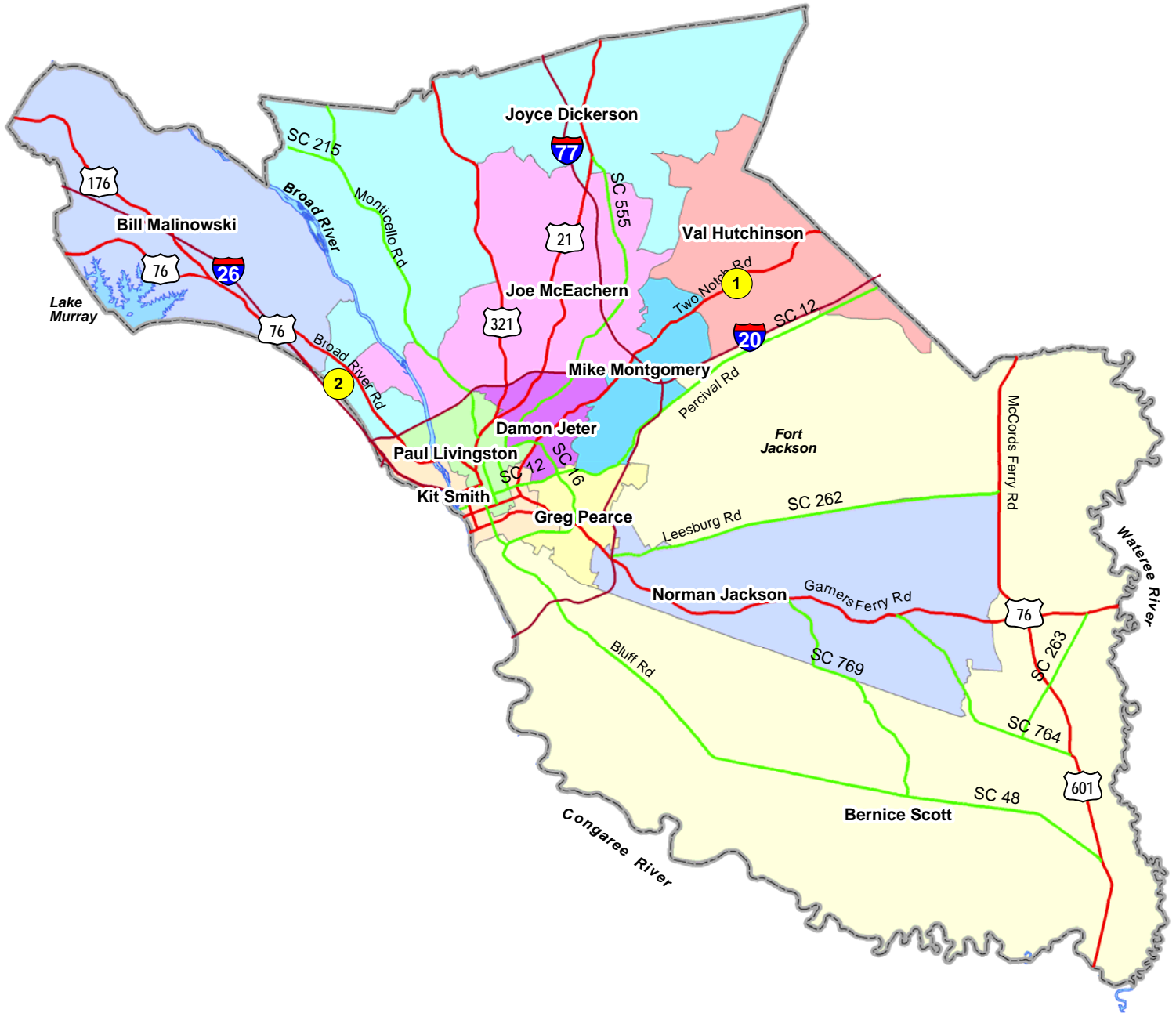


RICHLAND COUNTY
PLANNING COMMISSION



SEPTEMBER 8, 2008

RICHLAND COUNTY PLANNING COMMISSION SEPTEMBER 8, 2008



| CASE NO. | APPLICANT | TMS NO. | LOCATION | DISTRICT |
|-------------|---------------------|------------------|---------------------------------|------------|
| 1. 08-24 MA | Frank Chapman | 22914-06-34 | 10240 Two Notch Road | Hutchinson |
| 2. 08-25 MA | New Covenant Church | 04913-03-03 & 10 | Piney Woods & Piney Grove Roads | Dickerson |

RICHLAND COUNTY PLANNING COMMISSION

Monday, September 8, 2008

Agenda

1:00 PM

**2020 Hampton Street
2nd Floor, Council Chambers**

STAFF Joseph Kocy, AICP Planning Director
Anna Almeida, AICP Deputy Planning Director
Jennie Sherry-Linder Land Development Administrator
Amelia R. Linder, Esq. Attorney

I. PUBLIC MEETING CALL TO ORDER Deas Manning, Chairman

II. PUBLIC NOTICE ANNOUNCEMENT

III. PRESENTATION OF MINUTES FOR APPROVAL

a. Consideration of the July Minutes

IV. AGENDA AMENDMENTS

VI. MAP AMENDMENTS

| | | |
|--------------------------|-----------------------|------|
| CASE # 08-24 MA | | |
| APPLICANT | Frank Chapman | |
| REQUESTED AMENDMENT | M-1 to GC (.70 acres) | Page |
| PURPOSE | Commercial | |
| TAX MAP SHEET NUMBER (S) | 22914-06-34 | 3 |
| LOCATION | 10240 Two Notch Rd. | |

| | | |
|--------------------------|-------------------------------|------|
| CASE # 08-25 MA | New Covenant Church | |
| APPLICANT | Dr. C.L. Hardy | |
| REQUESTED AMENDMENT | RU to OI (3.30 acres) | Page |
| PURPOSE | Multi-Use Family Life Center | |
| TAX MAP SHEET NUMBER (S) | 04913-03-03 & 10 | 11 |
| LOCATION | Piney Woods & Piney Grove Rd. | |

VII. TEXT AMENDMENTS

| | |
|--|---------|
| AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-52, AMENDMENTS; SUBSECTION (D), STAFF REVIEW; SO AS TO CLARIFY THE APPLICATION SUBMISSION PROCESS..... | Page 20 |
|--|---------|

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE AND PERFORMANCE STANDARDS; SECTION 26-177, LIGHTING STANDARDS; SUBSECTION (B), STANDARDS.
.....Page 24

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE III, ADMINISTRATION; SECTION 26-34, DEVELOPMENT REVIEW TEAM; SUBSECTION (A), ESTABLISHED/DUTIES; AND ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-59, PLANNED DEVELOPMENT REVIEW/APPROVAL; SUBSECTIONS (D) AND (K); SO AS TO REMOVE THE REQUIREMENT OF DEVELOPMENT REVIEW TEAM REVIEW PRIOR TO PDD APPROVAL AND TO SPECIFY THAT WHEN A PDD DISTRICT EXPIRES, IT REVERTS TO THE PREVIOUS ZONING DISTRICT CLASSIFICATION.
.....Page 32

X. ROAD NAME APPROVALSPage 37

XI. ADJOURNMENT



Richland County Planning & Development Services Department Map Amendment Staff Report

PC MEETING DATE: September 8, 2008
RC PROJECT: 08-24MA
APPLICANT: Frank and Patricia Chapman
PROPERTY OWNER: Frank and Patricia Chapman
LOCATION: 10240 Two Notch Road

TAX MAP NUMBER: 22914-06-34
ACREAGE: 0.70 acres
ZONING REQUEST: M-1 to GC

PC SIGN POSTING: August 21, 2008

Staff Recommendation

Approval

Background /Zoning History

The current zoning of Light Industrial (M-1) reflects zoning as adopted September 7, 1977.

Summary

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

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

Roads

The site is located on Two Notch Road a principle arterial and is currently maintained by SCDOT. The subject parcel contains 170.13 feet of frontage along Two Notch Road.

| Existing Zoning | | |
|------------------------|-----|-----------------------------------|
| <u>North:</u> | M-1 | Automotive Repair Shop/Enterprise |
| <u>South:</u> | GC | Electrolux Professional Shop |
| <u>East:</u> | M-1 | Strip Retail Business |
| <u>West:</u> | M-1 | All South Federal Credit Union |

Compliance with Pending Comprehensive Plan - Land Use Element 2009

The Imagine Richland 2020 Comprehensive Plan/ “North East Proposed Land Use Map” designates this area as Industrial in the Established Urban Area.

Objective: “Encourage industrial and commercial uses in selected, concentrated locations where access is appropriate for the use”.

Compliance: The surrounding character and use of the area is commercial in nature. Two Notch Road provides access to numerous commercial businesses.

Principal: “Commercial uses should not encroach or penetrate established residential areas”.

Compliance The rezoning would not encroach or penetrate residential areas.

Traffic Impact

May, 2007 traffic counts represent the Annual Average Daily Trips in 2006. Count Station #117 located on Two Notch Road south west of the site has a current traffic volume of 32,600 ADT at a level-of-service “D”. Count station #118 located north east of the site has a current traffic volume of 20,400 ADT a level-of-service “B”.

Compliance with Pending Comprehensive Plan - Land Use Element 2009

In accordance with the Comprehensive Planning Enabling Act of 1994 the County’s comprehensive plan must be reviewed every five years and updated once every ten years. The subject parcel is located within the proposed Land Use Element’s Suburban Priority Investment Area located at Two Notch and Clemson Road. Priority Investment Areas should contain a deliberate mix of residential, commercial, and civic uses. Currently the proposed Priority Investment Area at Two Notch and Clemson Road contains mixed residential and commercial components.

The rezoning would be compatible with the proposed Land Use Element.

Conclusion

The current land use map designates this area as Light Industrial District (M-1) has as permitting retail, recreational fields, recreational facilities, places of worship, civic, professional/personal services as well as light industrial land uses. However, the Light Industrial District (M-1) does not allow a residential component. The proposed General Commercial (GC) designation, which permits sixteen (16) units per acre reflecting the highest permitted density for Richland County.

Although the minimum acreage for consideration for a map amendment is two (2) acres, the 0 .70 acres qualifies under Section 26-52 as an exception as it is contiguous to the existing zone district classification of General Commercial (GC). The surrounding area is comprised of properties containing commercial uses; the subject parcel would be compatible with the surrounding uses complementing the surrounding character of the area.

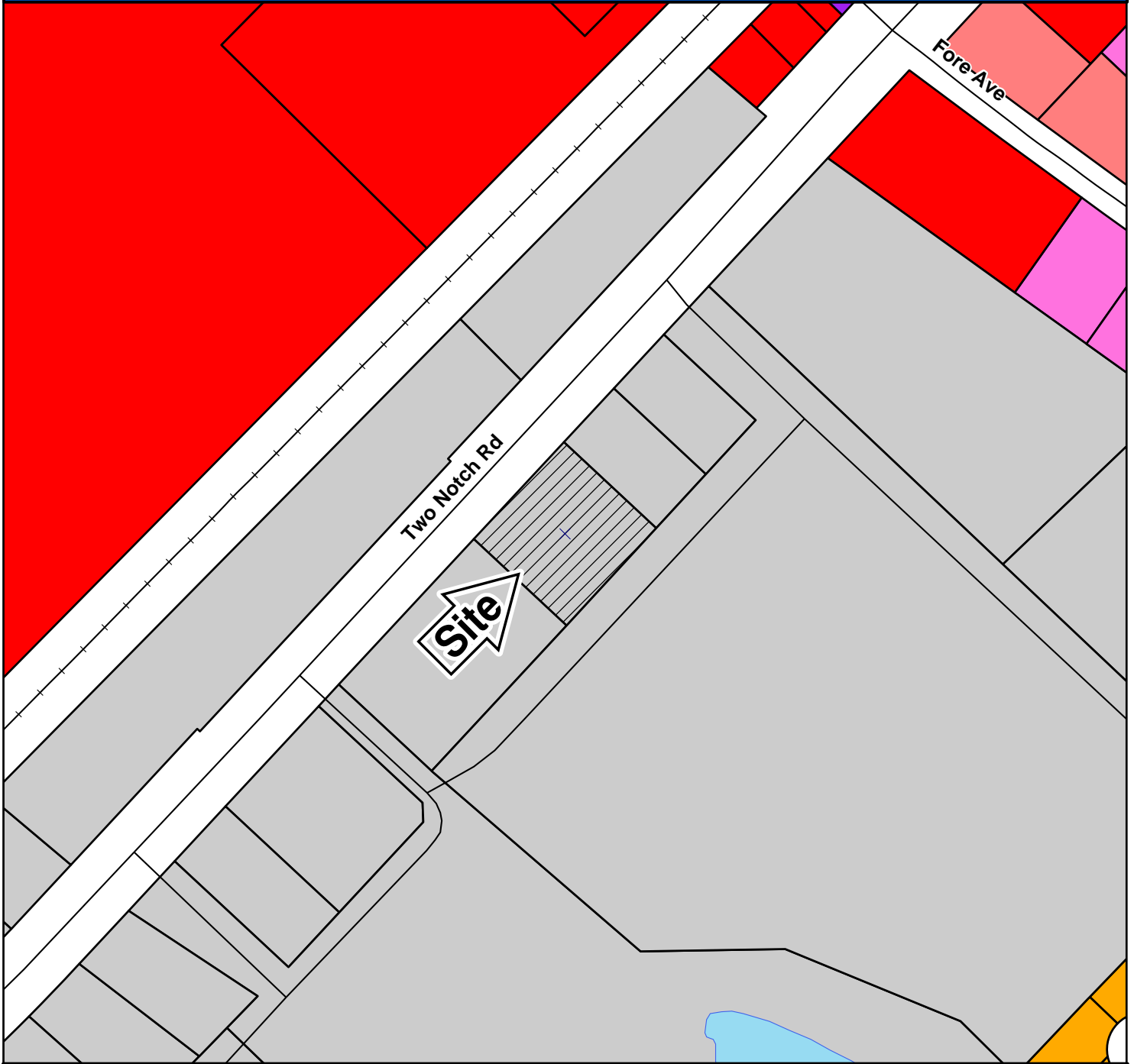
Planning Staff recommends approval of this map amendment.

Zoning Public Hearing Date





















September 23, 2008


Case 08-24 MA

M-1 to GC



ZONING CLASSIFICATIONS

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

 Subject Property



CASE 08-24 MA
M-1 to GC
TMS 22914-06-34



CASE 08-24 MA

From M-1 to GC

TMS#22914-06-34

Two Notch Rd





Looking north east of site



Richland County Planning & Development Services Department

Map Amendment Staff Report

PC MEETING DATE: September 8, 2008
RC PROJECT: 08-25 MA
APPLICANT: Dr. C. L. Hardy
PROPERTY OWNER: New Covenant Assembly
LOCATION: 602 Piney Grove Road

TAX MAP NUMBER: 04913-03-03 & 10
ACREAGE: 3.30
ZONING REQUEST: RU to OI

PC SIGN POSTING: August 21, 2008

Staff Recommendation

Approval

Background /Zoning History

According to County records the current zoning of Rural (RU) reflects the original zoning as adopted September 7, 1977.

In 1995 a variance was granted (95-105 V) on the adjacent church property for parking 5 feet into the required 10 foot buffer.

Summary

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

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

Roads

The site is located on Piney Grove Road which is classified as a minor arterial and is currently maintained by SCDOT. Lot: 3 contains 209.84 linear feet of frontage and lot: 10 contains 151.78 linear feet of frontage along Piney Grove Road.

Existing Zoning

| | | |
|----------------------|-------------|--------------------|
| <u>North:</u> | RU | Residential |
| <u>South:</u> | RM-HD/Rural | Vacant/Residential |
| <u>East:</u> | RU | Residential |
| <u>West:</u> | RU | Residential |

Plans & Policies Comprehensive Plan Revised through 1994

The Imagine Richland 2020 Comprehensive Plan/“Northwest Area Proposed Land Use Map” designates this Established Urban Area as Medium to High Residential.

Objective: “Promote Development in areas with adequate infrastructure”.

Compliance The subject parcels are located within an area with established infrastructure.

Principal: “High schools, middle schools, cultural facilities and large churches requiring substantial acreage for parking and related facilities should be centrally located and sited near major intersections or be accessible by a major highway.”

Compliance The subject parcels are located within a half mile of I-26.

Traffic Impact

The current traffic counts received from SCDOT in May, 2007 represent the Annual Average Daily Trips in 2006. The nearest count station is # 465 located on Piney Grove Road. The current traffic volume is 5,900 ADT level-of-service “B”. The development of multifamily housing at the corner of Piney Grove Rd and Fernandina Rd west of the site will increase traffic by 1,880 two way daily trips with no change in service levels in the surrounding area according to the traffic study.

Compliance with Pending Comprehensive Plan - Land Use Element 2009

In accordance with the Comprehensive Planning Enabling Act of 1994 the County’s comprehensive plan must be reviewed every five years and updated once every ten years. The subject parcel is located within the proposed Land Use Element’s Suburban land use classification. Throughout the suburban areas in the North West, infill should be a focus in residential, commercial and industrial uses in order to complement and connect the existing

sprawl pattern. Public facilities such as schools, libraries, and recreation centers should be located where they reinforce neighborhood and community centers.

The rezoning would provide an opportunity for infill in an existing residential area and would be in compliance with the proposed Comprehensive Plan.

Conclusion

On April 4th, 2006 16.55 acres of property located on the northwest parcel located at the intersection of the Fernandina and Piney Grove Road was rezoned from Light Industrial (M-1) to General Commercial (GC) for the purpose of mixed use commercial and residential multifamily housing.

Lot: 03 will remain undisturbed and lot: 10 is proposed as a family life center. Currently ancillary uses are not permitted under the Rural (RU) zoning. The family life center will be an extension of the existing church services promoting its use.

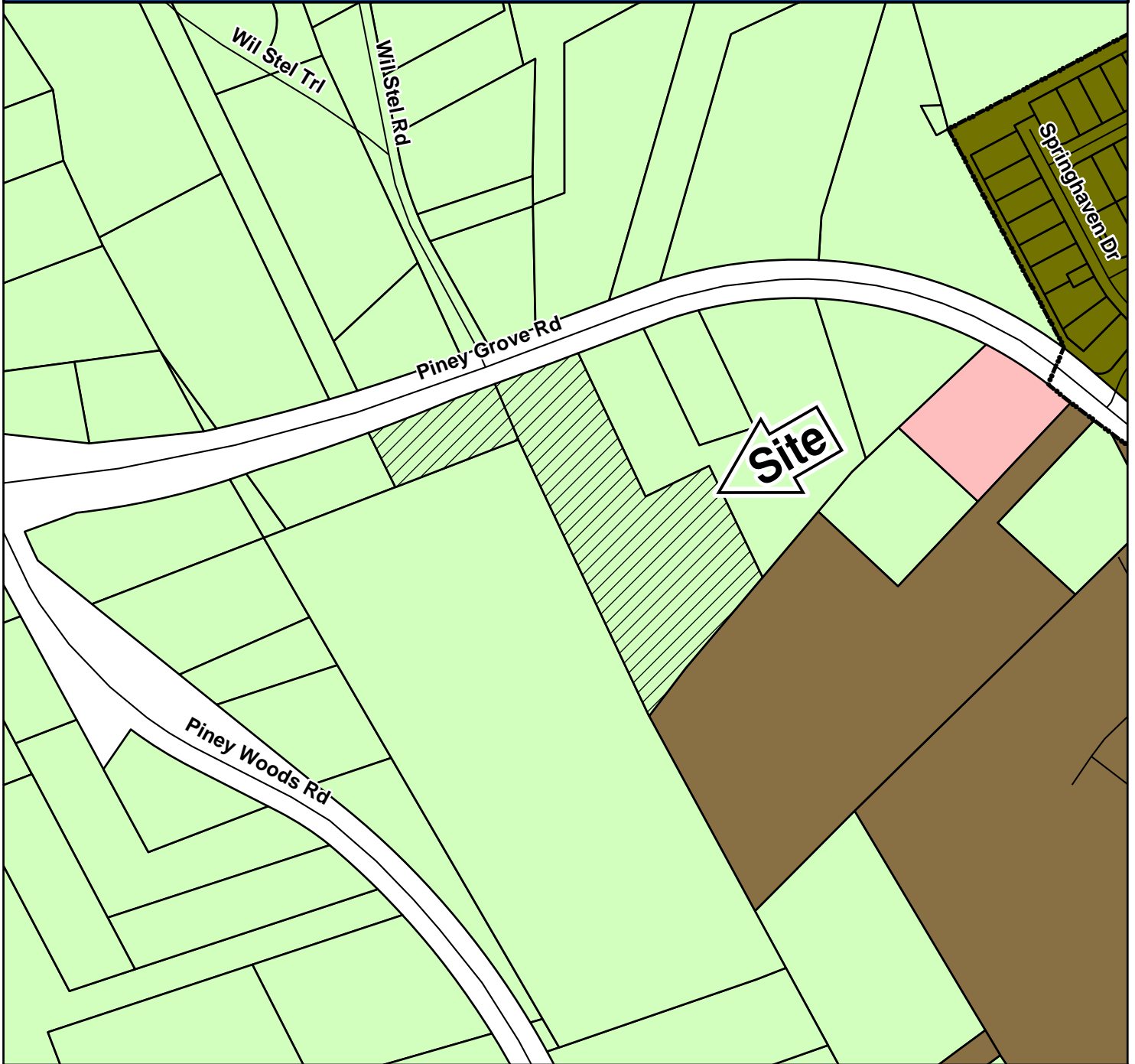
The parcels are located in an area with existing infrastructure and access to I-26. The proposed rezoning serves the area by expanding the capacity of the church and offering additional services to the surrounding community. The future development of multifamily housing at the intersection of Piney Grove Rd and Fernandina Rd west of the site as well as the existing Springhaven subdivision east of the site increases the population of the immediate surrounding area increasing the need for neighborhood and community centers. The Office and Institutional district (OI) will act as a buffer for residential uses located along Piney Grove Rd.

Planning Staff recommends approval of this map amendment.





















Zoning Public Hearing Date


September 23, 2008

Case 08-25 MA RU to OI



ZONING CLASSIFICATIONS

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

 Subject Property



**CASE 08-25 MA
RU to OI**

TMS 04913-03-03 & 10

Wil Stel Trl

Wil Stel Rd

Piney Grove Rd

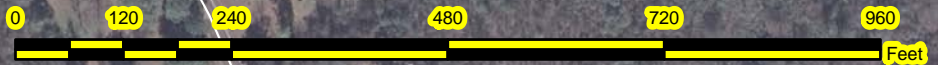
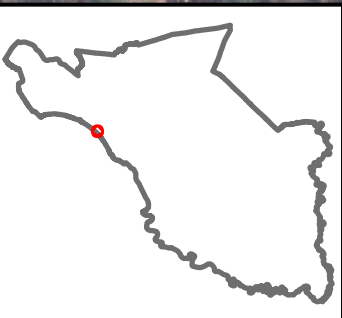
Piney Woods Rd

Site

 **FLOOD ZONE A**

 **FLOOD ZONE AE**

 **WETLANDS**



CASE 08-25 MA

From RU to OI

TMS#04913-03-03 & 10

Piney Grove Road





EXPLANATION

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-52, AMENDMENTS; SUBSECTION (D), STAFF REVIEW; SO AS TO CLARIFY THE APPLICATION SUBMISSION PROCESS.

What this ordinance will do:

This ordinance will amend Section 26-52 to specify that only complete application packages received prior to the first day of the month shall be scheduled for the following month's planning commission meeting.

DRAFT

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-52, AMENDMENTS; SUBSECTION (D), STAFF REVIEW; SO AS TO CLARIFY THE APPLICATION SUBMISSION PROCESS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and procedures; Section 26-52, Amendments; Subsection (d); is hereby amended to read as follows:

- (d) *Staff review.* The planning department shall review any petition for a zoning map amendment and determine if it is complete within ten (10) days of its submittal. If the application is complete, the planning department shall schedule the matter for consideration at the next available meeting of the Richland County Planning Commission. For text amendments, the department shall schedule the matter for consideration by the planning commission when the staff review of the proposal is complete. For all amendments, the planning department shall prepare a staff evaluation and recommendation. Only complete application packages received prior to the first day of the month shall be scheduled for the following month's planning commission meeting. The schedule for meetings of the planning commission ~~and application deadlines for such meetings~~ shall be kept and maintained in the office of the Richland County Planning and Development Services Department.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:
First Reading:
Second Reading:
Third Reading:

EXPLANATION

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE AND PERFORMANCE STANDARDS; SECTION 26-177, LIGHTING STANDARDS; SUBSECTION (B), STANDARDS.

What this ordinance will do:

This ordinance will amend Section 26-177 to delete current standards and to replace the language with other requirements.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE AND PERFORMANCE STANDARDS; SECTION 26-177, LIGHTING STANDARDS; SUBSECTION (B), STANDARDS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction; Definitions; Section 26-22, Definitions; is hereby amended to include the following definitions:

Full-cutoff. With respect to lighting, a light fixture which cuts off all upward transmission of light, with zero light above 90° horizontal.

Glare. Discomfort experienced by an observer with a direct line of sight to a light source, resulting in visual impairment

Light trespass. Light projected onto a property from a fixture not located on that property.

Lumen/photopic lumen. The measure of brightness of the illumination exiting a bulb, provided by a manufacturer.

Luminaire. The complete lighting unit, including the lamp, fixture, pole, and/or other parts.

Outdoor Retail. Commercial sales of large items, traditionally occurring outside. (e.g., auto dealerships, lumber yards)

Pedestrian zone. An area where cars are prohibited, such as sidewalks, bikeways, trails, lawns and landscaped areas.

Tee Box. The area in a driving range where players stand to hit golf balls (i.e., tee shots)

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-177, Lighting Standards; Subsection (b), Standards; is hereby amended to read as follows:

(b) *Standards.*

- ~~(1) *Orientation/shielding.* All light fixtures, except streetlights, shall be located, aimed, or shielded as to minimize stray light trespassing across property boundaries. No illumination in excess of one-half (1/2) foot candle shall be permitted within the boundaries of any adjacent residentially developed property. The orientation of all lighting shall be downward.~~
- ~~(2) *Height of pole lighting.* Any lighting that is installed on a pole shall have a maximum height of eighteen (18) feet from the bulb to the adjacent ground. However, a maximum height of thirty (30) feet from the bulb to the adjacent ground is permitted for cut off lights in rural areas.~~
- ~~(3) *Prohibited lighting.* The following lighting features are prohibited: search lights, laser source lights, or any similar high intensity light, except in emergencies by police and fire personnel or at their direction.~~
- ~~(4) *Parking lot and street lighting.* All outdoor lighting fixtures installed for parking lot or street lighting are permitted a maximum foot candle reading of six (6) foot candles and a 2.5 maximum average reading.~~
- ~~(5) *Canopy lighting.* Outdoor lighting installed on canopies or drive-thru facilities is permitted an average foot candle reading of twenty (20) foot candles under any area that is illuminated.~~

(1) *Requirements for all zoning categories and applications.*

- (a) *Luminaire heights are measured from ground level to the top of the luminaire.*
- (b) *All luminaires shall be full-cutoff certified.*
- (c) *Illumination from any luminaire at property lines shall not exceed .1 horizontal or .1 vertical foot-candles.*
- (d) *All luminaires, except streetlights, shall be located, aimed, or shielded as to minimize stray light trespassing across property boundaries. No illumination in excess of one-half (1/2) foot candle shall be permitted within the boundaries of any adjacent residentially developed property. The orientation of all lighting shall be downward.*

(e) To prevent glare, no line of sight to a bulb/lamp is permitted beyond five (5) feet from the property line by an observer that is level or higher than the ground level at the lighting fixture.

(f) All poles must be silver or grey, or a similar color, to blend into the horizon, scenery, or background. Under no circumstance may a black or brown pole be used.

(2) Lighting exempt from these standards.

(a) Lighting within swimming pools or other water features that are governed by Department of Health and Environmental Control regulations.

(b) Exit signs, stairs, ramps, and other illumination required by building codes.

(3) Non-residential standards (except outdoor retail).

(a) Parking lot lighting shall be turned off within 60 minutes after the end of business hours. Luminaires near building entrances and entryways (driveways) may remain illuminated at security lighting levels.

(b) For parking lots and driveways, luminaires may not exceed twenty-four (24) feet in height.

(c) For pedestrian zones, luminaires on sidewalks, in landscaped areas, or adjacent to buildings may not exceed twelve (12) feet in height.

(d) Building mounted luminaires may not be mounted above the 1st floor.

(e) The maximum lighting per acre is 200,000 lumens per acre for business hours and 80,000 lumens per acre for security/non-business hours.

(f) The distance between luminaires on commercial properties and residential property lines must be greater than or equal to luminaire height. Provided, however, in the event of any conflict between this requirement and a requirement contained in a different provision of this chapter, the more restrictive provision shall apply.

(4) Residential standards (including hotels & motels).

- (a) For parking lots and driveways, luminaires may not exceed eighteen (18) feet in height.
- (b) For pedestrian zones, luminaires on sidewalks, in landscaped areas, or adjacent to buildings may not exceed twelve (12) feet in height.
- (c) Building mounted luminaires may not be mounted above the 1st floor.
- (d) The maximum lighting per acre is 80,000 lumens per acre.

(5) Outdoor Retail.

- (a) The maximum lighting per acre is 650,000 lumens per acre for business hours and 180,000 lumens per acre for security/non-business hours.
- (b) Full-power lighting shall be reduced within thirty (30) minutes after the end of business hours. Auto display areas may be illuminated, but at security levels.

(6) Athletic Lighting.

- (a) Athletic lighting is exempt from lumens per acre.
- (b) Full-cutoff features are required on all luminaires.
- (c) Golf driving ranges must use elevated tee boxes with lighting below.
- (d) Light trespass requirements apply.
- (e) Lighting must be turned off by 11:00 p.m.
- (f) The distance between luminaires for athletic facilities and residential property lines must be greater than or equal to luminaire height. Provided, however, in the event of any conflict between this requirement and a requirement contained in a different provision of this chapter, the more restrictive provision shall apply.

(7) Prohibited lighting. The following lighting features are prohibited: search lights, laser source lights, or any similar high-intensity light,

except in emergencies by police and fire personnel or at their direction.

(8) Canopy standards.

(a) Shielding: All luminaires mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize flat lenses.

(b) Total Under-Canopy Output: The total light output used for illuminating service station canopies defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 430 lumens per square meter (forty lumens per square foot) of canopy

(c) All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial lumen output.

(9) Lighting lamps.

(a) Approved lighting lamps: incandescent lamps, fluorescent lamps, metal halide lamps, high pressure sodium lamps, and low-pressure sodium lamps.

(b) Prohibited lighting lamps: mercury vapor lamps (sometimes called high-pressure mercury, as distinguished from fluorescent) and tungsten-halogen (quartz).

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 enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:
First Reading:
Second Reading:
Third Reading:

EXPLANATION

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE III, ADMINISTRATION; SECTION 26-34, DEVELOPMENT REVIEW TEAM; SUBSECTION (A), ESTABLISHED/DUTIES; AND ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-59, PLANNED DEVELOPMENT REVIEW/APPROVAL; SUBSECTIONS (D) AND (K); SO AS TO REMOVE THE REQUIREMENT OF DEVELOPMENT REVIEW TEAM REVIEW PRIOR TO PDD APPROVAL AND TO SPECIFY THAT WHEN A PDD DISTRICT EXPIRES, IT REVERTS TO THE PREVIOUS ZONING DISTRICT CLASSIFICATION.

What this ordinance will do:

This ordinance will amend Section 26-34 and Section 26-59 to remove the requirement that the Development Review Team review applications for planned developments. Instead, staff will review the application, and if it is complete, they will schedule it to be considered by the Planning Commission within 60 days (with one 30 day extension being possible).

In addition, this ordinance will delete the provisions regarding the posting of a bond and will clarify what happens if no development occurs on property that has been zoned to PDD. Approval expires after 2 years if the applicant has not applied for appropriate state and federal permits and does not have site plan or sketch plan approval (for the entire tract of land that comprises the PDD) from the county. The property would then revert to the zoning district classification that was in effect immediately prior to the establishment of the PDD District.

DRAFT

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE III, ADMINISTRATION; SECTION 26-34, DEVELOPMENT REVIEW TEAM; SUBSECTION (A), ESTABLISHED/DUTIES; AND ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-59, PLANNED DEVELOPMENT REVIEW/APPROVAL; SUBSECTIONS (D) AND (K); SO AS TO REMOVE THE REQUIREMENT OF DEVELOPMENT REVIEW TEAM REVIEW PRIOR TO PDD APPROVAL AND TO SPECIFY THAT WHEN A PDD DISTRICT EXPIRES, IT REVERTS TO THE PREVIOUS ZONING DISTRICT CLASSIFICATION.

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 III, Administration; Section 26-34, Development Review Team; Subsection (a), Established/duties; is hereby amended to read as follows:

- (a) *Established; duties.* A development review team is hereby established, which shall have the following duties:
- (1) *Land development review.* The development review team shall review and comment on all major land development applications and minor land development applications as needed. Such review shall be made in accordance with the procedures set forth in Section 26-53 of this chapter.
 - (2) *Subdivision review.* The development review team shall review and comment on all major subdivision plat applications and shall comment on minor subdivision plats as needed. Such review shall be made in accordance with the procedures set forth in Section 26-54 of this chapter.
 - ~~(3) *Planned development review.* The development review team shall review and comment on all applications for planned developments. Such review shall be made in accordance with the procedures set forth in Section 26-59 of this chapter.~~
 - ~~(4)~~(3) *Assistance to the planning department.* The development review team shall review and comment on other plans or applications as requested by the planning department and shall assist the staff of the planning department with any studies or other land development matters as necessary.

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~~(5)~~(4) *Other.* The development review team shall perform such additional powers and duties as may be set forth for the development review team of Richland County elsewhere in this chapter and other laws and regulations of the county.

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-59, Planned Development Review/Approval; Subsection (d), Staff review; is hereby amended to read as follows:

- (d) *Staff review.* The planning department shall review the application and determine if it is complete within fifteen (15) days of its submittal. If the application is found to be incomplete, the planning department shall notify the applicant of any deficiencies. Provided the application is complete, the planning department shall schedule the matter for consideration by the development review team. ~~Within thirty (30) days of receipt from the planning department, the development review team shall review the proposed PDD. The development review team shall take action on the application within thirty (30) days of reviewing the proposed PDD. Following the action by the development review team, the matter shall be scheduled~~ for consideration by the planning commission within sixty (60) days of receipt; provided, however, the planning department may request one thirty (30) day extension, with the consent of the applicant. The planning department shall prepare a staff recommendation on the PDD application and the zoning map amendment. The schedule for meetings of the planning commission and applications ~~and deadlines for the meetings~~ shall be maintained in the planning department.

SECTION III. The Richland County Code of Ordinances; Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-59, Planned Development Review/Approval; Subsection (k), Permit/approval validity; is hereby amended to read as follows:

- (k) *Permit/approval validity.* The descriptive statement as approved by Richland County Council and duly recorded shall set forth the development for the project, including phasing of development of nonresidential uses in relationship to residential use. ~~The county council may require the posting of a bond with a corporate surety to guarantee that the schedule set forth in the descriptive statement will be materially adhered to in order to guarantee construction of roads, utilities, and other facilities and amenities. A bond may also be used to allow for rectification of improper development characteristics, such as failure to begin, or failure to complete, or failure to make adequate progress as agreed to in the descriptive statement. If performance differs from that set forth in the statement approved by county council, the council may:~~
- ~~(1) Enforce and collect upon such bonds or sureties as described in this subsection;~~

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- ~~(2) — Change the district classification of the planned development and thus terminate the right of the applicant to continue development;~~
- ~~(3) — Initiate action to charge the developers with specific violation of this chapter subject to the penalties set forth in Article XI. of this chapter; or~~
- ~~(4) — Take any appropriate combination of these actions.~~

~~If the planned development is not initiated within two (2) years of its establishment, the development approval shall automatically expire and the county council may initiate a rezoning to another zoning district classification.~~

If the applicant has not applied for appropriate state and federal permits and does not have site plan or sketch plan approval (for the entire tract of land that comprises the PDD) from the county within two (2) years of the enactment of the PDD District zoning, then the development approval shall automatically expire and the property shall revert to the zoning district classification that was in effect immediately prior to the establishment of the PDD District. However, the applicant may apply to County Council for a one (1) year extension of this two (2) year time period no later than 60 days and no earlier than 120 days prior to the expiration of the development approval.

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

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

SECTION VI. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

Attest this the _____ day of
_____, 2008

Michielle R. Cannon-Finch
Clerk of Council

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RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:
First Reading:
Second Reading:
Third Reading:

**RICHLAND COUNTY, SOUTH CAROLINA
PLANNING & DEVELOPMENT SERVICES DEPARTMENT**

TO: Planning Commission Members: Interested Parties
FROM: Alfreda W. Tindal, E9-1-1 Addressing Coordinator
DATE: August 13, 2008

Pursuant Section 6-29-1200 (A), SC Code of Laws requires the Planning Commission to approve street names. Specifically, states "...A local planning commission created under the provisions of this chapter shall, by proper certificate, approve and authorize the name of a street or road laid out within the territory over which the commission has jurisdiction..."

The proposed street/road/subdivision names listed below have been given preliminary approval as related to the Emergency 9-1-1 system requirements.

Action Requested

The Addressing Office recommends the Commission give **final** approval of the street/road names listed below. **Unless specifically stated, the street name suffixes are added after receipt of the subdivision lot layout.**

| PROPOSED STREET NAMES | GENERAL LOCATION |
|-----------------------|---|
| Kingdom Landing Way | Private road off Chain Gang Road, Southeast |
| Cotesworth Ct | Ashland @ Lake Carolina, Northeast |
| Canongate Ct | Ashland @ Lake Carolina, Northeast |
| Hospitality Lane | Off Jabay Rd, Northeast |

