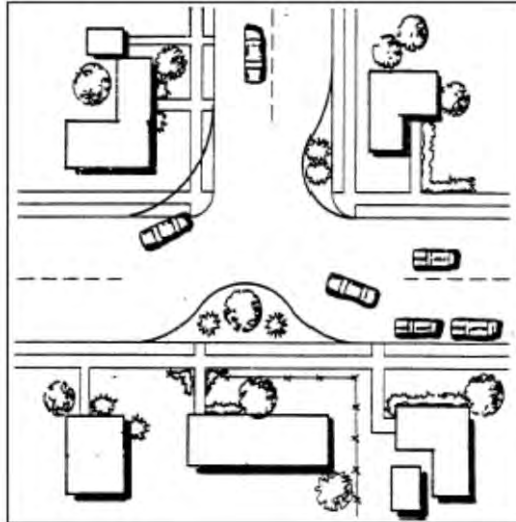
### **CHICANES** (deviations, serpentine, reversing curves, twists)



**Chicanes** utilize a series of curb extensions alternating from one side of the street to the other and form S-shaped curves. They are less common than traffic circles, partly because of the high costs of curb realignments and potential relocation of drainage structures. Improperly designed chicanes may still permit speeding by drivers cutting straight paths across the centerline.

Typically, Chicanes may require total street reconstruction over several blocks to realize the desired effects. The cost of this reconstruction can vary depending on the desired aesthetic treatment.

## REALIGNED INTERSECTIONS (modified intersections)

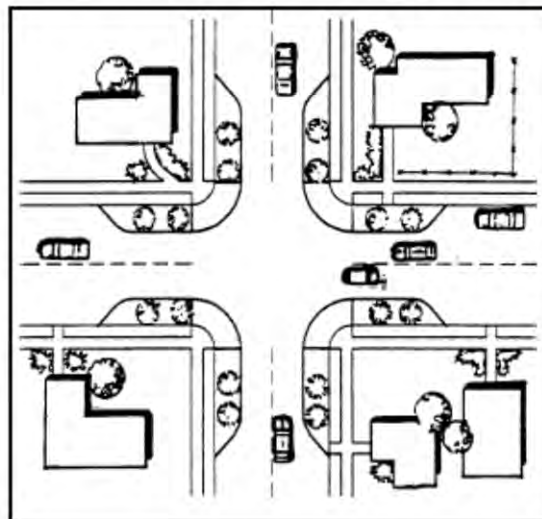


**Realigned intersections** involve changes to the road alignment that convert T-intersections with straight approaches into curving streets that meet at right angles. A former through movement along the top of the T becomes a turning movement.

The cost for this alternative can be extremely high. In most cases, significant roadway reconstruction and drainage adjustments are required. In addition, this alternative can also require additional right-of-way acquisition, and can create substantial impacts to adjacent properties

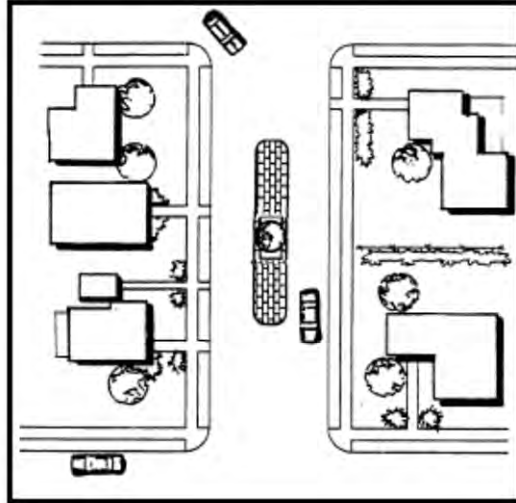
## NECKDOWNS

(nubs, bulbouts, knuckles, intersection narrowings, corner bulges, safe crosses)



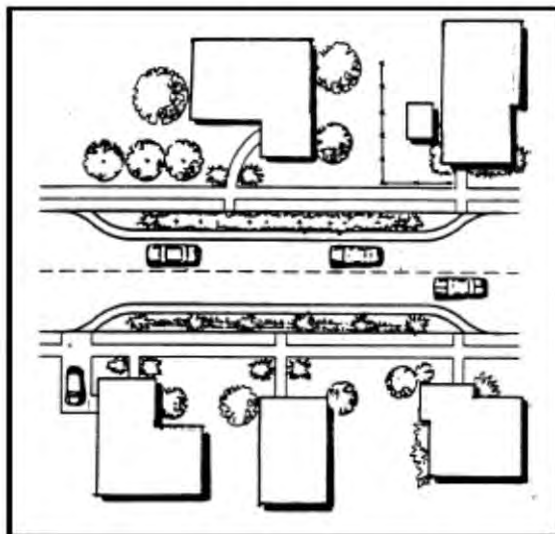
**Neckdowns** utilize curb extensions at intersections to reduce roadway width thereby shortening pedestrian crossing distance and enhancing pedestrian visibility. Neckdowns are the most common type of street narrowing. Issues to consider with neckdowns include drainage structure relocation, parking or truck movements, landscaping, and location of bus stops.

**CENTER ISLAND NARROWINGS**  
**(midblock medians, median slowpoints, median chokers)**



**Center island narrowings** are raised islands installed along the centerline of a street to narrow the travel lanes at that location. They are often landscaped to provide a visual amenity and neighborhood identity. When used as short interruptions to an otherwise open street cross-section, they can result in slowed average traffic speeds.

**CHOKERS**  
**(pinch points, midblock narrowings, midblock yield points, constrictions)**



Center island narrowing can be installed for costs similar to median barriers, as discussed in the preceding section.

**Chokers** utilize curb extensions at midblock to narrow a street by widening the sidewalk or planting strip. Chokers can leave the street cross-section with two narrow lanes or just one lane. If the roadway is narrowed

down to one lane, the lane may be parallel to the alignment (*parallel choker*) or angled to the alignment (*angled choker*). Chokers will typically result in a net reduction of on-street parking space.

Construction of Chokers is very similar in scope as installation of traffic diverters and neckdowns. In these cases, the redesign must include provisions for curb and gutter, adjustment/installation of catch basins, and landscaping appurtenances.

**Speed Reduction Note:**

It is generally agreed that changes in horizontal alignment (e.g., Chicanes) or vertical alignment (e.g., Speed Humps) will typically result in the most effective means to physically control speed. Alternatively, neckdowns, island narrowing, and chokers are installed to reduce speed by reducing the available lane widths to drivers. Research indicates that speed reduction through narrowing of lanes may result in only minor impacts on average travel speeds, and will usually have little or no effect on maximum speeds. Combining lane narrowing (10' or less) with other treatments which psychologically impact driver perception (e.g., foliated trees near the roadway, minimum building setbacks, etc.) will usually (but not always) result in a net slowing effect.



**RICHLAND COUNTY  
DEPARTMENT OF PUBLIC WORKS**

400 Powell Road  
Columbia, SC 29203



**Petition for Traffic Calming**

We, the undersigned property owners and neighbors of RICHLAND COUNTY do hereby request that RICHLAND COUNTY, under the Traffic Calming Program, implement a traffic calming study in the area bounded by **Intersection of Intersecting Road Name** (north boundary) and the **Intersection of Intersecting Road Name** (south boundary). We support the implementation of a Residential Traffic Calming Program and feel it will improve the safety of our neighborhood by installation of such devices the County deems appropriate on **Road Name.**

Name (Print)	Address	Signature	Date
1.			
2.			
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12.			





**Item Pending Analysis**

<b>Prepared by:</b>	Aric A Jensen	<b>Title:</b>	Assistant County Administrator
<b>Department:</b>	Administration	<b>Division:</b>	
<b>Date Prepared:</b>	March 21, 2023	<b>Meeting Date:</b>	March 28, 2023
<b>Approved for Consideration:</b>	County Administrator	Leonardo Brown, MBA, CPM	
<b>Committee:</b>	Development & Services		
<b>Agenda Item/Council Motion:</b>	I move to direct the Administrator to conduct a review of the rank weeds and vegetation ordinance and recommend any updates that would improve the effectiveness of the ordinance particularly as it relates to safety, enforcement, and blight reduction. [Newton – 30 August 2022]		

**EXECUTIVE SUMMARY (NARRATIVE STATUS):**

Staff has conducted a review of national and local ordinances for comparison, consulted with the County Attorney’s Office and the Richland County Sheriff’s Department, and has drafted an initial redline update to the ordinance. However, the larger issues of enforcement and blight reduction effectiveness require a more nuanced effort.

**PENDING ACTIONS/DELIVERABLES AND ANTICIPATED COMPLETION DATES:**

The proposed redline revisions could be brought before the Committee as early as the July committee meeting. The larger discussion on enforcement and blight reduction effectiveness can occur following the completion of the Land Development Code adoption process in early 2024.





**Item Pending Analysis**

<b>Prepared by:</b>	Aric A Jensen	<b>Title:</b>	Assistant County Administrator
<b>Department:</b>	Administration	<b>Division:</b>	
<b>Date Prepared:</b>	March 21, 2023	<b>Meeting Date:</b>	March 28, 2023
<b>Approved for Consideration:</b>	County Administrator	Leonardo Brown, MBA, CPM	
<b>Committee:</b>	Development & Services		
<b>Agenda Item/Council Motion:</b>	<ol style="list-style-type: none"> <li>1. Direct the Administrator to create regulations for the operation of Short-Term Rentals (STRs) in unincorporated Richland County. Those regulations would be listed as an amendment to the current Ordinance relating to residential rental property regulations similar to the Absentee Landlord Ordinance that is currently being considered. Consideration should be given to licensing, safety measures, number of occupants allowed, effects on infrastructure such as sewer and water, EMS and Law Enforcement potential response and not having them create a nuisance in the neighborhood. [Malinowski, 06 December 2022]</li>   <li>2. Direct the County Administrator to work with staff to ensure the proposed Short-Term Rental Ordinance requires each homeowner who wishes to provide a short- term rental to obtain a business license and pay accommodation taxes. [Malinowski (Terracio), 03 January 2023]</li> </ol>		

**EXECUTIVE SUMMARY (NARRATIVE STATUS):**

This is a two-track process:

1. Land Use regulations, and
2. Business licensing and fee collection.

The Business Service Center has been assigned this project and has been coordinating with the City of Columbia on its short-term rental ordinance which is near adoption. However, the ordinance as drafted includes caps on the number of licenses, which may be contrary to pending South Carolina Bill H3253 which would prevent jurisdictions from prohibiting short-term rentals (STRs).

Additionally, the adopted but not enacted 2021 Land Development Code (LDC) allows STRs in certain zones while the existing 2005 LDC does not. Staff’s recommendation is to proceed with a licensing ordinance similar to the eventual City ordinance for the sake of simplicity and convenience, and then to address the land use component as part of the ongoing LDC process.

**ATTACHMENT:**

1. Proposed Bill H3253
2. Proposed City of Columbia Ordinance

## Session 125 - (2023-2024)

### H 3253 General Bill, By Hewitt, Oremus, Kilmartin, May, Atkinson, Hayes, Connell, Hager, Kirby, Bailey, Schuessler and Haddon

A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-1-195 SO AS TO PROHIBIT A GOVERNING BODY OF A MUNICIPALITY, COUNTY, OR OTHER POLITICAL SUBDIVISION OF THE STATE FROM ENACTING OR ENFORCING AN ORDINANCE, RESOLUTION, OR REGULATION THAT PROHIBITS THE RENTAL OF A RESIDENTIAL DWELLING TO A SHORT-TERM GUEST, TO PROVIDE PENALTIES, AND TO DEFINE TERMS.

12/08/22	House	Prefiled
12/08/22	House	Referred to Committee on Medical, Military, Public and Municipal Affairs
01/10/23	House	Introduced and read first time (House Journal-page 110)
01/10/23	House	Referred to Committee on Medical, Military, Public and Municipal Affairs (House Journal-page 110)
02/01/23	House	Member(s) request name added as sponsor: J.Moore
02/16/23	House	Member(s) request name added as sponsor: May, Atkinson, Hayes, Connell, Hager, Kirby, Bailey, Schuessler
02/21/23	House	Member(s) request name removed as sponsor: J.Moore
03/01/23	House	Member(s) request name added as sponsor: Haddon

**South Carolina General Assembly**  
125th Session, 2023-2024

**H. 3253**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hewitt, Oremus, Kilmartin, May, Atkinson, Hayes, Connell, Hager, Kirby, Bailey, Schuessler and Haddon

Document Path: LC-0082PH23.docx

Introduced in the House on January 10, 2023

Currently residing in the House

Summary: Short-term rentals

**HISTORY OF LEGISLATIVE ACTIONS**

Date	Body	Action Description with journal page number
12/8/2022	House	Prefiled
12/8/2022	House	Referred to Committee on <b>Medical, Military, Public and Municipal Affairs</b>
1/10/2023	House	Introduced and read first time (House Journal-page 110)
1/10/2023	House	Referred to Committee on <b>Medical, Military, Public and Municipal Affairs</b> (House Journal-page 110)
2/1/2023	House	Member(s) request name added as sponsor: J. Moore
2/16/2023	House	Member(s) request name added as sponsor: May, Atkinson, Hayes, Connell, Hager, Kirby, Bailey, Schuessler
2/21/2023	House	Member(s) request name removed as sponsor: J. Moore
3/1/2023	House	Member(s) request name added as sponsor: Haddon

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**A BILL**

11 TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-1-195 SO AS  
12 TO PROHIBIT A GOVERNING BODY OF A MUNICIPALITY, COUNTY, OR OTHER  
13 POLITICAL SUBDIVISION OF THE STATE FROM ENACTING OR ENFORCING AN  
14 ORDINANCE, RESOLUTION, OR REGULATION THAT PROHIBITS THE RENTAL OF A  
15 RESIDENTIAL DWELLING TO A SHORT-TERM GUEST, TO PROVIDE PENALTIES, AND TO  
16 DEFINE TERMS.

17  
18 Be it enacted by the General Assembly of the State of South Carolina:

19  
20 SECTION 1. Article 1, Chapter 1, Title 6 of the S.C. Code is amended by adding:

21  
22 Section 6-1-195. (A) Notwithstanding another provision of law, a governing body of a  
23 municipality, county, or other political subdivision of the State may not enact or enforce an ordinance,  
24 resolution, or regulation that prohibits the rental of a residential dwelling to a short-term guest.

25 (B) A municipality, county, or other political subdivision of the State that enacts or enforces an  
26 ordinance, resolution, or regulation that violates the provisions of subsection (A) may not:

27 (1) assess or collect the six percent property assessment ratio for qualifying real property pursuant  
28 to Section 12-43-220(e); and

29 (2)(a) receive any distributions from the Local Government Fund pursuant to Chapter 27, Title 6;  
30 and

31 (b) the Office of the State Treasurer shall withhold the municipality’s, county’s, or political  
32 subdivision’s State Aid to Subdivisions Act distribution until the ordinance, resolution, or regulation  
33 in violation of subsection (A) is repealed.

34 (C) This section supersedes and preempts any ordinance, resolution, or regulation enacted by a  
35 municipality, county, or other political subdivision of the State that purports to prohibit the rental of a  
36 residential dwelling to a short-term guest.

37 (D) For purposes of this section:

38 (1) “Residential dwelling” means any building, structure, or part of the building or structure, that  
39 is used or intended to be used as a home, residence, or sleeping place by one or more persons to the  
40 exclusion of all others.

41 (2) “Short term rental” means a residential dwelling that is offered for rent for a fee and for fewer

1 than twenty-nine consecutive days.

2 (3) "Short term guest" means a person who rents a short-term rental.

3

4 SECTION 2. This act takes effect upon approval by the Governor.

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**Draft 12.7.22**

**SECTION 1.** The Code of Ordinances, City of Columbia, South Carolina, is hereby amended by adding Article IX to Chapter 5 to read as follows:

**ARTICLE IX. SHORT TERM RENTALS****Sec. 5-400. Scope of Article.**

Unless otherwise specified, the requirements and provisions of this Article shall apply to owner-occupied and non-owner-occupied short-term rentals (collectively called "short-term rentals") made available to occupants for periods of less than 30 consecutive days in the municipal limits of the City. This Article does not apply to hotels, motels, bed and breakfast establishments, or inns that are subject to and compliant with the City's business license and other applicable Code requirements. Unless otherwise specified, this Article does not apply to rentals that are rented for a period of 30 days or greater and that are subject to the City's rental housing regulations found in Chapter 5, Article VIII of the Code.

**Sec. 5-401. Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purposes of this Article, have the meanings shown in this section. Where terms are not defined, through the methods authorized by this section or Code, such terms shall have ordinarily accepted meaning such as the context implies.

*Dwelling unit* means any structure or portion of a structure arranged or designed to provide independent living facilities for living, sleeping, and personal hygiene and that may legally be used for habitation by humans.

*Guest* means any person who occupies a short-term rental.

*Owner-occupied* means a dwelling unit that is lawfully classified as owner-occupied by Richland County and is receiving the 4% special assessment ratio.

*Non-owner-occupied* means a dwelling unit that is not owner-occupied and is used and/or advertised for rent for transient occupancy by guests.

*Residential district* means residential base zoning district as defined by Section 17-3.2 of the Unified Development Ordinance

*Responsible local representative* means a person having his or her place of residence or business office within 45 miles of the short-term rental property and designated by the property owner as the agent responsible for operating such property in compliance with the City's ordinances and having been authorized by appointment to accept service of process on behalf of the owner pursuant to Rule 4(d)(1) of the South Carolina Rules of Civil Procedure.

*Short-term rental (STR)* means the use and enjoyment of a dwelling unit, or portion thereof, for a duration of less than 30 consecutive days in exchange for valuable consideration. Hotels, motels, bed and breakfast establishments, and inns are excluded from this definition.

## **SEC. 5-402. SHORT-TERM RENTAL REGULATIONS**

The following regulations apply to all dwelling units being used as a short-term rental in the City:

- (a) **Determination of Short-Term Rental Offering:** Any advertisement for an STR by the owner or responsible local representative is sufficient to determine that a dwelling unit is being offered as a short-term rental.
- (b) **Business License Required:** The owner or responsible local representative offering a dwelling unit as a short-term rental shall obtain a business license and comply with all business license and revenue collection laws of the City of Columbia, Richland County, and State of South Carolina.
- (c) **Code Compliance Required:** The owner of a permitted STR shall ensure the STR property and dwelling unit is in compliance with all City ordinances at all times, which include, but are not limited to:
  - (1) Animal Control, Chapter 4;
  - (2) Building and Building Regulations, Chapter 5;
  - (3) Environmental Health and Sanitation, Chapter 8;
  - (4) Fire Prevention and Protection, Chapter 9;
  - (5) Unified Development Ordinance, Chapter 17; and
  - (6) Solid Waste Management, Chapter 19.
- (d) **Insurance:** The record owner of the subject property must keep in full force and effect, during all times the STR is operated, a general liability policy with a company authorized to do business in the State of South Carolina insuring against personal injury (including death) and property damage with limits of no less than \$1,000,000.00 per occurrence.
- (e) **Safety Inspection:** A safety inspection to ensure compliance with the regulations in this Article may be performed by the City if deemed necessary and with 24-hour notice to the permit holder.
- (f) **Records Required:** The property owner shall maintain the following which shall be made available to the City upon request:
  - (1) For a period of two years, records demonstrating compliance with these provisions, including but not limited to, information demonstrating residency, if required; the number of days per calendar year the residential unit has been

rented as an STR; and compliance with the insurance requirement in this section; and

- (2) The name and phone number of each short-term guest that booked the STR for the previous two years.

(g) Contact: The property owner must be willing to take phone calls at all times to address issues with the short-term rental; or the owner must provide the name, mailing address, and telephone number of a designated responsible local representative who is willing to take phone calls at all times if needed to address issues with the short-term rental use, and who is authorized to accept service of process on behalf of the owner.

(h) Permits are non-transferrable: If ownership of a permitted dwelling unit changes, the new owner must obtain a new permit before operating any part of the dwelling unit as an STR.

(i) Minimum Guest's Age: The guest making the booking or reservation for an STR shall be at least twenty-one (21) years of age.

(j) Minimum Stay Duration: The short-term rental shall not be available for occupancy for a period of less than one night.

(k) Permit Number in Advertisement: Any online advertisement for an STR must include the current STR permit number, as issued by the City, within the description section of the advertisement.

(l) House Manual: At a minimum, the following shall be made available to each short-term guest:

- (1) Emergency contact numbers;
- (2) The name and contact information for the owner or responsible local representative;
- (3) Instructions or a diagram of the designated parking space(s); and
- (4) The house rules imposed on guests by the owner.

(m) Parking Spaces Required: One parking space for every two bedrooms in a dwelling unit must be made available and designated on an STR property. Guests must be notified of the parking plan and the maximum number of vehicles allowed on-site, which shall not exceed six vehicles.

(n) Maximum Occupancy: The maximum overnight occupancy of an STR shall not exceed two persons per bedroom, plus two additional people per dwelling unit;

(o) Identity Verification: The owner or responsible local representative shall be responsible for determining that a guest who booked the STR is in fact a guest occupying the STR.



(p) Neighbor Notification: the owner or responsible local representative of an STR shall notify each household within a 200 foot radius of the STR that the property is being operated as an STR and must provide such households with the address of the STR and the phone number of the owner or responsible local representative.

#### **SEC. 5-403. SHORT-TERM RENTAL PERMIT REQUIRED**

(a) No dwelling unit in the City shall be operated as a short-term rental without a current STR permit issued by the City of Columbia. Permits are to be issued and renewed on an annual basis and will only be issued or renewed to an owner or responsible local representative having his or her place of residence or business office within 45 miles of the short-term rental property.

(b) Applications for renewals of STR permits must be submitted by July 1, of each year, except that any holder of a permit issued before July 1, 2023, will have until July 1, 2024, to submit an application for renewal. Beginning in 2024, any application for a permit renewal not submitted by July 31, will result in the loss of the permit.

(c) STR permits are non-transferable. A new owner or responsible local representative of a permitted STR shall be required to obtain a new and separate permit for the dwelling unit by submitting a new STR permit application.

(d) The permits required by this Article are regulated privileges, not rights, and can be revoked by the City in accordance with the provisions provided in this Article.

#### **SEC. 5-404. SHORT-TERM RENTAL PERMIT APPLICATION & FEES**

(a) An application is required for initial permit issuance and permit renewal and must be submitted on a form provided by the City. A separate application is required for each permit or renewal being sought. The STR application shall contain, at a minimum, the following information:

- (1) The address of the dwelling unit;
- (2) The number of bedrooms in the dwelling unit;
- (3) The names, mailing addresses, and phone numbers, of the owner(s) and any responsible local representative;
- (4) The address where the owner or responsible local representative will accept notices and orders;
- (5) An affidavit signed by the property owner certifying the property complies with all fire and building code ordinances;
- (6) Certification that the owner has read applicable city regulations, including, but not limited to, those found in Section 5-402(c) of this Article;
- (7) Certification that the owner is aware that penalties may be assessed for violations by guests; and

- (8) Copy of general liability insurance.
- (b) The permit fees shall be paid at the time of application submission. These fees are established by City Council and may be changed from time to time. These fees include the following:
- (1) A non-refundable application fee of \$50; and
  - (2) For an owner-occupied STR, a non-refundable STR permit registration fee of \$100.00; or
  - (3) For a non-owner-occupied STR, a non-refundable STR permit registration fee of \$250.00 per dwelling unit.
  - (4) Any permit renewal application and associated fees submitted after July 1, will incur a late fee of \$100.
- (c) An STR permit holder shall notify the City of any changes to the information submitted in the application within 30 days after any such change occurs.

#### **SEC. 5-405. CRITERIA FOR PERMIT ISSUANCE**

- (a) Unless otherwise provided for by this Article, the City shall issue an STR permit, within 30 days from application submission, to an applicant if the following criteria are met:
- (1) The City has determined that the STR application is complete and all permit fees have been paid;
  - (2) The dwelling unit listed in the application has either passed a safety inspection or has been certified by the applicant that the dwelling unit complies with all applicable fire and building codes;
  - (3) The City has determined that all requirements of this Article are satisfied; and
  - (4) Issuance of the permit will not violate any other provision of this Article.

#### **SEC. 5-406. PERMIT CAP FOR RESIDENTIAL DISTRICTS**

- (a) There shall be a cap imposed on the number of STR permits issued for non-owner occupied short-term rentals located in a residential district. The numerical cap amount shall be equivalent to the number of permits issued for non-owner occupied short-term rentals located in a residential district on the 90<sup>th</sup> day after passage of this ordinance. Unless otherwise provided for by this Article, no permit may be issued for a non-owner occupied short-term rental in a residential district if such issuance would exceed this cap.
- (b) Any potential applicant seeking a permit for a short-term rental in a residential district, but that is unable to receive the permit due to the cap will be placed on a waiting list maintained by the City. A permit application is not required for placement on the waiting list. As permits become available, the City will notify the potential applicant

having been placed on the waiting list for the longest amount of time and any such potential applicant will have 10 days to submit a permit application. If no such application is submitted within 10 days of the notification, the potential applicant will be removed from the waiting list and the next potential applicant on the list will be notified and provided the same opportunity to submit an application.

#### **SEC. 5-407. SHORT-TERM RENTAL PERMIT EQUIVALENCY**

(a) An STR permit issued pursuant to this Article shall be considered the equivalent of a rental permit for the purposes of Section 5-326. A holder of a current and valid STR permit may rent the dwelling unit for periods of 30 days or greater without obtaining a separate rental permit as required under Section 5-326 so long as all requirements of Chapter 5, Article VIII are satisfied.

#### **SEC. 5-408. VIOLATIONS**

(a) STR owners are ultimately responsible for the conduct of their occupants and guests, regardless of whether the owners are present at the dwelling unit. Violations include, but are not limited to:

- (1) Intentionally providing false or inaccurate information about a dwelling unit or short-term rental to the City;
- (2) Failure to have a valid STR permit for any dwelling unit at a time when it is used in whole or in part as a short-term rental;
- (3) Violation of any part of this article;
- (4) Violation of any City or Richland County ordinance or state law by owners, responsible local representatives, operators, lessors, agents, occupants, or guests of short-term rentals including, but not limited to, violations of ordinances and laws concerning excessive noise, disorderly conduct, littering, underage drinking, drug offenses, public drunkenness, traffic and parking, and all other criminal and nuisance offenses.

(b) In the event a violation takes place at an STR regulated by this article, such violation shall be grounds for the accumulation of points as follows:

- (1) For one or more written warnings given in any 24-hour period for one or more of the violations listed above, points will be assessed on the permit for that STR in accordance with following:
  - a. *First violation.* One point will be assessed for the first occurrence of a violation.
  - b. *Second violation and each violation thereafter.* Five points will be assessed for a second occurrence and each occurrence thereafter of a violation within the same permit year.

(c) The first violation at an STR regulated by this article, shall incur a penalty of \$100. The second violation at an STR regulated by this article, and each violation thereafter, shall incur a penalty of \$500.

#### **SEC. 5-408. REVOCATION OF PERMIT**

- (a) Accumulation of 10 or more points on a STR permit within a 12 month period shall subject the owner to proceedings to revoke the permit and the following procedure shall be followed:
- (1) The police chief or designee shall cause to be served written notice to show cause why the permit should not be revoked. Service shall be deemed complete if personally delivered upon the owner or responsible local representative by any officer authorized by law to serve process or a duly appointed law enforcement officer of the city police department. The person serving process shall make proof of service within the time during which the person served must respond to the process. If service cannot be personally made within the city, then service may be made by notice posted on the property and mailed certified return receipt to the last known address of record.
  - (2) The owner or responsible local representative shall have 15 days from the date of service to request a hearing to appeal the revocation of the permit. The request shall be sent to the police chief by certified mail, return receipt requested. If such request is not timely made, the revocation shall take effect on the 21st day after the date of service to show cause.
  - (3) Upon request for a hearing, the police chief or designee is authorized to schedule the appeal with the property maintenance board of appeals (PMBoA) at the next regularly scheduled meeting or special called meeting by the board.
  - (4) Once the hearing is scheduled, the property should be posted to announce the hearing date to the general public.
  - (5) In conducting the hearing, the PMBoA shall have the power to administer oaths, issue subpoenas, compel the production of books, paper, and other documents, and receive evidence. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to the PMBoA's recommended order, and to be represented by counsel or other qualified representative. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The lack of actual knowledge of, acquiescence to, participation in, or responsibility for, a public nuisance at common law or a noxious use of private property on the part of the owner or responsible local representative shall not be a defense by such owner or responsible local representative.
  - (6) If the PMBoA finds that the violations resulting in the accumulation of 10 or more points did in fact occur and that 10 or more points have accumulated on the permit within a 12-month period, then PMBoA shall prepare a recommended order.

- (7) If the PMBoA finds 10 or more points have not accumulated on the permit within a 12-month period, the PMBoA will prepare a recommended order to dismiss the revocation action and recommend which points, if any, should be rescinded from the permit based upon the actions taken by the owner to seek compliance with the City's ordinances.
- (8) The PMBoA's recommended order shall consist of findings of fact, conclusions of law and recommended relief. The police chief or designee shall transmit the recommended order to the city manager and the owner or responsible local representative. The owner or responsible local representative shall have 15 days from the date of the hearing officer's order to submit written exceptions to the PMBoA's recommended order. The city manager shall review such order and any written exceptions by the owner and may set forth any deficiencies he/she finds with respect to the order. Said deficiencies shall be limited to determinations that the findings were not based upon competent, substantial evidence, or that the proceedings on which the findings were based did not comply with the essential requirements of law. In reviewing such recommended order, the city manager shall not have the power to receive or consider additional evidence and shall not have the power to reject or modify the findings of fact or conclusions of law contained in the recommended order. The city manager may remand the recommended order along with the delineated deficiencies back to the PMBoA for consideration of the deficiencies. The PMBoA shall address the deficiencies in an addendum to the recommended order. The city manager shall then either: (a) adopt the recommended order and addendum, if applicable, in its entirety; or (b) adopt the findings of fact and conclusions of law in the recommended order and addendum, if applicable, and reject or modify the recommended relief. The action of the city manager shall be the final order of the city.
- (9) The city manager or designee shall provide notice of the final order within five days of the date of the final order.
- (10) In addition to the above-described procedures, the city attorney is authorized to file for injunctive relief to abate the public nuisance at common law or noxious use of private property pursuant to law.
- (11) The final order of the city is subject to certiorari review in a court of competent jurisdiction in Richland or Lexington County, South Carolina.

#### **SEC. 5-409. PERMIT APPLICATION AFTER REVOCATION**

- (a) Upon revocation of an STR permit of a dwelling unit, the owner or responsible local representative of the dwelling unit will not be eligible to apply for a new permit until six months have passed from the date of revocation. The City shall not issue an STR permit for a dwelling unit that has been subject to a permit revocation more than once.

#### **SECTION 3. Severability.**

Should any part or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance, the city council hereby declaring that it would have passed

this Ordinance irrespective of the fact that any one or more parts or provisions may be declared to be unconstitutional, invalid, or otherwise ineffective.



**Item Pending Analysis**

<b>Prepared by:</b>	Aric A Jensen	<b>Title:</b>	Assistant County Administrator
<b>Department:</b>	Administration	<b>Division:</b>	
<b>Date Prepared:</b>	March 21, 2023	<b>Meeting Date:</b>	March 28, 2023
<b>Approved for Consideration:</b>	County Administrator	Leonardo Brown, MBA, CPM	
<b>Committee:</b>	Development & Services		
<b>Agenda Item/Council Motion:</b>	Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [Malinowski (Pugh; Newton), 03 January 2023]		

**EXECUTIVE SUMMARY (NARRATIVE STATUS):**

Research has begun and is ongoing. The initial analysis suggests that there are limited opportunities for impact fee collections given that impact fees in South Carolina typically must fund new facilities for school districts, recreation districts, and utilities, and cannot be used for ongoing operations. As such, any impact fee structure would most likely not benefit Richland County.

**PENDING ACTIONS/DELIVERABLES AND ANTICIPATED COMPLETION DATES:**

A more detailed analysis will be provided by September 2023.

**ATTACHMENTS:**

1. Development Impact Fee Act: SC Code Section 6-1-910

ARTICLE 9  
Development Impact Fees

**SECTION 6-1-910.** Short title.

This article may be cited as the "South Carolina Development Impact Fee Act".

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-920.** Definitions.

As used in this article:

(1) "Affordable housing" means housing affordable to families whose incomes do not exceed eighty percent of the median income for the service area or areas within the jurisdiction of the governmental entity.

(2) "Capital improvements" means improvements with a useful life of five years or more, by new construction or other action, which increase or increased the service capacity of a public facility.

(3) "Capital improvements plan" means a plan that identifies capital improvements for which development impact fees may be used as a funding source.

(4) "Connection charges" and "hookup charges" mean charges for the actual cost of connecting a property to a public water or public sewer system, limited to labor and materials involved in making pipe connections, installation of water meters, and other actual costs.

(5) "Developer" means an individual or corporation, partnership, or other entity undertaking development.

(6) "Development" means construction or installation of a new building or structure, or a change in use of a building or structure, any of which creates additional demand and need for public facilities. A building or structure shall include, but not be limited to, modular buildings and manufactured housing. "Development" does not include alterations made to existing single-family homes.

(7) "Development approval" means a document from a governmental entity which authorizes the commencement of a development.

(8) "Development impact fee" or "impact fee" means a payment of money imposed as a condition of development approval to pay a proportionate share of the cost of system improvements needed to serve the people utilizing the improvements. The term does not include:

(a) a charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development;

(b) connection or hookup charges;

(c) amounts collected from a developer in a transaction in which the governmental entity has incurred expenses in constructing capital improvements for the development if the owner or developer has agreed to be financially responsible for the construction or installation of the capital improvements;

(d) fees authorized by Article 3 of this chapter.

(9) "Development permit" means a permit issued for construction on or development of land when no subsequent building permit issued pursuant to Chapter 9 of Title 6 is required.

(10) "Fee payor" means the individual or legal entity that pays or is required to pay a development impact fee.

(11) "Governmental entity" means a county, as provided in Chapter 9, Title 4, and a municipality, as defined in Section 5-1-20.

(12) "Incidental benefits" are benefits which accrue to a property as a secondary result or as a minor consequence of the provision of public facilities to another property.

(13) "Land use assumptions" means a description of the service area and projections of land uses, densities, intensities, and population in the service area over at least a ten-year period.

(14) "Level of service" means a measure of the relationship between service capacity and service demand for public facilities.

(15) "Local planning commission" means the entity created pursuant to Article 1, Chapter 29, Title 6.



(16) "Project" means a particular development on an identified parcel of land.

(17) "Proportionate share" means that portion of the cost of system improvements determined pursuant to Section 6-1-990 which reasonably relates to the service demands and needs of the project.

(18) "Public facilities" means:

(a) water supply production, treatment, laboratory, engineering, administration, storage, and transmission facilities;

(b) wastewater collection, treatment, laboratory, engineering, administration, and disposal facilities;

(c) solid waste and recycling collection, treatment, and disposal facilities;

(d) roads, streets, and bridges including, but not limited to, rights-of-way and traffic signals;

(e) storm water transmission, retention, detention, treatment, and disposal facilities and flood control facilities;

(f) public safety facilities, including law enforcement, fire, emergency medical and rescue, and street lighting facilities;

(g) capital equipment and vehicles, with an individual unit purchase price of not less than one hundred thousand dollars including, but not limited to, equipment and vehicles used in the delivery of public safety services, emergency preparedness services, collection and disposal of solid waste, and storm water management and control;

(h) parks, libraries, and recreational facilities;

(i) public education facilities for grades K-12 including, but not limited to, schools, offices, classrooms, parking areas, playgrounds, libraries, cafeterias, gymnasiums, health and music rooms, computer and science laboratories, and other facilities considered necessary for the proper public education of the state's children.

(19) "Service area" means, based on sound planning or engineering principles, or both, a defined geographic area in which specific public facilities provide service to development within the area defined. Provided, however, that no provision in this article may be interpreted to alter, enlarge, or reduce the service area or boundaries of a political subdivision which is authorized or set by law.

(20) "Service unit" means a standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements.

(21) "System improvements" means capital improvements to public facilities which are designed to provide service to a service area.

(22) "System improvement costs" means costs incurred for construction or reconstruction of system improvements, including design, acquisition, engineering, and other costs attributable to the improvements, and also including the costs of providing additional public facilities needed to serve new growth and development. System improvement costs do not include:

(a) construction, acquisition, or expansion of public facilities other than capital improvements identified in the capital improvements plan;

(b) repair, operation, or maintenance of existing or new capital improvements;

(c) upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;

(d) upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development;

(e) administrative and operating costs of the governmental entity; or

(f) principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the governmental entity to finance capital improvements identified in the capital improvements plan.

HISTORY: 1999 Act No. 118, Section 1; 2016 Act No. 229 (H.4416), Section 2, eff June 3, 2016.

Effect of Amendment

2016 Act No. 229, Section 2, added (18)(i), relating to certain public education facilities.

**SECTION 6-1-930.** Developmental impact fee.

(A)(1) Only a governmental entity that has a comprehensive plan, as provided in Chapter 29 of this title, and which complies with the requirements of this article may impose a development impact fee. If a governmental entity has not adopted a comprehensive plan, but has adopted a capital improvements plan which substantially complies with the requirements of Section 6-1-960(B), then it may impose a development impact fee. A governmental entity may not impose an impact fee, regardless of how it is designated, except as provided in this article. However, a special purpose district or public service district which (a) provides fire protection services or recreation services, (b) was created by act of the General Assembly prior to 1973, and (c) had the power to impose development impact fees prior to the effective date of this section is not prohibited from imposing development impact fees.

(2) Before imposing a development impact fee on residential units, a governmental entity shall prepare a report which estimates the effect of recovering capital costs through impact fees on the availability of affordable housing within the political jurisdiction of the governmental entity.

(B)(1) An impact fee may be imposed and collected by the governmental entity only upon the passage of an ordinance approved by a positive majority, as defined in Article 3 of this chapter.

(2) The amount of the development impact fee must be based on actual improvement costs or reasonable estimates of the costs, supported by sound engineering studies.

(3) An ordinance authorizing the imposition of a development impact fee must:

(a) establish a procedure for timely processing of applications for determinations by the governmental entity of development impact fees applicable to all property subject to impact fees and for the timely processing of applications for individual assessment of development impact fees, credits, or reimbursements allowed or paid under this article;

(b) include a description of acceptable levels of service for system improvements; and

(c) provide for the termination of the impact fee.

(C) A governmental entity shall prepare and publish an annual report describing the amount of all impact fees collected, appropriated, or spent during the preceding year by category of public facility and service area.

(D) Payment of an impact fee may result in an incidental benefit to property owners or developers within the service area other than the fee payor, except that an impact fee that results in benefits to property owners or developers within the service area, other than the fee payor, in an amount which is greater than incidental benefits is prohibited.

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-940.** Amount of impact fee.

A governmental entity imposing an impact fee must provide in the impact fee ordinance the amount of impact fee due for each unit of development in a project for which an individual building permit or certificate of occupancy is issued. The governmental entity is bound by the amount of impact fee specified in the ordinance and may not charge higher or additional impact fees for the same purpose unless the number of service units increases or the scope of the development changes and the amount of additional impact fees is limited to the amount attributable to the additional service units or change in scope of the development. The impact fee ordinance must:

(1) include an explanation of the calculation of the impact fee, including an explanation of the factors considered pursuant to this article;

(2) specify the system improvements for which the impact fee is intended to be used;

(3) inform the developer that he may pay a project's proportionate share of system improvement costs by payment of impact fees according to the fee schedule as full and complete payment of the developer's proportionate share of system improvements costs;

(4) inform the fee payor that:

(a) he may negotiate and contract for facilities or services with the governmental entity in lieu of the development impact fee as defined in Section 6-1-1050;

- (b) he has the right of appeal, as provided in Section 6-1-1030;
- (c) the impact fee must be paid no earlier than the time of issuance of the building permit or issuance of a development permit if no building permit is required.

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-950.** Procedure for adoption of ordinance imposing impact fees.

(A) The governing body of a governmental entity begins the process for adoption of an ordinance imposing an impact fee by enacting a resolution directing the local planning commission to conduct the studies and to recommend an impact fee ordinance, developed in accordance with the requirements of this article. Under no circumstances may the governing body of a governmental entity impose an impact fee for any public facility which has been paid for entirely by the developer.

(B) Upon receipt of the resolution enacted pursuant to subsection (A), the local planning commission shall develop, within the time designated in the resolution, and make recommendations to the governmental entity for a capital improvements plan and impact fees by service unit. The local planning commission shall prepare and adopt its recommendations in the same manner and using the same procedures as those used for developing recommendations for a comprehensive plan as provided in Article 3, Chapter 29, Title 6, except as otherwise provided in this article. The commission shall review and update the capital improvements plan and impact fees in the same manner and on the same review cycle as the governmental entity's comprehensive plan or elements of it.

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-960.** Recommended capital improvements plan; notice; contents of plan.

(A) The local planning commission shall recommend to the governmental entity a capital improvements plan which may be adopted by the governmental entity by ordinance. The recommendations of the commission are not binding on the governmental entity, which may amend or alter the plan. After reasonable public notice, a public hearing must be held before final action to adopt the ordinance approving the capital improvements plan. The notice must be published not less than thirty days before the time of the hearing in at least one newspaper of general circulation in the county. The notice must advise the public of the time and place of the hearing, that a copy of the capital improvements plan is available for public inspection in the offices of the governmental entity, and that members of the public will be given an opportunity to be heard.

(B) The capital improvements plan must contain:

(1) a general description of all existing public facilities, and their existing deficiencies, within the service area or areas of the governmental entity, a reasonable estimate of all costs, and a plan to develop the funding resources, including existing sources of revenues, related to curing the existing deficiencies including, but not limited to, the upgrading, updating, improving, expanding, or replacing of these facilities to meet existing needs and usage;

(2) an analysis of the total capacity, the level of current usage, and commitments for usage of capacity of existing public facilities, which must be prepared by a qualified professional using generally accepted principles and professional standards;

(3) a description of the land use assumptions;

(4) a definitive table establishing the specific service unit for each category of system improvements and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, agricultural, and industrial, as appropriate;

(5) a description of all system improvements and their costs necessitated by and attributable to new development in the service area, based on the approved land use assumptions, to provide a level of service not to exceed the level of service currently existing in the community or service area, unless a different or higher level of service is required by law, court order, or safety consideration;

(6) the total number of service units necessitated by and attributable to new development within the service area based on the land use assumptions and calculated in accordance with generally accepted engineering or planning criteria;

(7) the projected demand for system improvements required by new service units projected over a reasonable period of time not to exceed twenty years;

(8) identification of all sources and levels of funding available to the governmental entity for the financing of the system improvements; and

(9) a schedule setting forth estimated dates for commencing and completing construction of all improvements identified in the capital improvements plan.

(C) Changes in the capital improvements plan must be approved in the same manner as approval of the original plan.

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-970.** Exemptions from impact fees.

The following structures or activities are exempt from impact fees:

(1) rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe;

(2) remodeling or repairing a structure that does not result in an increase in the number of service units;

(3) replacing a residential unit, including a manufactured home, with another residential unit on the same lot, if the number of service units does not increase;

(4) placing a construction trailer or office on a lot during the period of construction on the lot;

(5) constructing an addition on a residential structure which does not increase the number of service units;

(6) adding uses that are typically accessory to residential uses, such as a tennis court or a clubhouse, unless it is demonstrated clearly that the use creates a significant impact on the system's capacity;

(7) all or part of a particular development project if:

(a) the project is determined to create affordable housing; and

(b) the exempt development's proportionate share of system improvements is funded through a revenue source other than development impact fees;

(8) constructing a new elementary, middle, or secondary school; and

(9) constructing a new volunteer fire department.

HISTORY: 1999 Act No. 118, Section 1; 2016 Act No. 229 (H.4416), Section 1, eff June 3, 2016.

Effect of Amendment

2016 Act No. 229, Section 1, added (8) and (9), relating to certain schools and volunteer fire departments.

**SECTION 6-1-980.** Calculation of impact fees.

(A) The impact fee for each service unit may not exceed the amount determined by dividing the costs of the capital improvements by the total number of projected service units that potentially could use the capital improvement. If the number of new service units projected over a reasonable period of time is less than the total number of new service units shown by the approved land use assumptions at full development of the service area, the maximum impact fee for each service unit must be calculated by dividing the costs of the part of the capital improvements necessitated by and attributable to the projected new service units by the total projected new service units.

(B) An impact fee must be calculated in accordance with generally accepted accounting principles.

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-990.** Maximum impact fee; proportionate share of costs of improvements to serve new development.

(A) The impact fee imposed upon a fee payor may not exceed a proportionate share of the costs incurred by the governmental entity in providing system improvements to serve the new development. The proportionate share is the cost attributable to the development after the governmental entity reduces the amount to be imposed by the following factors:

(1) appropriate credit, offset, or contribution of money, dedication of land, or construction of system improvements; and

(2) all other sources of funding the system improvements including funds obtained from economic development incentives or grants secured which are not required to be repaid.

(B) In determining the proportionate share of the cost of system improvements to be paid, the governmental entity imposing the impact fee must consider the:

(1) cost of existing system improvements resulting from new development within the service area or areas;

(2) means by which existing system improvements have been financed;

(3) extent to which the new development contributes to the cost of system improvements;

(4) extent to which the new development is required to contribute to the cost of existing system improvements in the future;

(5) extent to which the new development is required to provide system improvements, without charge to other properties within the service area or areas;

(6) time and price differentials inherent in a fair comparison of fees paid at different times; and

(7) availability of other sources of funding system improvements including, but not limited to, user charges, general tax levies, intergovernmental transfers, and special taxation.

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-1000.** Fair compensation or reimbursement of developers for costs, dedication of land or oversize facilities.

A developer required to pay a development impact fee may not be required to pay more than his proportionate share of the costs of the project, including the payment of money or contribution or dedication of land, or to oversize his facilities for use of others outside of the project without fair compensation or reimbursement.

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-1010.** Accounting; expenditures.

(A) Revenues from all development impact fees must be maintained in one or more interest-bearing accounts. Accounting records must be maintained for each category of system improvements and the service area in which the fees are collected. Interest earned on development impact fees must be considered funds of the account on which it is earned, and must be subject to all restrictions placed on the use of impact fees pursuant to the provisions of this article.

(B) Expenditures of development impact fees must be made only for the category of system improvements and within or for the benefit of the service area for which the impact fee was imposed as shown by the capital improvements plan and as authorized in this article. Impact fees may not be used for:

(1) a purpose other than system improvement costs to create additional improvements to serve new growth;

(2) a category of system improvements other than that for which they were collected; or

(3) the benefit of service areas other than the area for which they were imposed.

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-1020.** Refunds of impact fees.

(A) An impact fee must be refunded to the owner of record of property on which a development impact fee has been paid if:

(1) the impact fees have not been expended within three years of the date they were scheduled to be expended on a first-in, first-out basis; or

(2) a building permit or permit for installation of a manufactured home is denied.

(B) When the right to a refund exists, the governmental entity shall send a refund to the owner of record within ninety days after it is determined by the entity that a refund is due.

(C) A refund must include the pro rata portion of interest earned while on deposit in the impact fee account.

(D) A person entitled to a refund has standing to sue for a refund pursuant to this article if there has not been a timely payment of a refund pursuant to subsection (B) of this section.

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-1030.** Appeals.

(A) A governmental entity which adopts a development impact fee ordinance shall provide for administrative appeals by the developer or fee payor.

(B) A fee payor may pay a development impact fee under protest. A fee payor making the payment is not estopped from exercising the right of appeal provided in this article, nor is the fee payor estopped from receiving a refund of an amount considered to have been illegally collected. Instead of making a payment of an impact fee under protest, a fee payor, at his option, may post a bond or submit an irrevocable letter of credit for the amount of impact fees due, pending the outcome of an appeal.

(C) A governmental entity which adopts a development impact fee ordinance shall provide for mediation by a qualified independent party, upon voluntary agreement by both the fee payor and the governmental entity, to address a disagreement related to the impact fee for proposed development. Participation in mediation does not preclude the fee payor from pursuing other remedies provided for in this section or otherwise available by law.

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-1040.** Collection of development impact fees.

A governmental entity may provide in a development impact fee ordinance the method for collection of development impact fees including, but not limited to:

(1) additions to the fee for reasonable interest and penalties for nonpayment or late payment;

(2) withholding of the certificate of occupancy, or building permit if no certificate of occupancy is required, until the development impact fee is paid;

(3) withholding of utility services until the development impact fee is paid; and

(4) imposing liens for failure to pay timely a development impact fee.

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-1050.** Permissible agreements for payments or construction or installation of improvements by fee payors and developers; credits and reimbursements.

A fee payor and developer may enter into an agreement with a governmental entity, including an agreement entered into pursuant to the South Carolina Local Government Development Agreement Act, providing for payments instead of impact fees for facilities or services. That agreement may provide for the construction or installation of system improvements by the fee payor or developer and for credits or reimbursements for costs incurred by a fee payor or developer including interproject transfers of credits or reimbursement for project improvements which are used or shared by more than one development project. An impact fee may not be imposed on a fee payor or developer who has entered into an agreement as described in this section.

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-1060.** Article shall not affect existing laws.

(A) The provisions of this article do not repeal existing laws authorizing a governmental entity to impose fees or require contributions or property dedications for capital improvements. A development impact fee adopted in accordance with existing laws before the enactment of this article is not affected until termination of the development impact fee. A subsequent change or reenactment of the development impact fee must comply with the provisions of this article. Requirements for developers to pay in whole or in part for system improvements may be imposed by governmental entities only by way of impact fees imposed pursuant to the ordinance.

(B) Notwithstanding another provision of this article, property for which a valid building permit or certificate of occupancy has been issued or construction has commenced before the effective date of a development impact fee ordinance is not subject to additional development impact fees.

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-1070.** Shared funding among units of government; agreements.

(A) If the proposed system improvements include the improvement of public facilities under the jurisdiction of another unit of government including, but not limited to, a special purpose district that does not provide water and wastewater utilities, a school district, and a public service district, an agreement between the governmental entity and other unit of government must specify the reasonable share of funding by each unit. The governmental entity authorized to impose impact fees may not assume more than its reasonable share of funding joint improvements, nor may another unit of government which is not authorized to impose impact fees do so unless the expenditure is pursuant to an agreement under Section 6-1-1050 of this section.

(B) A governmental entity may enter into an agreement with another unit of government including, but not limited to, a special purpose district that does not provide water and wastewater utilities, a school district, and a public service district, that has the responsibility of providing the service for which an impact fee may be imposed. The determination of the amount of the impact fee for the contracting governmental entity must be made in the same manner and is subject to the same procedures and limitations as provided in this article. The agreement must provide for the collection of the impact fee by the governmental entity and for the expenditure of the impact fee by another unit of government including, but not limited to, a special purpose district that does not provide water and wastewater utilities, a school district, and a public services district unless otherwise provided by contract.

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-1080.** Exemptions; water or wastewater utilities.

The provisions of this chapter do not apply to a development impact fee for water or wastewater utilities, or both, imposed by a city, county, commissioners of public works, special purpose district, or nonprofit corporation organized pursuant to Chapter 35 or 36 of Title 33, except that in order to impose a development impact fee for water or wastewater utilities, or both, the city, county, commissioners of public works, special purpose district or nonprofit corporation organized pursuant to Chapter 35 or 36 of Title 33 must:

- (1) have a capital improvements plan before imposition of the development impact fee; and
- (2) prepare a report to be made public before imposition of the development impact fee, which shall include, but not be limited to, an explanation of the basis, use, calculation, and method of collection of the development impact fee; and
- (3) enact the fee in accordance with the requirements of Article 3 of this chapter.

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-1090.** Annexations by municipalities.

A county development impact fee ordinance imposed in an area which is annexed by a municipality is not affected by this article until the development impact fee terminates, unless the municipality assumes any liability which is to be paid with the impact fee revenue.

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-2000.** Taxation or revenue authority by political subdivisions.

This article shall not create, grant, or confer any new or additional taxing or revenue raising authority to a political subdivision which was not specifically granted to that entity by a previous act of the General Assembly.

HISTORY: 1999 Act No. 118, Section 1.

**SECTION 6-1-2010.** Compliance with public notice or public hearing requirements.

Compliance with any requirement for public notice or public hearing in this article is considered to be in compliance with any other public notice or public hearing requirement otherwise applicable including, but not limited to, the provisions of Chapter 4, Title 30, and Article 3 of this chapter.

HISTORY: 1999 Act No. 118, Section 1.