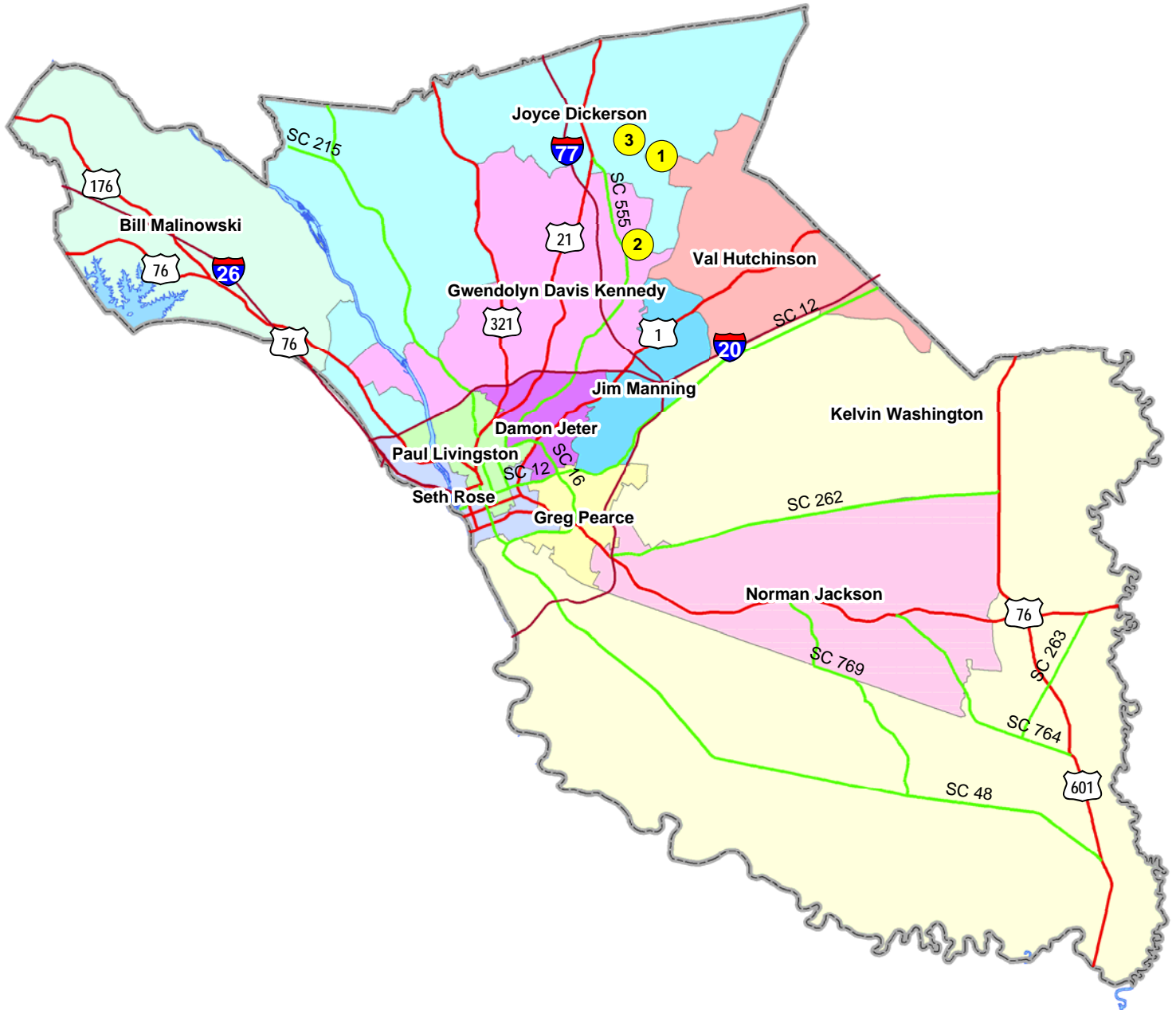


RICHLAND COUNTY COUNCIL
ZONING PUBLIC HEARING



OCTOBER 25, 2011

*RICHLAND COUNTY COUNCIL
ZONING PUBLIC HEARING
OCTOBER 25, 2011*



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 11-14 MA	Steve McNair	20500-05-02	Longtown Rd. E & W	Dickerson
2. 11-18 MA	Adams Northeast AME Church	17400-05-12/13/14/26	409 Longtown Rd.	Kennedy
3. 11-19 MA	Walter & Nancy Smith	17700-02-07, 17700-02-09 (p)	Rimer Pond Rd.	Dickerson



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING

**Tuesday, October 25, 2011
7:00 P.M.
2020 Hampton Street
2nd Floor, Council Chambers
Columbia, South Carolina**

STAFF:

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

CALL TO ORDER.....Honorable Paul Livingston
Chairman of Richland County Council

ADDITIONS / DELETIONS TO THE AGENDA

OPEN PUBLIC HEARING

MAP AMENDMENTS

1. Case #11-14 MA
Ron Johnson
Longcreek Plantation
RU to RS-LD (4.91 acres)
Longtown Rd. East & Longtown Rd. West
TMS# 20500-05-02 [**FIRST READING**]
Planning Commission Approved 9-0
Page 1

2. Case #11-18 MA
Adams Northeast AME Church
Kay Hightower
RU to GC (10.62 acres)
409 Longtown Rd.
TMS# 17400-05-12/13/14/26 [**FIRST READING**]
Planning Commission Approved 8-0
Page 9

3. Case #11-19 MA
Walter & Nancy Smith
Kevin Steelman
RU to RS-MD (16.86 acres)
Rimer Pond Rd.
TMS# 17700-02-07
17700-02-09(p) [**FIRST READING**]
Planning Commission Denied 5-3
Page 17

TEXT AMENDMENTS

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SECTION 26-224, DIVISION OF REAL PROPERTY TO HEIRS OF A DECEDENT; SO AS EXEMPT CERTAIN SUBDIVISIONS FROM ROAD CONSTRUCTION REQUIREMENTS. **[FIRST READING]**

Planning Commission Denied 8-0

Page 27

PRESENTATION

Joe Minicozzi - The Economics of Land Use: A Case Study of Richland County

OTHER BUSINESS

ADJOURNMENT



Richland County Planning & Development Services Department

Map Amendment Staff Report

PC MEETING DATE: September 1, 2011
RC PROJECT: 11-14 MA
APPLICANT: Ron Johnson
PROPERTY OWNER: Longcreek Associates, LLC

LOCATION: Longtown Road West and Longtown Road East

TAX MAP NUMBER: 20500-05-02
ACREAGE: 4.91
EXISTING ZONING: RU
PROPOSED ZONING: RS-LD

PC SIGN POSTING: August 11, 2011

Staff Recommendation

Approval

Background /Zoning History

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

The parcel contains one thousand three hundred and ninety six (1,396) feet of frontage on Longtown Road West. The parcel also has two hundred and twenty six (226) feet of frontage on Longtown Road East.

Summary

The Residential Single Family Low Density District (RS-LD) "is intended as a single family, detached residential district, and the requirements for this district are designed to maintain a suitable environment for single family living. Non-single family development normally required to provide the basic elements of a balanced and attractive residential area is also permitted."

Minimum lot area is 12,000 square feet, or as determined by DHEC, but in no case shall it be less than 12,000 sq ft. The maximum density standard: no more than one principal dwelling unit may be placed on a lot except for permitted accessory dwellings.

- The gross density for this site is approximately: 17 dwelling units
- The net density for this site is approximately: 12 dwelling units

Direction	Existing Zoning	Use
<u>North:</u>	RU	Blythewood Middle School
<u>South:</u>	RU/RU	Residence/Undeveloped
<u>East:</u>	RS-LD	Undeveloped and vegetated
<u>West:</u>	RU	Residence

Plans & Policies

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

North East Area

Objective: Residential areas are encouraged to contain a mix of residential and civic land uses. Existing single family developments may be adjacent to multifamily or a PDD including a buffer from higher intensity uses. Residential developments should occur at medium densities of 4-8 dwelling units per acre.

Compliance: The proposed Residential Single Family Low Density District (RS-LD) is more in keeping with the character in the surrounding area than the existing RU, Rural District.

Traffic Impact

The 2010 SCDOT traffic count (Station # 713) located north of the subject parcel on Longtown Road identifies 8,000 Average Daily Trips (ADT’s). Longtown Road is classified as a two lane undivided Collector, maintained by SCDOT with a design capacity of 8,600 ADT’s. Longtown Road is currently operating at Level of Service (LOS) “C”.

There are no planned or programmed improvements for this section of Longtown Road. A portion of Longtown Road West is County Maintained while the remainder is maintained by SCDOT.

Conclusion

The subject property is currently undeveloped, heavily wooded and has road frontage along both, Longtown Road East and West. The parcel is contiguous to existing large-lot, suburban, well-established, residential development and is north of the Columbia Country Club golf course. Otherwise, the surrounding area contains small and large tracks of undeveloped forested lands with lot sizes varying from approximately 20,000 square feet to several acres. Approval of the proposed zoning would allow for infill development in keeping with the character of the surrounding area and more in line with the recommendations of the Comprehensive Plan.

The subject parcel is contiguous to Blythewood Middle School and within .3 miles of Round Top Elementary School. The Blythewood fire station (station number 26) is located on Main Street, approximately 3 miles northwest of the subject parcel. There are no fire hydrants located within the vicinity of the parcels along Longtown Road East or Longtown Road West. The proposed rezoning would not have a negative impact on public services or traffic. Water and sewer are

available in the area. Water would be provided by the City of Columbia and sewer would be provided by Palmetto Utilities.

Since the proposed Zoning Map Amendment is in compliance with the Comprehensive Plan the Planning Staff recommends **Approval** of this map amendment.

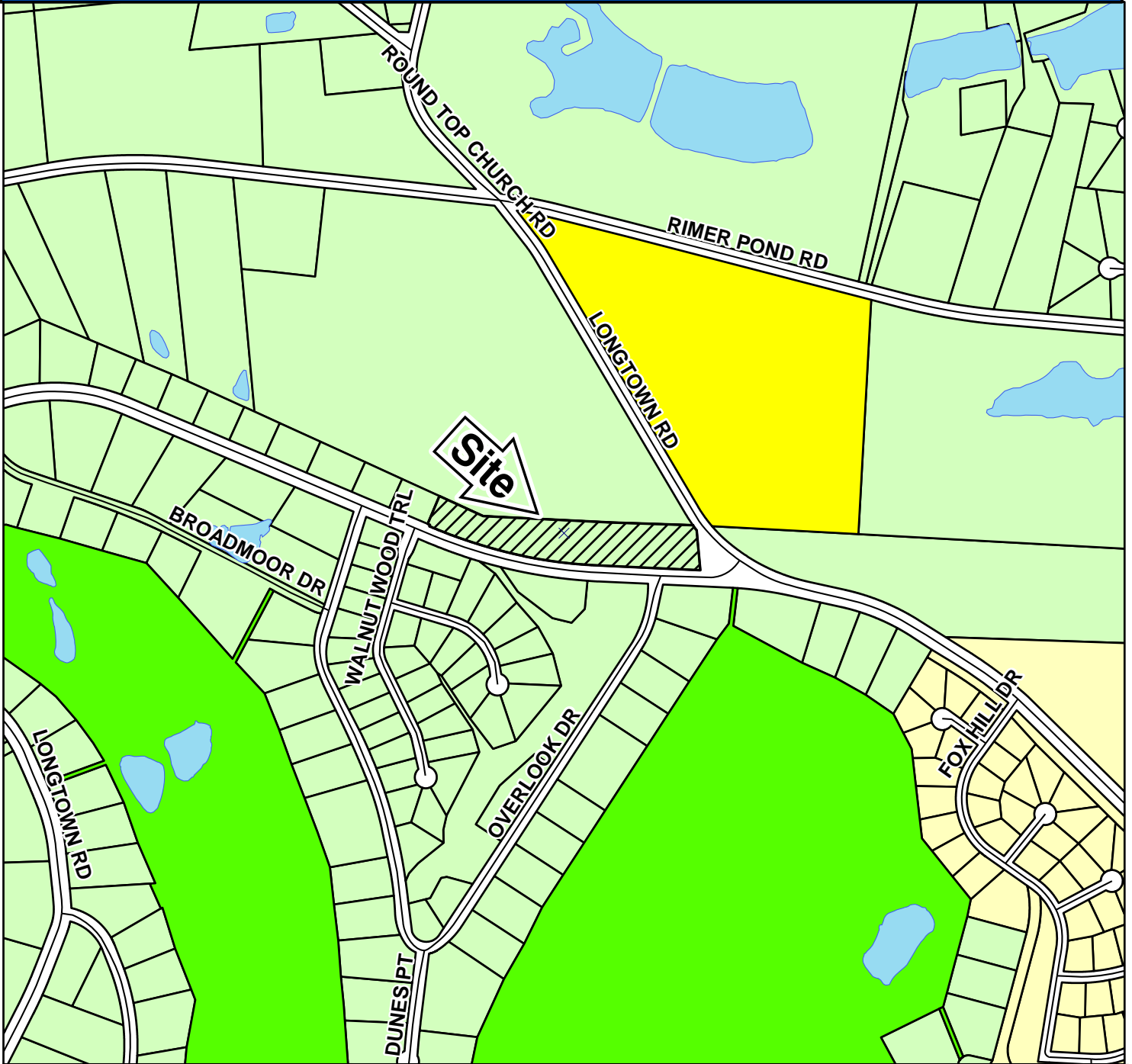
Zoning Public Hearing Date

September 27, 2011

Planning Commission Action

At their meeting of **September 1, 2011** the Richland County Planning Commission **agreed** with the PDSD recommendation and recommends the County Council initiate the ordinance consideration process to **approve the proposed Amendment** for **RC Project # 11-14 MA** at the next available opportunity.

Case 11-14 MA RU to RS-LD

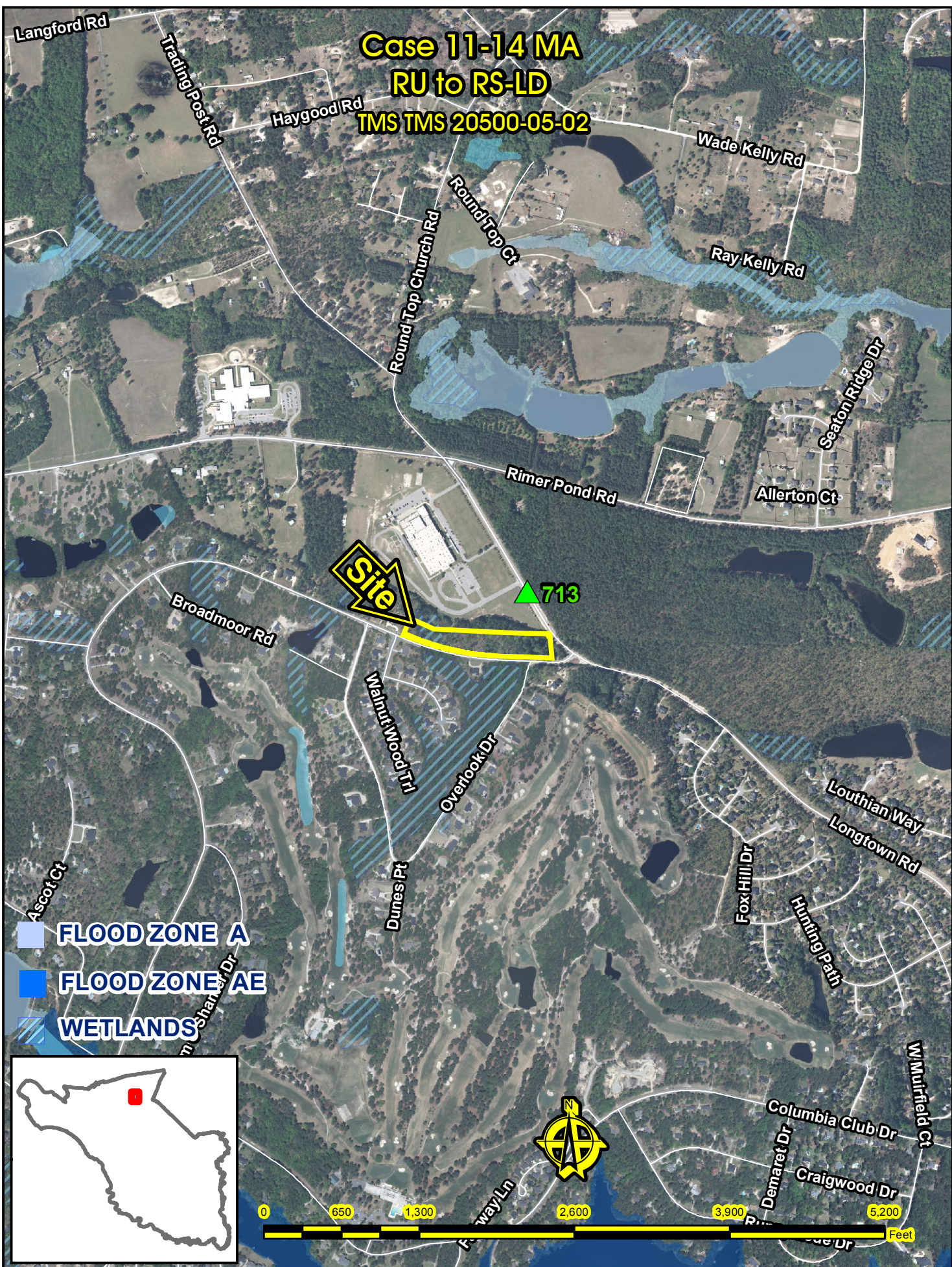


ZONING CLASSIFICATIONS

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



**Case 11-14 MA
RU to RS-LD
TMS TMS 20500-05-02**



CASE 11-14 MA

From RU to RS-LD

TMS# 20500-05-02

Longtown Road East & West



STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-11HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 20500-05-02 FROM RU (RURAL DISTRICT) TO RS-LD (RESIDENTIAL, SINGLE-FAMILY – LOW DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 20500-05-02 from RU (Rural District) zoning to RS-LD (Residential, Single-Family – Low Density District) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2011.

Michelle M. Onley
Assistant Clerk of Council

First Public Hearing: September 27, 2011
Second Public Hearing: October 4, 2011 (tentative)
First Reading: October 4, 2011 (tentative)
Second Reading:
Third Reading:



**Richland County
Planning & Development Services Department**

Map Amendment Staff Report

PC MEETING DATE: October 3, 2011
RC PROJECT: 11-18 MA
APPLICANT: Kay Hightower
PROPERTY OWNER: Adams Northeast AME Church

LOCATION: 409 Longtown Road

TAX MAP NUMBER: 17400-05-12 13, 14, 26
ACREAGE: 10.62
EXISTING ZONING: RU
PROPOSED ZONING: GC

PC SIGN POSTING: September 16, 2011

Staff Recommendation

Approval

Background /Zoning History

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

The parcels contain three hundred and forty seven (347) feet of frontage on Longtown Road.

Summary

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

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

- The gross density for this site is approximately: 169 dwelling units
- The net density for this site is approximately: 119 dwelling units

Direction	Existing Zoning	Use
<u>North:</u>	HI/RU/GC	Dog Kennel/Residence / Residence
<u>South:</u>	PDD	Self-storage
<u>East:</u>	GC/GC	Undeveloped/residence
<u>West:</u>	PDD	Heather Green Subdivision

Plans & Policies

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

North East Area

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

Compliance: The subject parcels are located in an area with existing commercial zoning and uses. South of the subject parcels is a self-storage facility. Beyond the storage facility is located a commercial subdivision, Longtown Commons. South of the intersection of Clemson Road and Longtown Road is a CVS and Walgreens.

Traffic Impact

The 2011 SCDOT traffic count (Station # 711) located north of the subject parcel on Longtown Road identifies 8,000 Average Daily Trips (ADT's). Longtown Road is classified as a two lane undivided Collector, maintained by SCDOT with a design capacity of 8,600 ADT's. Longtown Road is currently operating at Level of Service (LOS) “C”.

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

Conclusion

The surrounding area is characterized by a mix of commercial and residential uses. A small portion of the parcel is currently being utilized by Adams Northeast AME Church along the road frontage. Otherwise, the property is vacant, mostly wooded and characterized by a downhill slope to the northwest ending in a creek branch and 100 year floodplain on the north. To the west of the subject parcels is a Planned Development District (PDD) parcel that is part of the Heather Green subdivision. The area near the intersection of Longtown Road and Clemson Road is characterized by a mixture of commercial uses. The property to the south of the subject parcels is zoned Planned Development District (PDD) and contains a self-storage facility. The General Commercial District (GC) parcels to the east along Longtown Road are undeveloped.

The General Commercial District (GC) permits uses outright such as exterminating and pest care services, rental centers with outside storage, banks, drugstores/pharmacies with drive throughs, minor automobile repair and maintenance services, and restaurants. The General Commercial District (GC) also permits residential development at sixteen dwelling units per acre.

The site is currently served by the City of Columbia for water and sewer service. There is a fire hydrant located on the subject parcel along Longtown Road; and the Killian fire station (number 27) is located 0.77 miles southwest of the subject parcels on Farrow Road.

Staff is of the opinion that the creek branch and associated 100 year floodplain to the north of the subject property serves as an adequate buffer limiting non-residential encroachment between the proposed rezoning and the PDD zoned subdivision, Heather Green. Recognizing the predominance of commercial zoning and uses in the vicinity, staff is confident that this property is no longer viable for a rural designation and believes that the proposed rezoning is appropriate at this time. Additionally, the proposed map amendment would not negatively impact public services or traffic.

The proposed Zoning Map Amendment is in compliance with the Comprehensive Plan and as such the Planning Staff recommends **Approval** of this map amendment.

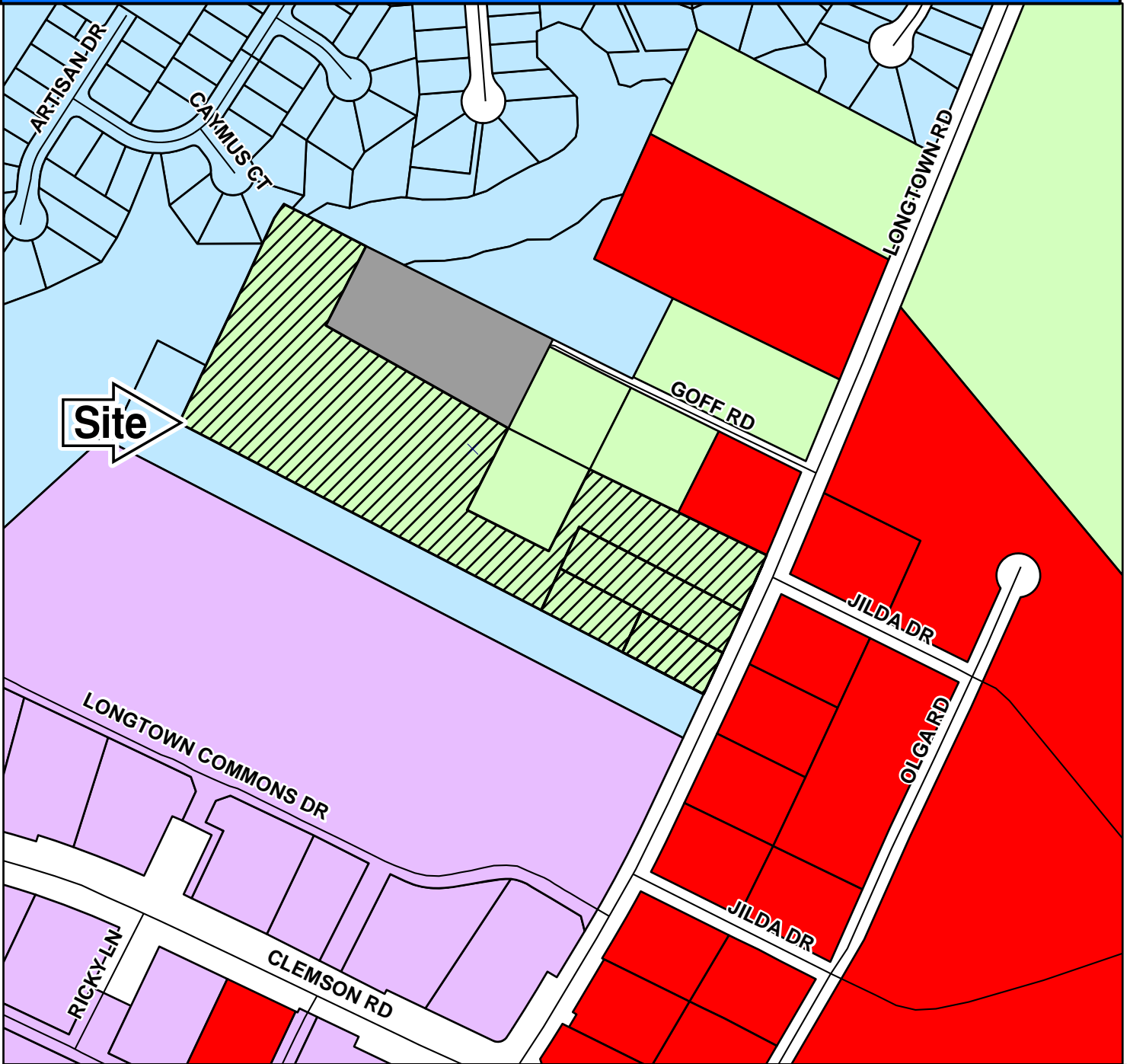
Zoning Public Hearing Date

October 25, 2011

Planning Commission Action

At their meeting of **October 3, 2011** the Richland County Planning Commission **agreed** with the PSDS recommendation and recommends the County Council initiate the ordinance consideration process to **approve the proposed Amendment** for **RC Project # 11-18 MA** at the next available opportunity.

Case 11-18 MA RU to GC

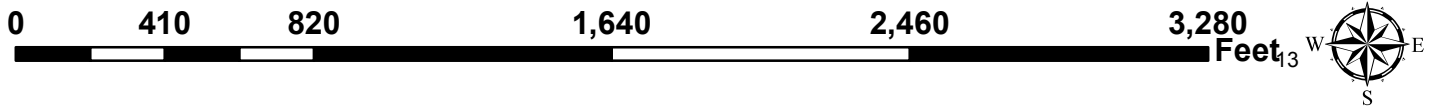


ZONING CLASSIFICATIONS

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



Case 11-18 MA
RU to GC
TMS 17400-05-12, 13, 14, 26



CASE 11-18 MA

From RU to GC

TMS# 17400-05-12, 13, 14, 26

Longtown Road



STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-11HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # 17400-05-12/13/14/26 FROM RU (RURAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 17400-05-12/13/14/26 from RU (Rural District) zoning to GC (General Commercial District) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2011.

Michelle M. Onley
Assistant Clerk of Council

Public Hearing: October 25, 2011 (tentative)
First Reading: October 25, 2011 (tentative)
Second Reading:
Third Reading:



**Richland County
Planning & Development Services Department**

Map Amendment Staff Report

PC MEETING DATE: October 3, 2011
RC PROJECT: 11-19 MA
APPLICANT: Kevin Steelman
PROPERTY OWNER: Walter and Nancy Smith

LOCATION: Rimer Pond Road

TAX MAP NUMBER: 17700-02-07 & 09 (Portion of)
ACREAGE: 16.85
EXISTING ZONING: RU
PROPOSED ZONING: RS-MD

PC SIGN POSTING: September 16, 2011

Staff Recommendation

Approval

Background /Zoning History

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

The parcels contain six hundred and six (606) feet of frontage on Rimer Pond Road.

Summary

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

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

- The gross density for this site is approximately: 86 dwelling units
- The net density for this site is approximately: 60 dwelling units

Direction	Existing Zoning	Use
<u>North:</u>	RU	Residence
<u>South:</u>	RU/RU	Residence/Residence
<u>East:</u>	RU	Round Top Elementary
<u>West:</u>	RU	Residence

Plans & Policies

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

North East Area

Objective: Residential areas are encouraged to contain a mix of residential and civic land uses. Existing single family developments may be adjacent to multifamily or a PDD including a buffer from higher intensity uses. Residential developments should occur at medium densities of 4-8 dwelling units per acre.

Compliance: The proposed zoning is appropriate considering the parcels are located near two schools and would meet the proposed minimum density outlined for suburban in the Comprehensive Plan.

Traffic Impact

The 2010 SCDOT traffic count (Station # 713) located north of the subject parcel on Longtown Road identifies 8,000 Average Daily Trips (ADT's). Longtown Road is classified as a two lane undivided Collector, maintained by SCDOT with a design capacity of 8,600 ADT's. Longtown Road is currently operating at Level of Service (LOS) “C”.

There are no planned or programmed improvements for this section of Longtown Road or Rimer Pond Road.

Conclusion

The subject property is currently unoccupied; however, was formerly utilized as the Rimer Pond Golf Center and driving range. The surrounding area is primarily characterized by scattered, well-established, large-lot, rural residential uses, as well as civic-related land uses in the form of Round Top Elementary School, contiguous to the east, and Blythewood Middle School, thirteen hundred feet to the southeast. Otherwise, the Columbia Country Club and Windermere golf courses are located to the south with the remainder of surrounding properties containing small and large tracks of residential and undeveloped forested lands. Approval of the proposed zoning would allow for infill development in an area with existing services while keeping in line with the recommendations of the Comprehensive Plan.

Water service would be provided by the City of Columbia and sewer service would be provided by Palmetto Utilities. There are no fire hydrants located along Rimer Pond Road. The Blythewood fire station (station number 26) is located on Main Street, approximately 2.3 miles northwest of the subject parcel.

Based upon the predominance of single family residential zoning and uses in the vicinity, the nearby location of school facilities, the availability of water and sewer services, as well as the compatibility to the Comprehensive Plan recommendation for medium density residential, the staff is of the opinion that the proposed map amendment would not negatively impact public services or traffic and can support the rezone request.

The proposed Zoning Map Amendment is in compliance with the Comprehensive Plan and the Planning Staff recommends **Approval** of this map amendment.

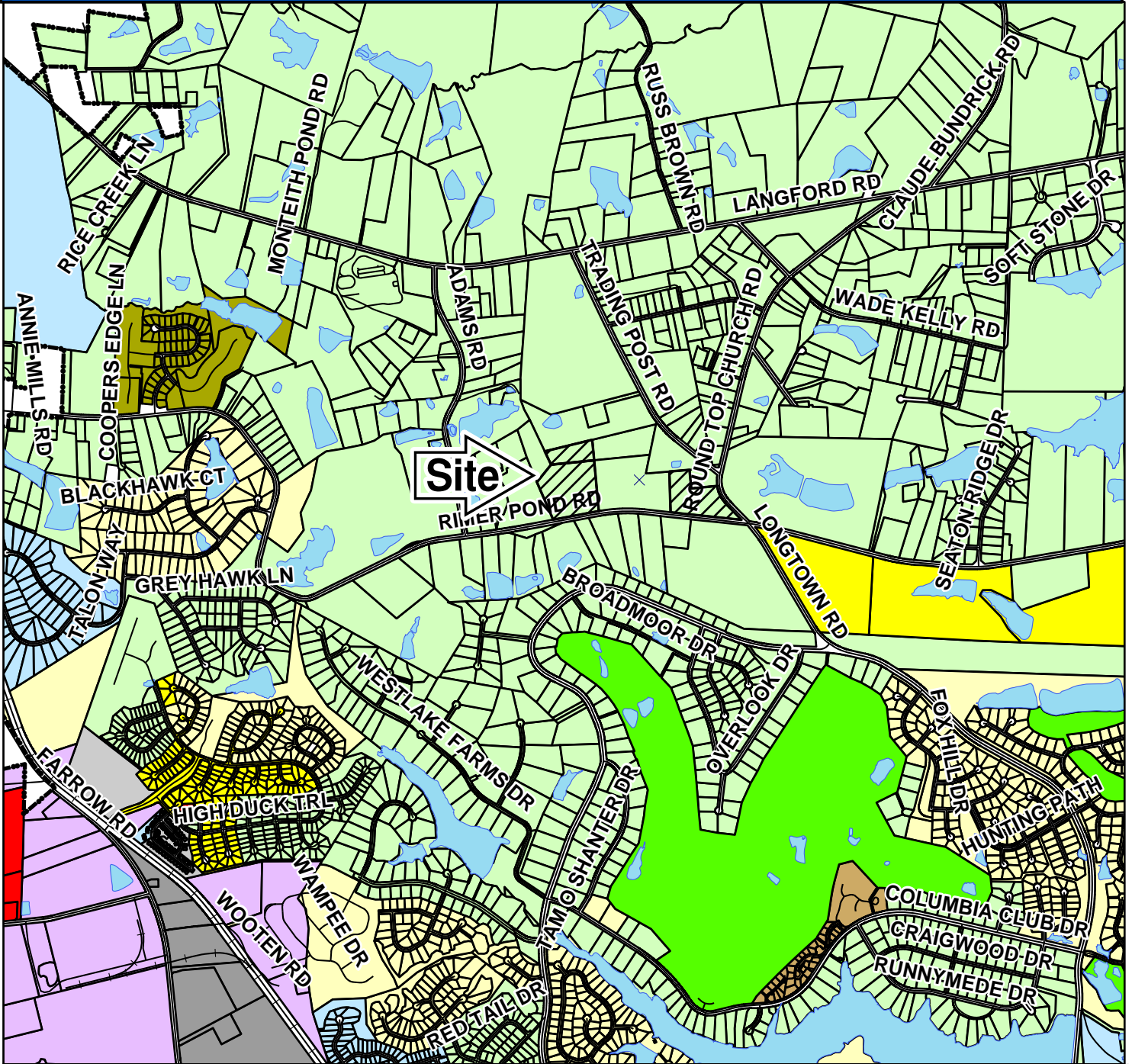
Zoning Public Hearing Date

October 25, 2011

Planning Commission Action

At their meeting of **October 3, 2011** the Richland County Planning Commission **disagreed** with the PSDS recommendation. The Planning Commission felt that gradual progress in this area would be more appropriate. A Residential Medium Density zoning district (RS-MD) is premature. Also, they felt that this is an inappropriate use of infill. The Planning Commission recommended the County Council deny the ordinance for **RC Project # 11-19 MA** at the next available opportunity.

Case 11-19 MA RU to RS-MD

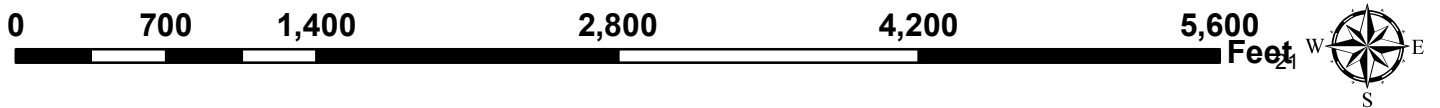


ZONING CLASSIFICATIONS

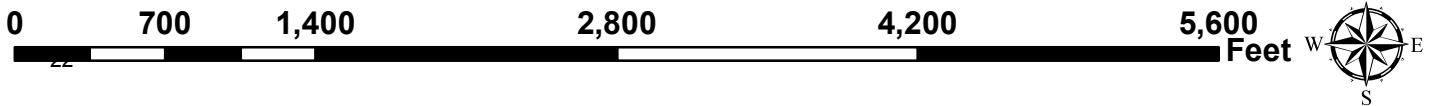
RR	RS-E	MH	NC	LI	TROS
C-1	RS-LD	RM-MD	GC	HI	Subject Property
C-3	RS-MD	RM-HD	RC	PDD	
RG-2	RS-HD	OI	M-1	RU	



**Case 11-19 MA
RU to RS-MD
TMS 17700-02-07, 09 (Portion of)**



**Case 11-19 MA
RU to RS-MD
TMS 17700-02-07, 09 (Portion of)**



CASE 11-19 MA

From RU to RS-MD

TMS# 17700-02-07 & 17700-02-09(P)

Rimer Pond Road



STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-11HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # 17700-02-07 & TMS # 17700-02-09(P) FROM RU (RURAL DISTRICT) TO RS-MD (RESIDENTIAL, SINGLE-FAMILY – MEDIUM DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 17700-02-07 and a portion of TMS # 17700-02-09 (as further described in Exhibit A, which is attached hereto) from RU (Rural District) zoning to RS-MD (Residential, Single-Family – Medium Density District) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

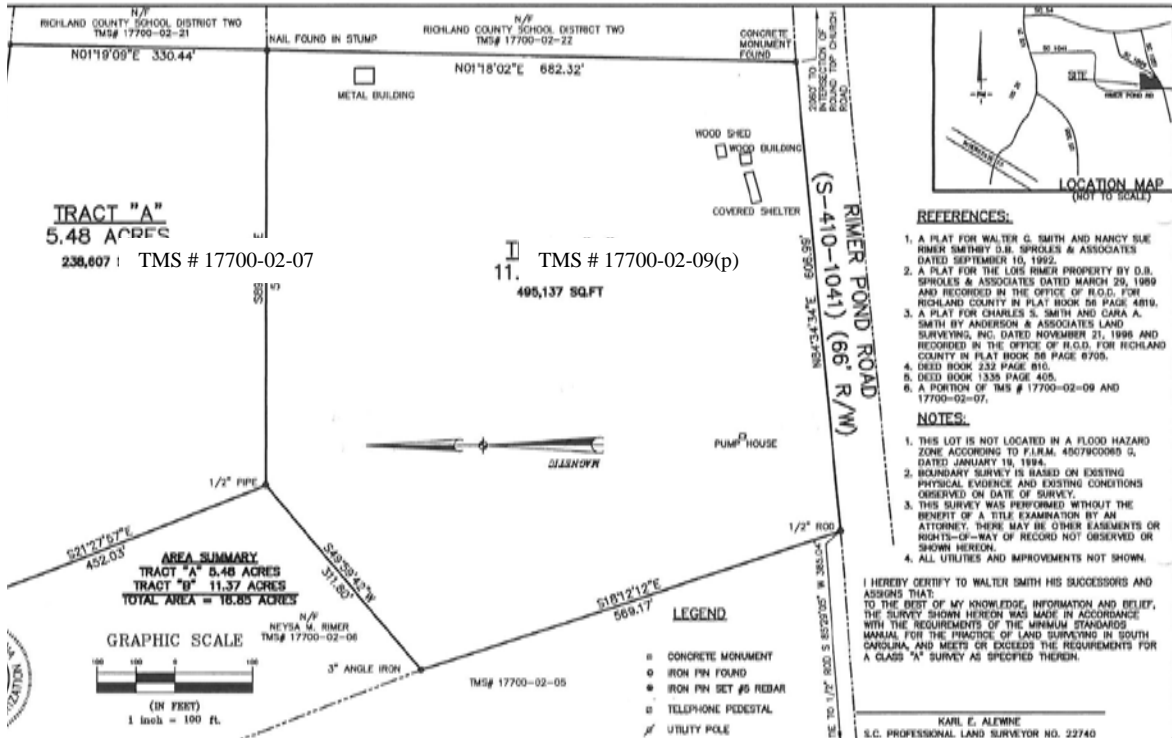
By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2011.

Michelle M. Onley
Assistant Clerk of Council

First Public Hearing: October 25, 2011 (tentative)
First Reading: October 25, 2011 (tentative)
Second Reading:
Third Reading:

Exhibit A



MEMORANDUM

TO: Richland County Council Members

FROM: Amelia R. Linder, Esq.

DATE: October 4, 2011

RE: Text Amendment (Ordinance to exempt certain subdivisions from road construction standards based on the Berkeley County ordinance)

On October 3, 2011, the Richland County Planning Commission discussed the above-referenced ordinance and unanimously recommended DENIAL on a vote of 8-0. Their concerns included the following:

1. The language was overly vague.
2. It didn't specify any kind of road construction standard or minimum road width.
3. No maintenance was required; therefore, there were safety concerns.
4. They felt it was going in the wrong direction for the County; i.e. it was not in the County's best interest.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SECTION 26-224, DIVISION OF REAL PROPERTY TO HEIRS OF A DECEDENT; SO AS EXEMPT CERTAIN SUBDIVISIONS FROM ROAD CONSTRUCTION REQUIREMENTS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; so as to include a definition for “Immediate Family”, as follows:

Family, immediate. A spouse, parents and grandparents, children and grand children, brothers and sisters, mother-in-law and father-in-law, brothers-in-law and sisters-in-law, daughters-in-law and sons-in-law. Adopted, half, and step members are also included in this definition.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Division of Real Property to Heirs of a Decedent; Subsection; is hereby amended to read as follows:

~~Sec. 26-224. Division of real property to heirs of a decedent.~~

- ~~(a) — *Purpose.* Real property held by a deceased person is frequently devised to other family members, and a probate estate is opened. Probate judges will oversee the division of all property of the deceased, including real property. However, probate judges sometimes see the heirs’ difficulty in transferring real property of the deceased due to the county’s land development regulations, especially as they apply to subdivisions and the need to construct paved roads and install sidewalks. The purpose of this section is to ease the burden of Richland County citizens and to reduce the expenses that heirs may be required to expend in settling the deceased’s estate. It also provides a means for real property to be subdivided and transferred to heirs of deceased property owners.~~
- ~~(b) — *Applicability.* The provisions of this section shall apply to all zoning districts.~~
- ~~(c) — *Special requirements for private road subdivisions.*~~
 - ~~(1) — *Review.* Subdivision of heir property is subject to the minor subdivision review procedure found at Sec. 26-54(e)(2). All Planning Department subdivision plan review fees shall be waived; provided, however, all fees charged by DHEC (and collected by the Richland County Public Works Department) shall be paid by the applicant.~~

- (2) ~~*Roads.* Roads in subdivisions of heir property shall be exempt from the road paving requirements of Sec. 26-181 of this chapter, but shall not be exempt from any other road design requirement. Roads in subdivisions of heir property shall not be eligible or accepted for county maintenance, which is otherwise provided pursuant to Section 21-5 of the Richland County Code of Ordinances, until they meet the road construction standards provided in Chapter 21 of the Richland County Code. The roadway shall have a minimum right-of-way width of sixty-six (66) feet and minimum twenty (20) foot wide passable surface, which meets the standards established and set forth by the county engineer. The subdivision documents shall include a conspicuous statement stating that improvements to the roadway without the approval of the county engineer are prohibited.~~
- (3) ~~*Sidewalks.* Subdivisions of heir property shall be exempt from the sidewalk requirements of Sec. 26-179 of this chapter.~~
- (4) ~~*Size of lots.* Any and all lots created in a subdivision of heir property shall conform to the zoning district's requirements.~~
- (5) ~~*Number of dwelling units.* Only one (1) dwelling unit shall be permitted on each lot.~~
- (6) ~~*E-911 requirements.* The road, and each lot, shall conform to the county's E-911 system addressing and posting requirements.~~
- (d) ~~*Legal documents required.* An applicant for a subdivision of heir property shall submit:~~
- (1) ~~A copy of the certificate of appointment from the probate court.~~
- (2) ~~A copy of the probate court's order that divides the property amongst the heirs, if there is one.~~
- (3) ~~A copy of the will, if there is one.~~
- (4) ~~The necessary legal documents that:~~
- a. ~~Clearly provide permanent access to each lot.~~
- b. ~~State that the county shall not be responsible for either construction or routine (i.e. recurring) maintenance of the private road.~~
- c. ~~Clearly state that the parcels created by this process shall not be divided again, except in full compliance with all regulations in effect at the time.~~

~~(5) — A “Hold Harmless Agreement” as to Richland County.~~

~~All legal documents shall be provided in a form acceptable to the county legal department.~~

Sec. 26-224. Certain subdivisions exempt from road standards.

The planning director, or his/her designee, may exempt subdivisions from the road construction requirements of Sec. 26-181 of this chapter only if the property is being transferred to the owners’ immediate family members or is being transferred by will or intestate succession or forced division decreed by appropriate judicial authority. The subdivider must submit legal documentation satisfactory to the planning director, or his/her designee, in order to establish eligibility for this exemption. This exemption shall apply only to initial division of property, not to subsequent sale or further subdivision by the heirs, devisees, or transferees. Plats of subdivisions so exempted shall show an ingress/egress easement providing access to all parcels, and shall contain the following information:

- (a) Names of owners of each parcel being created; and
- (b) Purpose of the subdivision; and
- (c) A note stating that “ROAD ACCESS NOT PROVIDED”; and
- (d) A note stating “THESE LOTS/PARCELS MAY NOT BE FURTHER SUBDIVIDED UNTIL ROAD ACCESS IS PROVIDED AND A REVISED PLAT IS APPROVED BY RICHLAND COUNTY”.
- (e) Should the planning director, or his/her designee, exempt a proposed subdivision from the construction of the private roadway, the property shall also be exempt from delineation of jurisdictional and non-jurisdictional wetlands (for purposes of approving the plat for recordation only; this section shall not supersede any state and/or federal requirement for construction in, around or through a jurisdictional wetland or flood zone). In the situation that a property owner requests exemption from road construction as outlined in this section, the property owner shall sign a statement that he/she understands that the proposed subdivision of land shall not be exempted from any other minimum standard set forth in this Chapter, including any and all review fees, minimum lot size, etc.

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

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

SECTION V. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

Attest this the _____ day of
_____, 2011

Michelle M. Onley
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: October 25, 2011 (tentative)
First Reading: October 25, 2011 (tentative)
Second Reading:
Third Reading:

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

