

RICHLAND COUNTY
PLANNING COMMISSION



MARCH 2, 2009

RICHLAND COUNTY PLANNING COMMISSION

Monday, March 2, 2009

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 Christopher Anderson, Chairman

II. PUBLIC NOTICE ANNOUNCEMENT

III. PRESENTATION OF MINUTES FOR APPROVAL

a. February Minutes

IV. AGENDA AMENDMENTS

V. MAP AMENDMENTS

CASE # 09-02 MA		
APPLICANT	Lawrence Owen	
REQUESTED AMENDMENT	RS-MD to OI (1 acre)	Page
TAX MAP SHEET NUMBER (S)	06205-02-02	1
LOCATION	1204 Piney Grove Rd.	

VI. TEXT AMENDMENTS

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SO AS TO DELETE SECTION 26-184, PARKS AND OPEN SPACE, AND TO PROVIDE FOR THE USE OF THE GREEN CODE'S FLEXIBILITY IN THE VARIOUS ZONING DISTRICTS. Page 7

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; "RESIDENTIAL USES" OF TABLE 26-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SO AS TO LIMIT MULTI-FAMILY USE IN THE GC GENERAL COMMERCIAL DISTRICT. Page 19

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SO AS TO AMEND SUBSECTION (E), PROHIBITED SIGNS, AND TO CREATE A NEW SUBSECTION FOR THE PURPOSE OF ENFORCEMENT.

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AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SO AS TO CREATE A NEW SECTION THAT WOULD ALLOW WEEKEND DIRECTIONAL SIGNS UNDER CERTAIN CONDITIONS.

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AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SO AS TO CREATE A NEW SECTION THAT WOULD ALLOW TEMPORARY OFF-PREMISES SIGNS UNDER CERTAIN CONDITIONS.

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VII. COMPREHENSIVE PLAN

VIII. RULES OF PROCEDURE

IX. ROAD NAME APPROVALS

X. ADJOURNMENT



**Richland County Planning & Development Services
Department**
Map Amendment Staff Report

PC MEETING DATE: March 2, 2009
RC PROJECT: 09-02 MA
APPLICANT: Lawrence Owen
PROPERTY OWNER: Lawrence Owen

LOCATION: 1204 Piney Grove Rd.

TAX MAP NUMBER: 06205-02-02
ACREAGE: 0.5 acres
EXISTING ZONING: RS-MD
PROPOSED ZONING: OI

PC SIGN POSTING: February 12, 2008

Staff Recommendation

DENIAL

Background /Zoning History

The current zoning of Residential Single-Family, Medium density (RS-MD) reflects the original zoning as adopted September 7, 1977. The parcel has approximately 130 linear feet of frontage on Piney Grove Road and approximately 200 linear feet along Palm Tree Lane.

Summary

The Office and Institutional District (OI) is intended to accommodate office, institutional, and certain types of residential uses in an area whose characteristics are neither general commercial nor exclusively residential in nature. Certain related structures and uses required to serve the needs of the area are permitted outright or are permitted as special exceptions subject to restrictions and requirements. No minimum lot area, except as determined by DHEC. The maximum allowed density for residential uses is sixteen (16) dwelling units per acre.

Existing Zoning		
<u>North:</u>	OI	Bundles of Joy Daycare
<u>South:</u>	RM-MD	The Groves, multi family housing
<u>East:</u>	RM-MD	The Groves, multi family housing
<u>West:</u>	RS-MD	Single family residence

Plans & Policies

The Imagine Richland 2020 Comprehensive Plan “Northwest Area Proposed Land Use Map” designates this area as medium to high density residential in the Established Urban Area.

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

Non-Compliance: The subject parcel is located in a concentrated residential area. This location is not appropriate for a commercial/office use.

Principal: “In general, commercial and office activities should be confined to existing zoned areas and/or proposed locations where the following applies: sites that do not encroach or penetrate established residential areas”.

Non-Compliance: The site is adjacent to residentially zoned property to the west, east, and south of the property.

Traffic Impact

The proposed Office and Institutional (OI) Zoning Map Amendment will not result in a significant traffic impact on the adjacent roadway network.

Compliance with Pending Comprehensive Plan - Land Use Element 2009

The pending Land Use Element designates this area as Suburban. Commercial/Office activities in the Suburban area should “be located at traffic junctions or in areas with existing commercial and office uses and not encroach on established residential areas”.

Currently, the subject parcel is zoned Residential Single Family – Medium Density (RS-MD). The proposed Amendment would rezone the property to Office Institutional (OI). The subject parcel is currently surrounded by residential uses in 3 directions, and therefore, would be encroaching upon existing residential areas.

The proposed Amendment is **not** in compliance with the Pending 2009 Comprehensive Plan.

Conclusion

Currently, the area surrounding the subject parcel is residential, with the exception of a daycare to the North, which is zoned Office Institutional (OI). The daycare was rezoned in 1994 (94-055MA) from D-1 (now RU) to C-1 (now Office and Institutional).

Adjacent to the existing day care center, is a ten (10) acre site, zoned General Commercial District (GC), which reflects the original zoning as adopted September 7, 1977. In January 2007 an 84 lot subdivision for “single family attached dwellings”, at 8 units per acre, received sketch approval preliminary plan approval April 2008. The balance of the parcels zoned General Commercial District (GC) are existing and vacant commercial land uses: a kennel, pool hall, small retail, a tavern, on Broad River Road.

The subject parcel is 300 linear feet from the proposed 84 lot subdivision along Piney Grove Road, and 800 linear feet from higher intensity commercial land uses [other than residential high density.]

Although the subject parcel is less than the required two acres, the Land Development Code Section 26-52, provides for exceptions, if the parcel is contiguous to the requested zone district. This application is deemed an extension of an existing zoning district boundary.

The subject parcel is the only parcel, in the established subdivision, which is bordered on all boundaries, except one, with the higher density residential and commercial land uses encroaching along Piney Grove Road. It does have a natural buffer from these more intense land uses, as a corner lot at Piney Grove Road and Palm Tree Lane. In addition, the subject parcel, as well as all the parcels to the south, are zoned Residential-Single Family, Medium Density District (RS-MD) which stipulates a minimum lot size of 8500 square feet. However, the subject parcel is over 26,000 square feet and the majority of these subdivision lots are 20,000 square feet and larger. This further emphasizes the residential nature of the area.

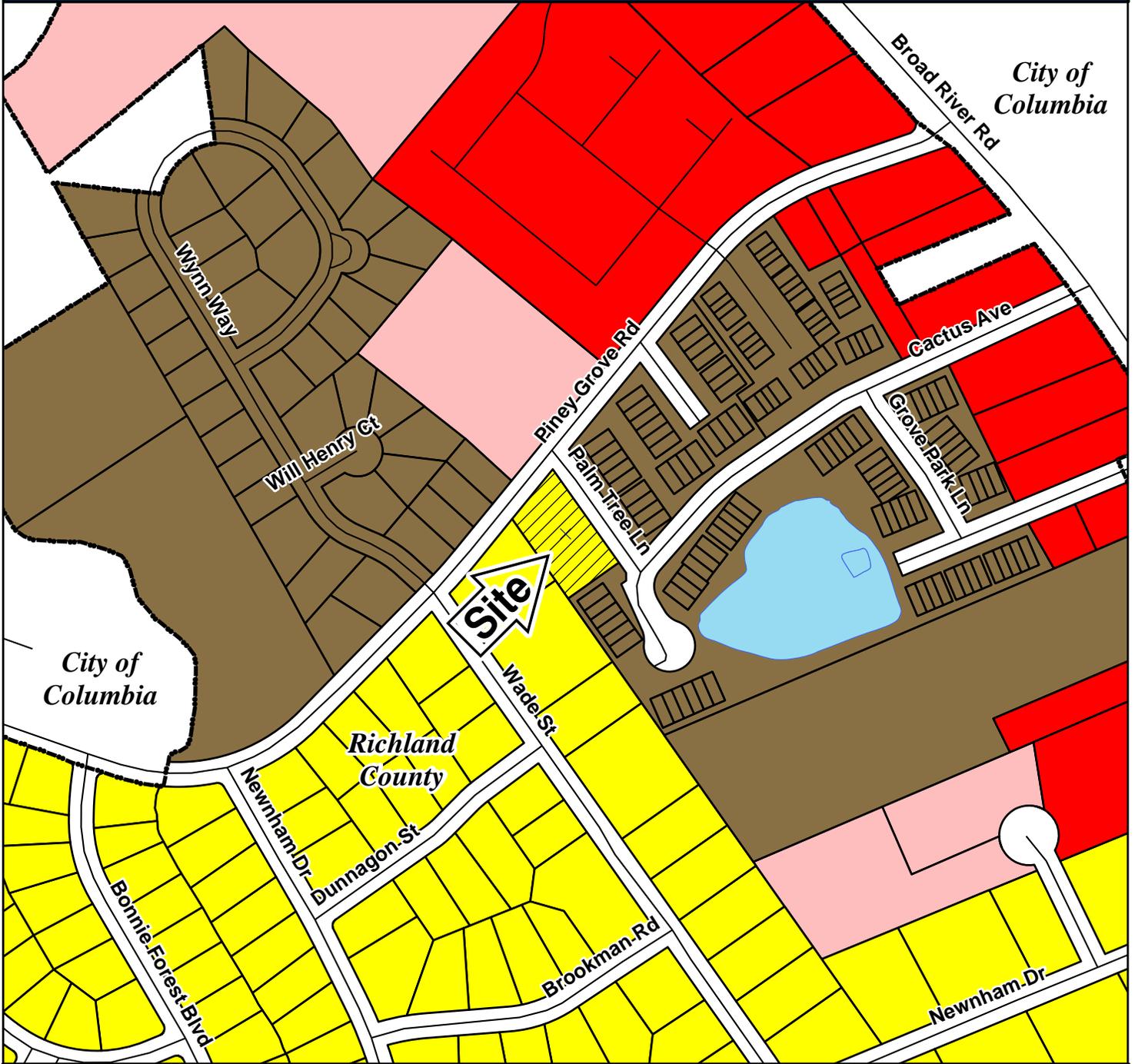
Consistent with the current and proposed Land Use Elements of the Comprehensive Plan, which recommend, commercial/office land uses, should not encroach into residential areas

The Planning Staff recommends denial of this map amendment.

Zoning Public Hearing Date

March, 2009

Case 09-02 MA RS-MD to OI

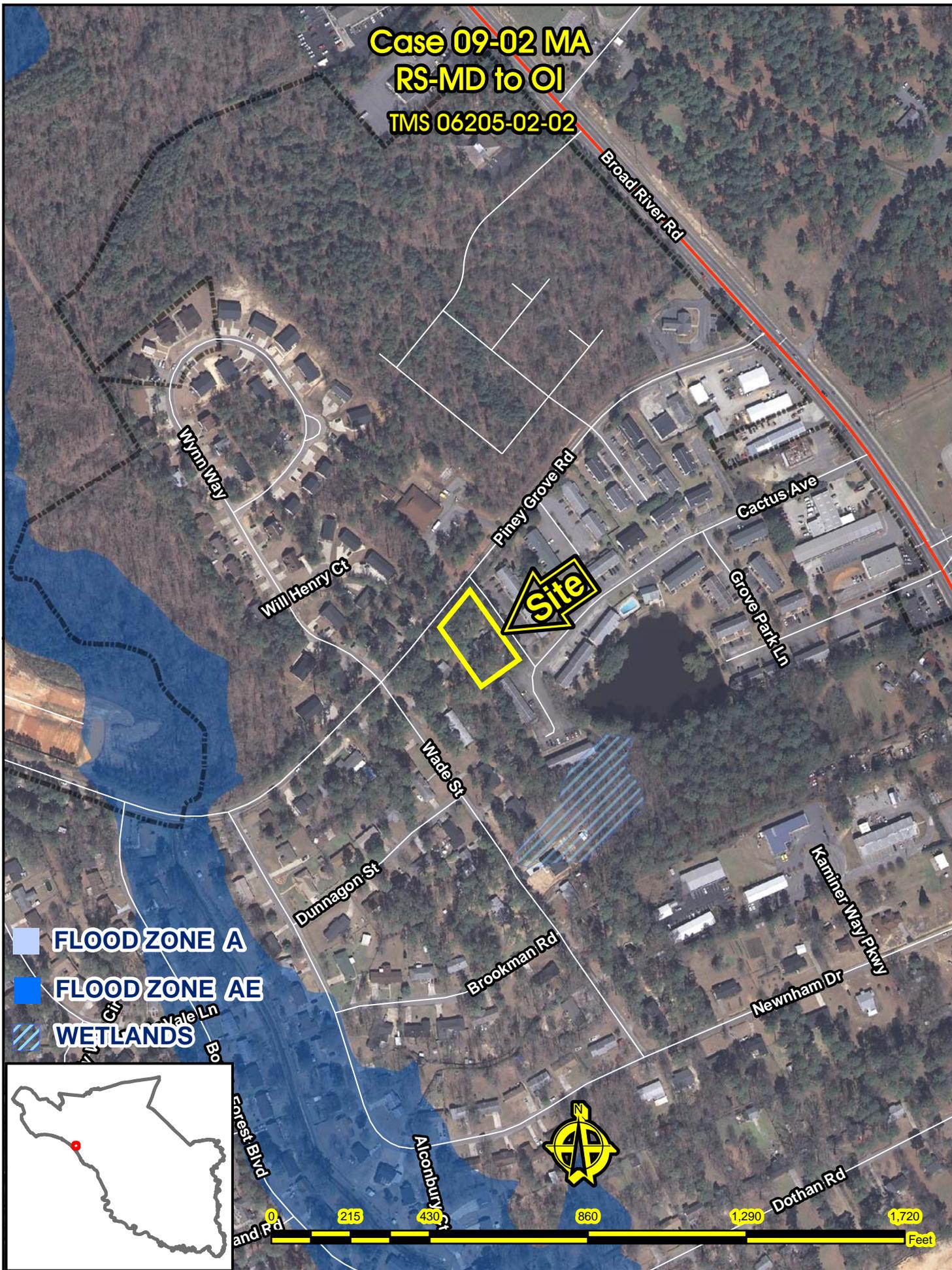


ZONING CLASSIFICATIONS

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

N
 Subject Property

**Case 09-02 MA
RS-MD to OI
TMS 06205-02-02**



CASE 09-02 MA

From RS-MD to OI

TMS-R06205-02-02

1204 Piney Grove Rd



EXPLANATION OF PARK AND OPEN SPACE DELETION AND USE OF GREEN
CODE REQUIREMENTS

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SO AS TO DELETE SECTION 26-184, PARKS AND OPEN SPACE, AND TO PROVIDE FOR THE USE OF THE GREEN CODE'S FLEXIBILITY IN THE VARIOUS ZONING DISTRICTS.

Background:

This ordinance is being initiated by the Planning Director, Joseph Kocy, and is supported by planning staff as an appropriate amendment to the Land Development Code since the Green Code requirements have now been adopted.

What this ordinance will do:

Section 26-184, "Parks and Open Space", has been deleted in its entirety. However, some of the provisions were added to the requirements of a PDD District, as well as a TC district.

In addition, the "Recreation/open space standards" of the RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, and RM-HD districts were amended to reflect the option of using the Green Code's standards (instead of the standards set forth in Section 26-184).

The "Recreation/open space standards" of the OI, NC, RC, GC, M-1, LI, and HI districts were amended to read "None."

NOTE:

Previously, unacceptable land for park or open space reservation included "Narrow areas", which read as follows:

3. *Narrow areas.* Land with a width of less than twenty-five (25) feet, unless specifically approved by the planning department.

This language has been amended to read as follows:

3. *Narrow areas.* Land with a width of less than twenty-five (25) feet, unless **such land is a bicycle or walking trail at least ten (10) feet wide, or unless such land is a "pocket park" that is no less than ten (10) feet by ten (10) feet in size, or unless** specifically approved by the planning department.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-09HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SO AS TO DELETE SECTION 26-184, PARKS AND OPEN SPACE, AND TO PROVIDE FOR THE USE OF THE GREEN CODE'S FLEXIBILITY IN THE VARIOUS ZONING DISTRICTS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General development, Site, and Performance Standards; Section 26-184, Parks and Open Space; is hereby amended to read as follows:

Sec. 26-184. ~~Parks and open space~~ Reserved.

~~(a) — Purpose and applicability.~~

~~(1) — Purpose. The common open space and park standards contained herein are established to provide an option for the reservation of open space in residential development in Richland County. Preservation of open space and parks in developing areas serves a variety of purposes, including meeting the recreational needs of residents, reducing stormwater runoff, and enhancing air quality.~~

~~(2) — Applicability. The parks and open space options contained in this section shall apply to minor and major residential land developments and to minor and major residential subdivisions.~~

~~(b) — General parks and open space requirements.~~

~~(1) — Minimum amount of park land or open space to be reserved. Developers wishing to use the design flexibility standards of subsection (c) below, must reserve at least ten percent (10%) of the total project area as park land or open space. In addition, at least 50% of the reserved park areas or open space shall be usable, i.e. made accessible for pedestrian and/or aquatic use, or consists of land that could otherwise be developed and does not slope more than 33°.~~

~~(2) — Acceptable land for park land or open space reservation. Land reserved to meet the requirements of this section shall be subject to the following standards:~~

a. ~~Water features.~~ Bodies of water, such as ponds, lakes, streams, wetlands, and flood plains, may be used to fulfill the open space requirement.

b. ~~Land burdened with easements.~~ Land that is burdened with easements may be used, provided that the easements do not interfere with the use of the land for open space and recreation purposes and do not permit future development.

c. ~~Minimum required yards.~~ Minimum required yards may provide up to fifty percent (50%) of the required open space.

(3) ~~Unacceptable land for park or open space reservation.~~ The following types of land are unacceptable for park or open space reservation:

a. ~~Occupied land.~~ Land occupied by roads, drives, parking areas, or structures, other than those related to recreational structures or parks.

b. ~~Land with hazardous materials.~~ Land containing or contaminated by hazardous materials.

c. ~~Narrow areas.~~ Land with a minimum width of less than ten (10) feet, unless specifically approved by the planning department.

(c) ~~Design flexibility for additional open space reservation.~~ It is the intent of this subsection to encourage variety and flexibility in design and development of residential areas and to provide a means of preserving larger areas of open space. This development design relaxes conventional zoning and/or subdivision standards to permit modifications in lot size and shape by concentrating single-family dwellings in specific areas of an overall tract, leaving more open space in which to preserve natural features, such as woodlands and streams, and in so doing, to provide for the active or passive use of such lands as recreational space for the residents of these developments. Depending on the zoning district in which the development is located, housing may be detached or attached if building code standards are met. This flexibility in design shall be available to any major residential development or major subdivision in which ten percent (10%) of the project area is reserved for open space. This flexibility shall take the form of reductions in the dimensional standards (lot area, minimum lot width, and setback) for the applicable zoning district. Reductions shall be as follows:

(1) ~~Open space of more than ten percent (10%) but less than fifteen percent (15%).~~ If the total open space provided, in meeting the standards listed in (b)(2) and (b)(3) above, is more than ten percent (10%) and less than fifteen percent (15%) of the total project area, each dimensional requirement may be reduced ten percent (10%).

- ~~(2) — Open space of fifteen percent (15%) or more, but less than twenty percent (20%). If the total open space provided, in meeting the standards listed in (b)(2) and (b)(3) above, is fifteen percent (15%) or more, but less than twenty percent (20%) of the total project area, each dimensional requirement may be reduced by fifteen percent (15%).~~
- ~~(3) — Open space of twenty percent (20%) or more, but less than twenty five percent (25%). If the total open space provided, meeting the standards listed in (b)(2) and (b)(3) above, is twenty percent (20%) or more, but less than twenty five percent (25%) of the total project area, each dimensional requirement may be reduced by twenty percent (20%).~~
- ~~(4) — Open space of twenty five percent (25%) or more. If the total open space provided, meeting the standards listed in (b)(2) and (b)(3) above, is twenty five percent (25%) or more of the total project area, the zoning district dimensional requirements may be waived. The then newly established minimum lot size, lot coverage, and setback requirements must be approved by the planning staff and development review team.~~
- ~~(d) — Maintenance. Arrangements for the perpetual maintenance of open space that meet these requirements must be approved by the planning department. Any conveyance to a homeowner's association shall be subject to appropriately recorded and filed restrictive covenants and easements. The covenants and easements shall prohibit future development of the open space for other than open space and recreation purposes and shall provide for continued maintenance of the open space and recreation facilities. Failure to maintain the area designated for open space shall constitute a violation of this chapter.~~

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-85, RU Rural District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* Open space shall may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 26-186 of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).~~

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-86, RR Rural Residential District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* Open space ~~shall~~ may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 ~~26-186~~ of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).~~

SECTION IV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-87, RS-E Residential, Single-Family – Estate District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* Open space ~~shall~~ may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 ~~26-186~~ of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).~~

SECTION V. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-88, RS-LD Residential, Single-Family – Low Density District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* Open space ~~shall~~ may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 ~~26-186~~ of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).~~

SECTION VI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-89, RS-MD Residential, Single-Family – Medium Density District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* Open space ~~shall~~ may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 ~~26-186~~ of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).~~

SECTION VII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-90, RS-HD Residential, Single-

Family – High Density District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* Open space ~~shall~~ may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 ~~26-186~~ of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(e)).~~

SECTION VIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-91, MH Manufactured Home Residential District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* Open space ~~shall~~ may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 ~~26-186~~ of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(e)).~~

SECTION IX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-92, RM-MD Residential, Multi-Family – Medium Density District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* Open space ~~shall~~ may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 ~~26-186~~ of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(e)).~~

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

- (10) *Recreation/open space standards:* Open space ~~shall~~ may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 ~~26-186~~ of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(e)).~~

SECTION XI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-94, OI Office and Institutional District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* None. ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(e)).~~

SECTION XII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-95, NC Neighborhood Commercial District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* None. ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter.~~

SECTION XIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-96, RC Rural Commercial District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* None. ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter.~~

SECTION XIV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-97, GC General Commercial District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* None. ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(e)).~~

SECTION XV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-98, M-1 Light Industrial District;

Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* None. ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter.~~

SECTION XVI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-99, LI Light Industrial District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* None. ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter.~~

SECTION XVII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-100, HI Heavy Industrial District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* None. ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter.~~

SECTION XVIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-101, PDD Planned Development District; Subsection (d), Development Standards; Paragraph (8), Recreation/open Space Standards; is hereby amended to read as follows:

- (8) *Recreation/open space standards:* ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter, and as required by the planning commission and county council during the review and approval of the PDD District.~~

- a. *Purpose.* The common open space and park standards contained herein are established to provide for the reservation of open space in planned development districts. Preservation of open space and parks in developing areas serves a variety of purposes, including meeting the recreational needs of residents, reducing stormwater runoff, and enhancing air quality.

b. *Minimum amount of park land or open space to be reserved.* Developers must reserve at least ten percent (10%) of the total project area as park land or open space, which shall be usable, i.e. common areas made accessible for pedestrian and/or aquatic use.

c. *Acceptable land for park land or open space reservation:*

1. *Water features.* Bodies of water, such as ponds, lakes, streams, wetlands, and flood plains, may be used to fulfill the open space requirement.

2. *Land burdened with easements.* Land that is burdened with easements may be used, provided that the easements do not interfere with the use of the land for open space and recreation purposes and do not permit future development.

d. *Unacceptable land for park or open space reservation.* The following types of land are unacceptable for park or open space reservation:

1. *Occupied land.* Land occupied by roads, drives, parking areas, or structures, other than those related to recreational structures or parks.

2. *Land with hazardous materials.* Land containing or contaminated by hazardous materials.

3. *Narrow areas.* Land with a width of less than twenty-five (25) feet, unless such land is a bicycle or walking trail at least ten (10) feet wide, or unless such land is a “pocket park” that is no less than ten (10) feet by ten (10) feet in size, or unless specifically approved by the planning department.

e. *Maintenance.* Arrangements for the perpetual maintenance of open space that meet these requirements must be approved by the planning department. Any conveyance to a homeowner’s association shall be subject to appropriately recorded and filed restrictive covenants and easements. The covenants and easements shall prohibit future development of the open space for other than open space and recreation purposes and shall provide for continued maintenance of the open space and recreation facilities. Failure to maintain the area designated for open space shall constitute a violation of this chapter.

SECTION XIX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-102, TC Town and Country District; Subsection (d), Development Standards; Paragraph (9), Recreation/open Space Standards; is hereby amended to read as follows:

(9) ~~Recreation/open space standards:—Open space shall be provided in accordance with the standards for parks and open space in Section 26-184 of this chapter, and as required by the planning commission and county council during the review and approval of the TC District. (See also requirements at Section 26-101(d)(4) above).~~

a. Purpose. The common open space and park standards contained herein are established to provide for the reservation of open space in Town and Country Development districts. Preservation of open space and parks in developing areas serves a variety of purposes, including meeting the recreational needs of residents, reducing stormwater runoff, and enhancing air quality.

b. Minimum amount of park land or open space to be reserved. Developers must reserve at least ten percent (10%) of the total project area as park land or open space, which shall be usable, i.e. common areas made accessible for pedestrian and/or aquatic use.

c. Acceptable land for park land or open space reservation:

1. Water features. Bodies of water, such as ponds, lakes, streams, wetlands, and flood plains, may be used to fulfill the open space requirement.

2. Land burdened with easements. Land that is burdened with easements may be used, provided that the easements do not interfere with the use of the land for open space and recreation purposes and do not permit future development.

d. Unacceptable land for park or open space reservation. The following types of land are unacceptable for park or open space reservation:

1. Occupied land. Land occupied by roads, drives, parking areas, or structures, other than those related to recreational structures or parks.

2. Land with hazardous materials. Land containing or contaminated by hazardous materials.

3. Narrow areas. Land with a width of less than twenty-five (25) feet, unless such land is a bicycle or walking trail at least ten (10) feet wide, or unless such land is a “pocket park” that is no less than ten (10) feet by ten (10) feet in size, or unless specifically approved by the planning department.

e. Maintenance. Arrangements for the perpetual maintenance of open space that meet these requirements must be approved by the planning department. Any conveyance to a homeowner’s association shall be subject to appropriately recorded and filed restrictive covenants and easements. The covenants and easements shall prohibit future development of the open space for other than open space and recreation purposes and shall provide for continued maintenance of the open space and recreation facilities. Failure to maintain the area designated for open space shall constitute a violation of this chapter.

SECTION XX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-186, Green Code Standards; Subsection (b), Applicability; is hereby amended to read as follows:

(b) Applicability/Establishment. The owner of property within an RU, RR, RS-E, RS-LD, RS-MD, ~~or~~ RS-HD, MH, RM-MD, or RM-HD zoning district may apply the development standards found within this section, in lieu of the development standards set forth for the applicable zoning district, subject to meeting the requirements of this section.

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

SECTION XXIII. Effective Date. This ordinance shall be enforced from and after _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2009

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: March 24, 2009 (tentative)
First Reading: March 24, 2009 (tentative)
Second Reading:
Third Reading:

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; "RESIDENTIAL USES" OF TABLE 26-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SO AS TO LIMIT MULTI-FAMILY USE IN THE GC GENERAL COMMERCIAL DISTRICT.

Background:

This ordinance is being initiated by County Council upon motion of the Honorable Bill Malinowski. On January 27, 2009, the Development and Services Committee forwarded the ordinance to the Planning Commission.

What this ordinance will do:

This ordinance will remove multi-family uses as an outright permitted use in the General Commercial zoning district. Instead, multi-family uses will now have to meet one (1) of the following special requirements prior to being allowed:

1. No more than twenty-five (25%) percent of the entire parcel may be used for multi-family dwellings and related uses (such as recreational amenities, garages, storage sheds, and parking spaces); or
2. Multi-family dwellings and related uses (such as recreational amenities, garages, storage sheds, and parking spaces) may be developed on the parcel as a whole, provided that the entire first level (or floor) of such dwelling(s) must be used solely for general commercial purposes.

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STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-09HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; “RESIDENTIAL USES” OF TABLE 26-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SO AS TO LIMIT MULTI-FAMILY USE IN THE GC GENERAL COMMERCIAL DISTRICT.

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

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

(ORDINANCE CONTINUES ON NEXT PAGE)

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USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LJ	HI
Residential Uses																	
Accessory Dwellings		SR	SR	SR	SR	SR	SR		P	P					SR		
Common Area Recreation and Service Facilities		P	P	P	P	P	P	P	P	P	P	P	P	P			
Continued Care Retirement Communities		SE	SE						SR	SR	SR		SR	SR			
Dormitories										P	SE			SE			
Dwellings, Conventional or Modular																	
Multi-Family, Not Otherwise Listed									P	P	P			P SR			
Single-Family, Detached		P	P	P	P	P	P	P	P	P							
Single-Family, Zero Lot Line, Common						SE	SE		SR	SR	SR			SR			
Single-Family, Zero Lot Line, Parallel				SR	SR	SR	SR		SR	SR	SR						
Two-Family									P	P							
Dwellings, Manufactured Homes on Individual Lots		SR	SR	SR				SR							SE		
Fraternity and Sorority Houses									P	P	P			P			
Group Homes (9 or Less Fewer)		SR	SR	SR	SR	SR	SR	SR	SR	SR							
Group Homes (10 or More)										SE	SE	SE	SE	SE			
Manufactured Home Parks								SR									
Rooming and Boarding Houses										SE	SE	SE	SE	P			
Special Congregate Facilities											SE			SE			

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

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

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- (20) Country Clubs with Golf Courses - (TROS, RU, GC, M-1, LI)
- (21) Day Care, Adult, Home Occupation (5 or fewer) – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, GC)
- (22) Day Care Centers, Adult - (RU, OI, NC, RC, GC, M-1)
- (23) Day Care, Child, Family Day Care, Home Occupation (5 or fewer) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, GC)
- (24) Day Care Centers, Child, Licensed Centers - (RU, OI, RC, GC, M-1)
- (25) Drugs and Druggists' Sundries – (GC)
- (26) Durable Goods, Not Otherwise Listed – (GC)
- (27) Dwellings, Manufactured Homes on Individual Lots - (RU, MH)
- (28) Dwellings, Manufactured Homes on Individual Lots - (RR, RS-E)
- (29) Dwellings, Multi-Family, Not Otherwise Listed – (GC)
- (2930) Dwellings, Single Family, Zero Lot Line, Common and Parallel - (Common: RM-MD, RM-HD, OI, GC, M-1; Parallel: RS-E, RS-LD, RS-MD, RS-HD, RM-MD, RM-HD, OI, M-1)
- (3031) Electrical Goods – (GC)
- (3132) Fuel Oil Sales (Non-Automotive) - (M-1, HI)
- (3233) Furniture and Home Furnishings – (GC)
- (3334) Golf Courses - (TROS, GC, M-1, LI)
- (3435) Golf Driving Ranges (Freestanding) - (TROS, RC, GC, M-1, LI)
- (3536) Go-Cart, Motorcycle, and Similar Small Vehicle Tracks - (GC)
- (3637) Group Homes (9 or Less Fewer) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (3738) Home Occupations - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (3839) Kennels - (RU, OI, RC, GC, M-1, LI)

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- (3940) Libraries – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (4041) Lumber and Other Construction Materials – (GC)
- (4142) Machinery, Equipment and Supplies – (GC)
- (4243) Manufactured Home Sales – (GC, M-1)
- (4344) Manufactured Home Parks – (MH, M-1)
- (4445) Market Showrooms - (GC)
- (4546) Motor Vehicles, New Parts and Supplies – (GC)
- (4647) Motor Vehicles, Tires and Tubes – (GC)
- (4748) Nondurable Goods, Not Otherwise Listed – (GC)
- (4849) Paints and Varnishes – (GC)
- (4950) Pet Care Services – (NC, RC)
- (5051) Petroleum and Coal Products Manufacturing - (HI)
- (5152) Petroleum and Petroleum Products - (M-1, HI)
- (5253) Places of Worship – (RU, RR, RM-MD, RM-HD, RC)
- (5354) Plumbing and Heating Equipment and Supplies – (GC)
- (5455) Poultry Farms – (RU)
- (5556) Produce Stands – (RU)
- (5657) Public or Private Parks- (All Districts)
- (5758) Public Recreation Facilities- (All Districts)
- (5859) Radio, Television, and Other Similar Transmitting Towers – (M-1)
- (5960) Recreational Vehicle Parks and Recreation Camps – (RU)
- (6061) Rental Centers, With Outside Storage – (GC)

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- (~~6162~~) Repair and Maintenance Service, Appliance and Electronics - (RC, GC, M-1, LI)
- (~~6263~~) Research and Development Services – (OI)
- (~~6364~~) Schools, Including Public and Private Schools, Having a Curriculum Similar to Those Given in Public Schools - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (~~6465~~) Sexually Oriented Businesses - (GC, HI)
- (~~6566~~) Sporting Firearms and Ammunition – (GC)
- (~~6667~~) Swim and Tennis Clubs – (TROS)
- (~~6768~~) Swimming Pools - (TROS, RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (~~6869~~) Tobacco and Tobacco Products – (GC)
- (~~6970~~) Utility Substations - (All Districts)
- (~~7071~~) Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services) - (OI, NC)
- (~~7172~~) Warehouses (General Storage, Enclosed, Not Including Storage of Any Hazardous Materials or Waste as Determined by Any Agency of the Federal, State, or Local Government) - (OI, NC, RC, GC)
- (~~7273~~) Warehouses (Self Storage) - (RC, GC, M-1, LI)
- (~~7374~~) Yard Sales - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (~~7475~~) Zoos and Botanical Gardens – (GC, M-1)

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

- (c) *Standards.* The development standards listed herein are additional to other requirements of this chapter. These development standards are use-specific and apply to those uses designated with an “SR” in the Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions (Table 26-V-2. Section 26-141).

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(1) *Accessory dwellings.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density, M-1 Light Industrial.
- b. Accessory dwellings shall be located only on lots containing one single-family detached structure. (However, other conforming accessory structures may also be located on the lot).
- c. Only one accessory dwelling shall be permitted per single-family dwelling.
- d. If the accessory dwelling is located within the same structure as the principal dwelling, the principal dwelling shall not be altered in any way so as to appear from a public or private road to be multi-family housing.
- e. A manufactured home may not be used as an accessory dwelling.
- f. The gross floor area of the accessory dwelling shall not exceed five hundred (500) square feet or contain more than one-fourth of the heated floor area of the principal single-family dwelling, whichever is greater.

(2) *Amusement or waterparks, fairgrounds.*

- a. Use districts: General Commercial; M-1 and LI Light Industrial.
- b. The minimum lot size for an amusement park, waterpark, or fairground shall be five (5) acres.
- c. No principal building or structure shall be located within fifty (50) feet of any property line.
- d. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of the park activities.
- e. No amusement equipment, machinery, or mechanical device of any kind may be operated within two hundred (200) feet of any residentially zoned property.

(3) *Animal shelters.*

- a. Use districts: General Commercial; M-1 and LI Light Industrial.

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- b. Any building (which is part of an animal shelter) housing animals shall be located a minimum of one hundred and fifty (150) feet from any residentially zoned or developed property.
- c. Fenced outdoor runs are allowed for use during the hours of 6:00 am to 10:00 p.m.; however, no animal may be kept in the run for boarding purposes, and pens for the animals must be located indoors. Feeding of animals must be conducted indoors and is prohibited in the runs.
- d. All animal refuse and food must be kept in airtight containers and disposed of on a regular basis. Animal wastes shall not be stored any closer than fifty (50) feet from any property line or surface water.

(4) *Antennas.*

- a. Use districts: All Districts.
- b. In residential districts, no antenna shall be permitted between the front of a principal structure and any adjacent public road. In the case of corner lots, no antenna shall be permitted between the side of a principal structure and the road. No dish type antenna more than eighteen (18) inches in diameter shall be placed on the roof or other portion of a building so as to be visible from any adjacent property.
- c. In nonresidential districts, antennas may be placed at any location that is not visible from any adjacent public road. Antennas may be placed on top of a principal structure less than thirty (30) feet in height, provided that screening is provided with materials compatible with the principal structure at least equal in height to the antenna. Antennas may be placed on top of a flat roofed structure that exceeds thirty (30) feet in height. Antennas erected on any pitched roof structure, regardless of height of the structure, must be screened with materials compatible with the principal structure. The screening shall not be less than the height of the antenna. In these districts, dish type antennas measuring less than three (3) feet in diameter may be placed at any location on a principal structure, except for the building façade or any road oriented side wall.

(5) *Athletic fields.*

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- a. Use districts: Traditional Recreation Open Space; Neighborhood Commercial; Rural Commercial.
- b. All athletic fields shall have primary access to collector or thoroughfare roads.
- c. Lights shall be positioned and shielded so as not to shine onto adjacent properties.
- d. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.

(6) *Banks, finance, and insurance offices.*

- a. Use districts: Neighborhood Commercial; Rural Commercial.
- b. No drive-thru service permitted.

(7) *Barber shops, beauty salons, and related services.*

- a. Use districts: Rural; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. No more than four (4) workstations are permitted.
- c. Signage shall be limited to a single sign, not to exceed three (3) square feet and not containing internal lighting. Such signage shall be attached to the building.

(8) *Bars and other drinking places.*

- a. Use districts: Rural Commercial; General Commercial; M-1 and LI Light Industrial.
- b. Lots used for drinking places shall be located no closer than four hundred (400) feet from any other lot used as a drinking place, and shall be no closer than six hundred (600) feet to any lot which contains a school (public or private) or a place of worship.
- c. Bars and other drinking places shall provide adequate off-street parking at a rate of twelve (12) spaces for each one thousand (1,000) square feet of gross floor area.
- d. Parking areas related to the establishment of a bar or other drinking place shall be located no closer than thirty (30) feet to the property line of residentially zoned or used property.

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- e. A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residentially zoned or used property.

(9) *Batting cages.*

- a. Use districts. General Commercial; M-1 and LI Light Industrial.
- b. No equipment, machinery, or mechanical device of any kind shall be operated within two hundred (200) feet of any residentially zoned property.
- c. Fencing, netting or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the designated area.
- d. Lights shall be positioned and shielded so as not to shine onto adjacent properties.
- e. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.

(10) *Bed and breakfast homes/inns.*

- a. Use districts: Rural Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Rural Commercial.
- b. Bed and breakfast homes/inns shall be located a minimum of one thousand five hundred (1,500) feet from any other bed and breakfast home/inn
- c. The owner or manager of the home/inn shall reside on the property.
- d. The maximum number of guest rooms provided by the bed and breakfast home/inn shall be five (5).
- e. Activities and functions designed to accommodate the guests shall take place within the principal structure.
- f. Off-street parking for bed and breakfast homes/inns shall be provided as required in Section 26-173 of this chapter. Parking shall be provided on the same lot on which the bed and breakfast inn is located, at the rear of the lot, and screened (with vegetation) from adjacent properties and from the road.

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- g. In the residential districts, signage shall be limited to a single sign, not to exceed three (3) square feet and not containing internal lighting. Such signage shall be attached to the building.
- h. Exterior lighting shall be residential in nature and shall not be directed toward adjacent properties.
- i. No meals may be served to anyone other than staff and guests registered at the inn.
- j. No exterior alterations, other than those necessary to ensure the safety and accessibility of the structure, shall be made to any building for the purpose of providing a bed and breakfast home/inn.

(11) *Beer/Wine/Distilled Alcoholic Beverages.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(12) *Body Piercing Facilities.*

- a. Use districts: General Commercial.
- b. The applicant must receive a license from the South Carolina Department of Health and Environmental Control (SCDHEC) to operate the facility.

(13) *Buildings, high-rise, four (4) or five (5) stories.*

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- a. Use districts: Residential, Multi-Family, High Density; Office and Institutional; General Commercial.
 - b. The minimum lot size to establish a high-rise building shall be one (1) acre.
 - c. The minimum lot width to establish a high-rise building shall be one hundred and fifty (150) feet.
 - d. A high-rise structure shall be set back a minimum of twenty-five (25) feet from all property lines.
 - e. In the RM-HD District, the maximum lot coverage for a high-rise building shall be thirty-five percent (35%). In the GC and OI Districts, the maximum lot coverage for a high-rise building shall be forty-five percent (45%).
 - f. Increase of allowable lot coverage:
 - 1. Additional lot coverage may be allowed on a foot for foot basis equal to the number of square feet provided on the structure above the first level in the form of landscaped roof gardens, solariums, recreational spaces and the like made available generally to tenants. In no case shall such an increase in coverage exceed an amount equal to ten percent (10%) of the total lot area upon which the high-rise structure is located.
 - 2. Parking lots or structures to accommodate required parking may be erected to cover not more than thirty percent (30%) of the total lot area in addition to the coverage listed in paragraph e. of this subsection.
 - g. No portion of any high-rise building shall project through imaginary planes leaning inward over the lot from the exterior lot lines of the parcel at angles representing two (2) feet in height for each one (1) foot of horizontal distance from such lot line.
 - h. Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (14) *Car and light truck washes.*
- a. Use districts: Rural Commercial.

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- b. Buildings shall not be less than seventy-five (75) feet from any interior side or rear property line that adjoins a residentially zoned or used property.
- c. The hours of operation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- d. Adequate provisions shall be made for the safe and efficient disposal of waste products.

(15) *Cemeteries and mausoleums.*

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 and LI Light Industrial; Heavy Industrial.
- b. A minimum of three (3) contiguous acres shall be required to establish a cemetery or a mausoleum not located on the same tract of land as a place of worship.
- c. Primary access to the facility shall be from a collector or thoroughfare road.

(16) *Continued care retirement communities.*

- a. Use districts: Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office Institutional; Rural Commercial; General Commercial.
- b. The minimum lot size to establish a continued care retirement community shall be one (1) acre.
- c. No parking space or driveway shall be located closer than twenty (20) feet to any other residence not a part of the community.
- d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be twenty (25) feet.
- e. All facilities shall be solely for the use of the residents and their guests.

(17) *Construction, building, general contracting, with outside storage.*

- a. Use districts: M-1 and LI Light Industrial.

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- b. All outside storage shall be completely screened from adjacent roads and residentially zoned or used properties.
- (18) *Construction, building, heavy, with outside storage.*
- a. Use districts: M-1 and LI Light Industrial.
 - b. All outside storage shall be completely screened from adjacent roads and residentially zoned or used properties.
- (19) *Construction, special trades, with outside storage.*
- a. Use districts: M-1 and LI Light Industrial.
 - b. All outside storage shall be completely screened from adjacent roads and residentially zoned or used properties.
- (20) *Country clubs with golf courses.*
- a. Use districts: TROS, Rural; General Commercial; M-1 and LI Light Industrial.
 - b. There shall be a minimum fifty (50) foot setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned or used property.
 - c. In the Rural District, club facilities may not be used between 12:00 midnight and 7:00 a.m., Sunday through Thursday and between 1:00 a.m. and 7:00 a.m. on Friday and Saturday nights..
- (21) *Day care, adult, home occupation (five or fewer).*
- a. Use districts: Rural; Rural Residential; Residential, Single-Family – Estate; Residential, Single-Family - Low Density; Residential, Single-Family – Medium Density; Residential, Single-Family – High Density; Manufactured Home; Residential, Multi-Family – Medium Density; Residential, Multi-Family – High Density; Office and Institutional; General Commercial.
 - b. An adult day care, home occupation, with five (5) or fewer attendees must be operated in an occupied residence.
 - c. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
 - d. All other state and federal regulations shall be met.

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(22) *Day care centers, adult.*

- a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 Light Industrial.
- b. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.

(23) *Day care, child, family day care, home occupation (five or fewer).*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family – Estate; Residential, Single-Family – Low Density; Residential, Single-Family – Medium Density; Residential, Single-Family – High Density; Manufactured Home; Residential, Multi-Family – Medium Density; Residential, Multi-Family – High Density; Office and Institutional; General Commercial.
- b. A child family day care home occupation, must be operated in an occupied residence.
- c. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children’s play space.
- d. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- e. All other state and federal regulations shall be met.

(24) *Day care centers, child, licensed centers.*

- a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 Light Industrial.
- b. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children’s play space.
- c. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- d. All other state and federal regulations shall be met.

(25) *Drugs and Druggists’ Sundries.*

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- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(26) *Durable Goods, Not Otherwise Listed.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(27) *Dwellings, manufactured homes on individual lots.*

- a. Use districts: Rural, Manufactured Home Park.

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- b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.
- c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.
- d. Manufactured home skirting or a continuous, permanent masonry foundation, unpierced except for openings required by the building code for ventilation, utilities and access, shall be installed under the manufactured home.

(28) *Dwellings, manufactured homes on individual lots.*

- a. Use districts: Rural Residential; Residential, Single-Family, Estate.
- b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.
- c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.
- d. The manufactured home shall be oriented so that the side containing the front entrance door shall be no more than twenty (20) degrees from parallel to the front property line, except on corner lots. The front of the manufactured home is that side which has an entrance door leading to a living room, foyer, or hall.
- e. The exterior siding shall consist predominately of vinyl or aluminum horizontal lap siding (that does not exceed the reflectivity of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- f. A continuous, permanent masonry foundation, unpierced except for openings required by the building code for ventilation, utilities and access, shall be installed under the manufactured home. The foundation shall be excavated and shall be exposed no more than twelve (12) inches above grade.

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- g. The pitch of the manufactured home's roof shall have a minimum vertical rise of three feet for each twelve feet of horizontal run (3:12) and the roof shall be finished with a type of roof that is commonly used in standard residential construction.
- h. The manufactured home shall have a length not exceeding four (4) times its width, excluding additions.
- i. There shall be a porch, at the main entrance to the manufactured home, which is a minimum of six (6) feet by six (6) feet in size.

(29) Dwellings, Multi-Family, Not Otherwise Listed.

a. Use districts: General Commercial.

b. Multi-family dwellings in a GC General Commercial zoning district shall comply with one (1) of the following requirements:

1. No more than twenty-five (25%) percent of the entire parcel may be used for multi-family dwellings and related uses (such as recreational amenities, garages, storage sheds, and parking spaces); or

2. Multi-family dwellings and related uses (such as recreational amenities, garages, storage sheds, and parking spaces) may be developed on the parcel as a whole, provided that the entire first level (or floor) of such dwelling(s) must be used solely for general commercial purposes.

(2930) Dwellings, single family, zero lot line, common and parallel.

a. Use districts, Common: Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; General Commercial.

Use districts: Parallel: Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional.

b. The lot proposed for zero lot line development must be under the same ownership as the adjacent lot at the time of initial construction, or the owner of adjacent properties must record an agreement or deed restriction, in writing, consenting to the development of zero setback. The maintenance and drainage

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easement required in subsection e. below must be provided as part of this agreement and deed restriction.

- c. For common lot line dwellings, the dwelling unit shall be placed on one interior side property line with a zero setback, and the dwelling unit setback on the other interior side property line shall be a minimum of twelve (12) feet. Patios, pools, garden features, and other similar elements shall be permitted within the twelve (12) foot setback area; provided, however, no structure shall be placed within easements required by subsection e. below.
- d. The wall of a dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other type of openings. An atrium or court shall be permitted on the zero lot line side when such court or atrium is enclosed by two (2) walls of the dwelling unit, and a solid wall of at least six (6) feet in height is provided on the zero lot line extending to the front and/or rear of the dwelling unit. Said wall shall be constructed of the same materials as exterior walls of the unit.
- e. A perpetual five (5) foot maintenance easement shall be provided on the lot adjacent to the zero lot line property, which shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. Roof overhangs and footings may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is controlled by gutters or other approved methods.

3031) *Electrical Goods.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.

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- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

3132) *Fuel oil sales, non-automotive.*

- a. Use districts: M-1 Light Industrial; Heavy Industrial.
- b. Gravel or paved roadways shall be provided to all storage tanks.
- c. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.
- d. Storage tanks protected by either an attached extinguishing system approved by the fire marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred twenty (120) feet. Storage tanks not equipped as indicated above shall not be located closer to an exterior property line than a distance equal to one and one half (1½) times of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred seventy-five (175) feet. Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.
- e. All storage facilities shall comply with the latest regulations of the National Fire Protection Association.
- f. All other federal, state, and local laws shall be met.

3233) *Furniture and Home Furnishings.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.

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- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

3334) *Golf courses.*

- a. Use districts: Traditional Recreation Open Space; General Commercial; M-1 and LI Light Industrial.
- b. There shall be a minimum fifty (50) foot setback between clubhouses or other non-course facilities and adjacent residentially zoned or used property.

3435) *Golf driving ranges (freestanding).*

- a. Use districts: Traditional Recreation Open Space; Rural Commercial; General Commercial; M-1 and LI Light Industrial.
- b. Fencing, netting, or other control measures shall be provided around the perimeter of the driving area to prevent balls from leaving the property.
- c. No equipment, machinery, or mechanical device of any kind shall be operated within two hundred (200) feet of any residentially zoned or used property.
- d. Operations shall not begin before 9:00 a.m. nor continue after 10:00 p.m.

3536) *Go-cart, motorcycle, and similar small vehicle tracks.*

- a. Use districts: General Commercial.
- b. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of the track activities.
- c. No equipment, machinery, or mechanical device of any kind shall be operated within two hundred (200) feet of any residentially zoned or used property.
- d. Hours of operation shall be limited to 9:00 a.m. to 10:00 p.m.

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(3637) *Group homes (nine persons or less).*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density
- b. Location approval is subject to Section 6-29-770 of the South Carolina Code of Laws, as amended.

(3738) *Home occupations.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Home occupations shall be conducted entirely within the principal dwelling or an accessory structure, if such accessory structure meets all setback requirements for a principal structure in the district in which it is located. Home occupations shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes, and shall not change the outward appearance of the structure.
- c. An area equal to not more than twenty-five percent (25%) of the floor area of the principal dwelling may be utilized for the home occupation. If the home occupation is housed in an accessory structure, the accessory structure can be no larger than twenty-five percent (25%) the gross floor area of the principal dwelling.
- d. Only persons residing on the premises may be employed by the home occupation.
- e. The home occupation shall not involve the retail sale of merchandise manufactured off the premises. No display of goods, products, services, merchandise, or any form of advertising shall be visible from outside the dwelling.
- f. No outside storage shall be allowed in connection with any home occupation.

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- g. Instruction in music, dance, art or similar subjects shall be limited to four (4) students at a time.
- h. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood, and any parking need generated by the home occupation shall be provided for off street and other than in the front yard.
- i. Signage for the home occupation shall be regulated in accordance with Section 26-180 of this chapter.

(3839) *Kennels.*

- a. Use districts: Rural; Office and Institutional; Rural Commercial; General Commercial, M-1 and LI Light Industrial.
- b. Any building (which is part of a kennel) housing animals shall be located a minimum of one hundred and fifty (150) feet from any residentially zoned or used property.
- c. Fenced outdoor runs are allowed for use only during the hours of 6:00 a.m. to 10:00 p.m.; however, no animal may be kept in the run for boarding purposes, and pens for the animals must be located indoors. Feeding of animals must be conducted indoors and is prohibited in the runs.
- d. All animal refuse and food must be kept in airtight containers and disposed of on a regular basis. Animal wastes shall not be stored any closer than fifty (50) feet from any property line or surface waters.

(3940) *Libraries.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. No parking shall be allowed in the required front yard.

(4041) *Lumber and Other Construction Materials.*

- a. Use districts: General Commercial.

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- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

4142) *Machinery, Equipment and Supplies.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

4243) *Manufactured home sales.*

- a. Use districts: General Commercial; M-1 Light Industrial.
- b. Sales and storage areas shall be screened from adjacent residentially zoned or used properties.

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(4344) *Manufactured home parks.*

- a. Use districts: Manufactured Home; M-1 Light Industrial.
- b. All manufactured home park development plans must be approved by DHEC.
- c. Uses permitted within any manufactured home park shall be regulated in accordance with the underlying zoning district. See Article V. of this chapter. Unless otherwise, specified, all minimum development standards for the underlying zoning district apply.
- d. All manufactured home parks must provide water and sanitary sewer to each manufactured home site, subject to DHEC requirements. All manufactured homes within the site are required to connect to water, sanitary sewers, and electricity.
- e. The minimum area required for the development of a manufactured home park shall be five (5) acres.
- f. The maximum density of a manufactured home park shall not exceed six (6) units per acre.
- g. A minimum of seven thousand two hundred sixty (7,260) square feet is required for each manufactured home site within the manufactured home park development.
- h. A minimum width of sixty (60) feet is required for each manufactured home site within the manufactured home park development.
- i. All manufactured homes shall be set back from exterior road rights-of-way a minimum of thirty-five (35) feet, and shall be set back a minimum of fifteen (15) feet from all other exterior property lines.

If the landscape and buffer yard standards require additional setbacks, the most restrictive shall apply. See Section 26-176 of this chapter.

- j. All manufactured homes shall be set back from interior road rights-of-way a minimum of fifteen (15) feet. Additionally, the following minimum spacing between manufactured home structures shall apply:

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1. Front to front: 35 feet.
 2. Front to side: 25 feet.
 3. Front to rear: 35 feet.
 4. Rear to rear: 25 feet.
 5. Rear to side: 25 feet.
 6. Side to side: 25 feet.
- k. Common area open space (meeting the requirements set forth in Sections 26-184(b)(2)&(3) of this chapter) shall be provided for each manufactured home park. A minimum of twenty percent (20%) of the total development area shall be reserved for open space. However, in no event shall the required open space within a manufactured home development be less than three hundred (300) square feet. In order to expand an existing manufactured home park development, the minimum open space requirements must be met.

(4445) *Market showrooms.*

- a. Use districts: General Commercial.
- b. Display areas shall exist within permanent buildings only.

(4546) *Motor Vehicles, New Parts and Supplies.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.

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- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(4647) *Motor Vehicles, Tires and Tubes.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(4748) *Nondurable Goods, Not Otherwise Listed.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.

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- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

4849) *Paints and Varnishes.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

4950) *Pet Care Services.*

- a. Use districts: Neighborhood Commercial, Rural Commercial.
- b. All pet care services shall be conducted inside an enclosed structure.

5051) *Petroleum and coal products manufacturing.*

- a. Use districts: Heavy Industrial.
- b. Gravel or paved roadways shall be provided to all storage tanks.
- c. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.
- d. Storage tanks protected by either an attached extinguishing system approved by the fire marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no

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event shall the required distance be greater than one hundred twenty (120) feet. Storage tanks not equipped as indicated above shall not be located closer to an exterior property line than a distance equal to one and one half (1½) times the greater dimension of either the diameter or the height of the tank. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred seventy-five (175) feet. Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.

- e. All storage facilities shall comply with the latest regulations of the National Fire Protection Association.
- f. All other federal, state, and local laws shall be met.

(5152) *Petroleum and petroleum products.*

- a. Use districts: Heavy Industrial; M-1 Light Industrial.
- b. Gravel or paved roadways shall be provided to all storage tanks.
- c. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.
- d. Storage tanks protected by either an attached extinguishing system approved by the fire marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred twenty (120) feet. Storage tanks not equipped as indicated above shall not be located closer to an exterior property line than a distance equal to one and one half (1½) times the greater dimension of either the diameter or the height of the tank. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred seventy-five (175) feet. Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.
- e. All storage facilities shall comply with the latest regulations of the National Fire Protection Association.
- f. All other federal, state, and local laws shall be met.

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(5253) *Places of worship.*

- a. Use districts: Rural; Rural Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Rural Commercial.
- b. Facilities for a place of worship located on a site of three (3) acres or more shall have primary access to the facility from a collector of thoroughfare road.
- c. No parking space or drive shall be located closer than twenty (20) feet to a residence not associated with the place of worship. No parking area may be located in the front setback.
- d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be thirty (30) feet.

(5354) *Plumbing and Heating Equipment and Supplies.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(5455) *Poultry farms*

- a. Use districts: Rural.
- b. Not more than one (1) animal unit shall be kept per six thousand (6,000) square feet of land.

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- c. All areas containing poultry shall be located no closer than one hundred and fifty (150) feet from any abutting residentially zoned or used property.

(5556) *Produce stands.*

- a. Use districts: Rural.
- b. Produce stands operating year-round must be located on the property on which the crops for sale are produced.
- c. Produce stands operating seasonally (i.e. for no more than six (6) months in any one calendar year) shall be located no closer than five (5) feet from a road right-of-way. Adequate off-street parking shall be provided.

(5657) *Public or private parks.*

- a. Use districts: All Districts.
- b. Overflow parking shall be designated on the site plan and shall be kept available to handle all traffic from special events.
- c. All parks greater than ten (10) acres shall have primary access to a collector or thoroughfare road.

(5758) *Public recreation facilities.*

- a. Use districts: All Districts.
- b. Overflow parking shall be designated on the site plan and shall be kept available to handle all traffic from special events.
- c. All recreation facilities greater than ten (10) acres shall have primary access to a collector or thoroughfare road.
- d. Lights shall be positioned and shielded so as not to shine onto adjacent properties.
- e. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.

(5859) *Radio, Television, and Other Similar Transmitting Towers.*

- a. Use districts: M-1 Light Industrial.

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- b. Communication towers shall have a maximum height of three hundred (300) feet. For towers on buildings, the maximum height shall be twenty (20) feet above the roofline of buildings forty (40) feet or four stories in height or less. For buildings greater than four stories or forty-one (41) feet in height, the maximum height of communication towers shall be forty feet above the roofline.
- c. The minimum setbacks for communication towers from certain uses shall be as follows:
 - 1. In no case shall a communication tower be located within fifty (50) feet of a residential zoning district or an inhabited residential dwelling.
 - 2. For towers in excess of fifty (50) feet, the setback shall increase one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required separation being two hundred and fifty (250) feet.
- d. The proposed user must show proof of an attempt to collocate on existing communication towers, and must be willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure. Evidence of an attempt to collocate must show that alternative towers, buildings, or other structures are not available for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, or provide a location free of interference from other communication towers.
- e. Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration, or other regulatory agencies. However, no nighttime strobe lighting shall be incorporated unless required by the Federal Communications Commission, the Federal Aviation Administration, or other regulatory agency.
- f. Each communication tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.
- g. Each communication tower site shall be landscaped in accordance with the requirements of Section 26-176 of this chapter.
- h. No signage may be attached to any portion of a communications tower. Signs for the purpose of identification, warning, emergency

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function or contact or other as required by applicable state or federal rule, law, or regulation may be placed as required by standard industry practice.

- i. A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

(5960) *Recreational vehicle parks and recreation camps.*

- a. Use districts: Rural.
- b. Uses permitted within a recreational vehicle park and recreation camp shall include: recreational vehicle sites, camp sites, recreation facilities, common buildings and facilities (laundry, dining, etc.), and management offices (which may include living quarters for the operator or manager of the park/camp).
- c. A minimum of five (5) acres is required for a recreational vehicle park or recreation camp.
- d. For recreational vehicle parks, there shall be a minimum net space of six hundred ninety (690) square feet for each RV space. A distance of at least ten (10) feet shall be maintained between trailers and/or structures. Any accessory structures or attachments shall, for the purpose of this requirement, be considered a part of the trailer or recreational vehicle.
- e. For recreational vehicle parks, each travel trailer or recreational vehicle area shall be connected to an approved water supply system that provides an accessible, adequate, safe, and potable supply of water. An adequate and safe sewer system, approved by DHEC, shall be provided in all travel trailer/recreational vehicle parking areas.
- f. In recreational vehicle parks, neither any person nor any travel trailer/recreational vehicle shall occupy a trailer space or travel trailer parking space for a period in excess of thirty (30) days. A registry of all occupants, the space occupied, the time of arrival, and time of departure shall be maintained by the owner or operator of the travel trailer/recreational vehicle parking facility.
- g. Adequate off-street parking and maneuvering space shall be provided on site. The use of any public road, sidewalk, or right-of-

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way for the purpose of parking or maneuvering vehicles is prohibited.

~~(6061)~~ *Rental centers, with outside storage.*

- a. Use districts: General Commercial.
- b. All storage areas shall be screened from adjacent residentially zoned or used properties.
- c. Lighting shall be directed and shielded so as not to shine across to adjacent properties.

~~(6162)~~ *Repair and maintenance service, appliance and electronics.*

- a. Use districts: Rural Commercial; General Commercial; M-1 and LI Light Industrial.
- b. No outside storage of appliances, equipment, or parts shall be permitted.

~~(6263)~~ *Research and development services.*

- a. Use districts: Office and Institutional.
- b. Research using dangerous hazardous materials is prohibited.
- c. All research and development operations must be conducted indoors.

~~(6364)~~ *Schools, including public and private schools, having a curriculum similar to those given in public schools.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. The minimum lot size for a school shall be two (2) acres.
- c. Parking and active recreation areas shall not be located within any required setback.
- d. Primary access shall be provided from a collector or a thoroughfare road.

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(6465) *Sexually oriented businesses.*

- a. Use districts: General Commercial, Heavy Industrial.
- b. *Purpose and Findings:*
 1. The purpose of this subsection is to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of Richland County, and to establish reasonable and uniform regulations to prevent or reduce to any extent the secondary effects of sexually oriented businesses within the County. The provisions of this subsection have neither the purpose nor effect of imposing a limitation or restriction on the content of or reasonable access to any communicative materials or expression. Similarly, it is neither the intent nor effect of these regulations to restrict or deny access by adults to sexually oriented materials or expression protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this subsection to condone or legitimize the distribution or exhibition of obscenity.c. *Classification.* Sexually oriented businesses are classified as follows:
 2. Based on evidence of the adverse secondary effects of sexually oriented businesses presented in hearings and reports made available to the Richland County Council, and on the findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, LLC*, 124 S. Ct. 2219 (2003); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *Chesapeake B & M, Inc. v. Harford County*, 58 F.3d 1005 (4th Cir. 1995); *Giovani Carandola, Ltd. v. Fox*, 470 F.3d 1074 (4th Cir. 2006); *Centaur v. Richland County*, 392 S.E.2d 165 (S.C. 1990); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1987);

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Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); El Paso, Texas (1986); New York City, New York (1994); Dallas, Texas (1997); Newport News, Virginia (1996); New York Times Square Study (1994); Phoenix, Arizona (1995-1998); Greensboro, North Carolina (2003); Toledo, Ohio (2002); Centralia, Washington (2004); and also from the reports of “Sexually Oriented Businesses: An Insider’s View,” by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, January 12, 2000; “Survey of Appraisers Fort Worth & Dallas, Effects of Land Uses on Surrounding Property Values, by Duncan Associates, September 2004; and the Report of the Attorney General’s Working Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Richland County Council finds:

- (a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, negative impacts on surrounding properties, litter, and sexual assault and exploitation.
- (b) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County’s rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County’s interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses in the future as well as sexually oriented businesses that may locate in the County in the future. The County Council finds that the cases and secondary effects documentation relied on in this

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ordinance are reasonably believed to be relevant to said secondary effects.

c. *Classification.* Sexually oriented businesses are classified as follows:

1. Adult Arcades;
2. Adult Bookstores or Adult Video Stores;
3. Adult Cabarets;
4. Adult Motels;
5. Adult Motion Picture Theaters;
6. Sexual Device Shop; and
7. Sexual Encounter Centers.

d. *Location of Sexually Oriented Businesses:*

1. A sexually oriented business currently in operation or established subsequent to the enactment of this Ordinance shall comply with the provisions herein.
2. All sexually oriented businesses shall be located within a General Commercial or Heavy Industrial District.
3. A sexually oriented business shall not be located within one thousand (1,000) feet of any place of worship, a public or private elementary or secondary school, a child care facility or kindergarten, orphanage, a boundary of any residential district, a boundary of a parcel designated and assessed as residential use by the Richland County Assessor's Office; or a public park.
4. A sexually oriented business shall not be located within one thousand (1,000) feet of another sexually oriented business.
5. The operation, establishment, or maintenance of more than one (1) sexually oriented business is prohibited in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

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6. For the purpose of this subparagraph d. 3., above, measurement shall be made in a straight line, without regard to intervening structures or objects, the nearest property line of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a place of worship, or public or private elementary or secondary school, daycare facility, kindergarten, orphanage, a boundary of any residential district, a boundary of a parcel designated and assessed as residential use by the Richland County Assessor's Office, or a public park. Presence of a city or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
7. For the purpose of subparagraph d. 4. above, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the premises where a sexually oriented business is conducted to the nearest property line of another premises where a sexually oriented business is conducted.

e. *Regulations pertaining to Sexually Oriented Businesses that offer Viewing Room(s).*

A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, adult media, or live entertainment characterized by emphasis on exposure or display of specified sexual activities or specified anatomical areas, shall comply with the following requirements:

1. A diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted must be provided to the Zoning Administrator. A manager's station may not exceed thirty-two (32) square feet of floor area. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a

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designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches.

2. The diagram shall be sworn to be true and correct by the applicant.
3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator.
4. It is the duty of the owner(s) and operator(s) of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subparagraph must be by direct line of sight from the manager's station.
6. It shall be the duty of the owner(s) and operator(s), and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subparagraph (5) above remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the diagram submitted pursuant to subparagraph (1) above.
7. No viewing room may be occupied by more than one (1) patron or customer at any time.
8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to

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which patrons are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level.

9. It shall be the duty of the owner(s) and operator(s), and it shall also be the duty of any agents and employees present in the premises, to ensure that the illuminations described above, is maintained at all times that any patron is present in the premises.
 10. No owner or operator shall allow openings of any kind to exist between viewing rooms.
 11. The operator or owner shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
 12. The owner or operator shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces with no rugs or carpets.
 13. The owner or operator shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material.
- f. *Regulations pertaining to adult cabarets and sexual encounter centers.* It shall be a violation of this chapter for an employee, independent contractor, or person under a similar arrangement with any owner, operator, manager, agent, shareholder of an adult cabaret or sexual encounter center, while located within an adult cabaret or sexual encounter center, to appear in a manner that does not conform to the definition of semi-nude.
- g. *Exemptions.* The following activities or businesses are exempt from the requirements of section 26-151(c)(66):
1. A business or organization in which a person serves as a model for a drawing, painting, sketching, sculpture or other similar art studio class operated:
 - (a) By a university or college or other institution of higher education; or
 - (b) By a non-profit arts organization, such as a museum, gallery, artist association or arts cooperative.

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2. A professional or community theater, or a theater affiliated with an institution of higher education, that produces works of dramatic arts in which actors or actresses occasionally appear on stage in a state of semi-nudity, nudity, or in any state of undress as part of his or her dramatic role.

(h) *Administrative Decision-making Process; Appeals.*

1. Under no circumstances shall staff review and decision-making of an application of a sexually oriented business for a permitted use with special requirements, including determination of completeness, extend beyond fifteen business (15) days from the date of receipt of an application. In the event that a County official is required to take an act or do a thing pursuant to section 26-55 of the Richland County Code of Ordinances and any other section referenced therein, and fails to take such an act or do such a thing within the time prescribed, such failure shall not prevent the exercise of constitutional rights of an applicant. If the County fails to inform an applicant, by any reasonable means, of a decision by the County by the close of business on the fifteenth (15) business day from receipt of application, the application shall be deemed granted and the applicant allowed to commence or continue operation the day after the deadline for action has passed.
2. Under no circumstances shall an appeal of an administrative decision pursuant to section 26-58 of the Richland County Code of Ordinances concerning an application by a sexually oriented business for a permitted use with special requirements exceed a time period of seventy-five business (75) days from the date of receipt of an appeal to the Board of Zoning Appeals. In the event that a County official, including the Board of Zoning Appeals, is required to take an act or do a thing pursuant to section 26-58 of the Richland County Code of Ordinances and any other section referenced therein, and fails to take such an act or do such a thing within the time prescribed, such failure shall not prevent the exercise of constitutional rights of an applicant. If the County fails to inform an applicant, by any reasonable means, of a decision by the Board of Zoning Appeals by the close of business on the sixtieth (60) business day from receipt of an appeal, the application shall be deemed granted and the applicant allowed to commence

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or continue operation the day after the deadline for action has passed.

- (i) Amortization; Conforming Use.
 - 1. Any sexually oriented business in operation before the effective date of this ordinance that does not comply with the location restrictions found in subsection (d) above is permitted to continue its operation for a period not to exceed three years from the effective date of this ordinance. During this period of non-compliance, such continued operation shall not be increased, enlarged, extended, or altered.
 - 2. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location, of a place of worship, a public or private elementary or secondary school, a child care facility or kindergarten, orphanage, a boundary of any residential district, a boundary of a parcel designated and assessed as residential use by the Richland County Assessor's Office, or a public park within one thousand (1,000) feet of the sexually oriented business.

(6566) *Sporting Firearms and Ammunition.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

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(6667) *Swim and Tennis Clubs.*

- a. Use Districts. Traditional Recreation Open Space.
- b. There shall be a minimum fifty (50) foot setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned or used property.
- c. Lights shall be positioned so as not to shine onto adjacent properties.

(6768) *Swimming pools.*

- a. Use districts: Traditional Recreation Open Space; Neighborhood Mixed Use; Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height, and equipped with a self-closing gate provided with hardware for permanent locking.
- c. No private residential swimming pool that is located in a residential district shall be operated as, or in conjunction with, a business, day care operation, bed and breakfast, or a home occupation.
- d. Pools shall be located so as to comply with the minimum setback requirements for accessory buildings.

(6869) *Tobacco and Tobacco Products.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.

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- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(6970) *Utility substations.*

- a. Use districts: All Districts.
- b. All buildings shall observe accessory building setbacks. Transformer stations shall observe the principal building setback regulations.
- c. Equipment that produces noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.
- d. Transformer stations shall be screened from adjacent properties and from roads with a vegetative screen that, at a minimum, meets the standards listed in Section 26-176(h).

(7071) *Veterinary services (non-livestock, may include a totally enclosed kennel operated in connection with veterinary services).*

- a. Use districts: Office and Institutional; Neighborhood Commercial.
- b. Veterinary services shall not include provisions for kennels or boarding of animals not undergoing treatment.
- c. All buildings used in the operation shall be soundproofed and air-conditioned.
- d. Outside activity shall be limited to six (6) hours per day or fewer.
- e. Where the lot is adjacent to a residential zoning district or residential use, a side yard of not less than ten (10) feet shall be maintained.
- f. All animal refuse and food must be kept in airtight containers and disposed of on a regular basis.

(7172) *Warehouses (general storage, enclosed, not including storage of any hazardous materials or waste as determined by any agency of the federal, state, or local government).*

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- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Warehouses (enclosed, general storage, non-hazardous) are allowed in the various districts listed above as follows:
 - 1. In the Office and Institutional and the Neighborhood Commercial districts, warehousing is permitted as an accessory use not involving over two thousand (2,000) square feet of floor area.
 - 2. In the Rural Commercial and the General Commercial districts, warehousing is permitted as an accessory use not involving over twelve thousand (12,000) square feet of gross floor area.

(7273) *Warehouses (self-storage.)*

- a. Use districts: Rural Commercial, General Commercial, M-1 and LI Light Industrial.
- b. Fencing or walls shall be required around the perimeter of the development. The fence or wall shall be a minimum of six (6) feet in height.
- c. Any side of the building providing doorways to storage areas shall be set back from the property line not less than an additional twenty-five (25) feet of the required setback.
- d. Off-street parking shall be as follows:
 - 1. One space for each ten (10) storage cubicles. This parking requirement may be satisfied with parking lanes as established below.
 - 2. Two parking spaces for any manager's quarters.
 - 3. In addition to subsection 1. above, one (1) space for every fifty (50) storage cubicles, to be located adjacent to the project office for the use of prospective clients.
- e. On-site driveway widths shall be required as follows:
 - 1. All one-way driveways shall provide for one ten (10) feet parking lane and one fifteen (15) feet travel lane. Traffic

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direction and parking shall be designated by signage or painting.

2. All two-way driveways shall provide for one ten (10) feet parking lane and two twelve (12) feet travel lanes.
 3. The parking lanes may be eliminated when the driveway does not directly serve any storage cubicles.
- f. Retail and wholesale uses, and the storage of hazardous materials, shall be prohibited in self storage warehouses. Notice of such prohibition shall be given to customers by a conspicuous sign posted at the entrance to the property, or by provisions in the lease agreement, or both.
 - g. Any outside storage area for vehicles, trailers, campers, boats, or the like shall be separate from any structures and located to one side or to the rear of the development. Spaces shall be located a minimum of twenty-five (25) feet from any adjacent property line, and in no case shall these spaces be counted towards meeting the parking requirements of this subsection d. above.
 - h. All lights shall be shielded so as to direct light onto the uses established, and away from adjacent property; but lighting may be of sufficient intensity to discourage vandalism and theft.

(7374) *Yard Sales.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Yard sales shall be limited to two (2) occurrences within a twelve (12) month period.
- c. Each occurrence shall be no longer than two (2) days and only during the daylight hours.

(7475) *Zoos and Botanical Gardens.*

- a. Use districts: General Commercial; M-1 Light Industrial.

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- b. There shall be a minimum one hundred (100) foot setback between all activities associated with the use and any adjacent residential property.
- c. All zoos and botanical gardens shall have primary access to collector or thoroughfare roads.

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

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

SECTION VI. Effective Date. This ordinance shall be enforced from and after _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2009

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: March 24, 2009 (tentative)
First Reading: March 24, 2009 (tentative)
Second Reading:
Third Reading:

EXPLANATION OF SIGN ENFORCEMENT ORDINANCE

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SO AS TO AMEND SUBSECTION (E), PROHIBITED SIGNS, AND TO CREATE A NEW SUBSECTION FOR THE PURPOSE OF ENFORCEMENT.

Background:

This ordinance is being initiated by the Planning Director, Joseph Kocy, in conjunction with support from the Richland County Appearance Commission.

What this ordinance will do:

This ordinance will amend Section 26-180 (e), Prohibited Signs; by adding “signs posted on public property” as another sign that is prohibited in unincorporated Richland County.

In addition, a new section was added to address enforcement issues:

- Signs posted on **public property** will be subject to removal without notice.
- For prohibited signs on **private property**, the owner of the sign and the record owner of the property on which the sign is located will be notified in writing and given an opportunity to cure the violation. If the violator fails to take the corrective action, a summons will be issued.

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STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-09HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SO AS TO AMEND SUBSECTION (E), PROHIBITED SIGNS, AND TO CREATE A NEW SUBSECTION FOR THE PURPOSE OF ENFORCEMENT.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General development, Site, and Performance Standards; Section 26-180, Signs; Subsection (e), Prohibited Signs; is hereby amended to read as follows:

- (e) *Prohibited signs.* The following signs are prohibited in the unincorporated areas of Richland County:
 - (1) *Off-premises signs.* All off-premises signs, unless specifically allowed elsewhere in this chapter.
 - (2) *Roof signs.* Roof signs; provided, however, that signs on the surfaces of a mansard roof or on parapets shall not be prohibited if the signs do not extend above the mansard roof or parapet to which they are attached.
 - (3) *Animated/flushing signs and signs of illusion.* Signs displaying blinking, flashing, or intermittent lights, or animation, moving parts, or signs giving the illusion of movement.
 - (4) *Signs resembling traffic signals.* Signs that approximate official highway signs, warning signs, or regulatory devices.
 - (5) *Signs on roadside appurtenances.* Signs attached to or painted on utility poles, trees, parking meters, bridges, overpasses, rocks, other signs, benches, refuse containers, etc., unless specifically allowed elsewhere in this chapter.
 - (6) *Abandoned signs and sign structures.* Signs that advertise an activity or business that is no longer conducted on the property on which the sign is located. Such signs or sign structures must be removed by the property owner within thirty (30) days of becoming an abandoned sign or sign structure.

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- (7) *Pennants, streamers, balloons, etc.* Signs containing or consisting of pennants, ribbons, streamers, balloons, or spinners.
- (8) *Signs obstructing access.* Signs that obstruct free ingress or egress from a road, driveway, or a required door, window, fire escape, or other required exitway.
- (9) *Signs located in the right-of-way.*
- (10) *Inflatable signs or balloons.*
- (11) *Signs posted on public property.* Public property includes the tree lawn areas between detached sidewalks and streets, roadway median strips, parkways, bridges, alleys, utility poles and boxes, as well as street signs and sign poles.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General development, Site, and Performance Standards; Section 26-180, Signs; is hereby amended by the creation of a new subsection, to read as follows:

- (p) *Enforcement.* Notwithstanding the enforcement provisions of Section 26-273, signs found in violation of this Section shall be subject to the following procedures:
 - (1) *Signs on public property subject to removal without notice.* County employees shall have the authority to remove without notice to the owners thereof, signs placed within any street or highway right-of-way; signs attached to trees, fence posts, telephones and utility poles, or other natural features; abandoned signs; signs placed on public property; and signs erected without permit. The person(s) responsible for causing the unlawful sign to be on any public property may be held responsible for the cost of removal. The persons liable shall include, but are not limited to, any individual or business whose advertisement, message or information appears on or is contained in any sign or notice unlawfully placed on public property.
 - (2) *Prohibited signs on private property.* When an authorized county official finds a prohibited sign located on private property, the county employee shall notify the owner of the sign and the record owner of the property on which the sign is located. Such notice of violation shall be in writing and sent by certified or registered mail or delivered by personal service. The notice of violation shall include an opportunity to cure the violation within a prescribed period of time. If the violator fails to take prompt corrective action in the prescribed time, then the county may pursue the penalties and remedies set forth in Section 26-272.

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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 _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY
OF _____, 2009

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: March 24, 2009 (tentative)
First Reading: March 24, 2009 (tentative)
Second Reading:
Third Reading:

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SO AS TO CREATE A NEW SECTION THAT WOULD ALLOW WEEKEND DIRECTIONAL SIGNS UNDER CERTAIN CONDITIONS.

Background:

This ordinance is being initiated by the Planning Director, Joseph Kocy, as a follow-up to a meeting that was held with the "Home Builders Association of Greater Columbia" on January 14, 2009.

What this ordinance will do:

This ordinance will define a "weekend directional sign" as being an off-premise sign not greater than exceed twenty-four (24) inches by twenty-four (24) inches in total size and placed only on the weekend, the purpose of which is limited exclusively to the identification of a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy.

In addition, such signs will be allowed in all zoning districts, but the signs will have to comply with the following requirements:

- (1) Sign area shall not exceed twenty-four (24) inches by twenty-four (24) inches.
- (2) Sign height shall not exceed three (3) feet above adjacent grade.
- (3) Signs shall not encroach into the road right-of-way and shall not obstruct visibility at intersections;
- (4) Signs shall not be erected before 7:00 p.m. on Friday evening and shall be completely removed in their entirety not later than 10:00 a.m. on the following Monday morning;
- (5) No sign permitted in this subsection shall be erected within thirty (30) feet of an intersection, and not more than two (2) signs per company or development shall be allowed at an intersection;
- (6) No weekend directional sign shall be placed at any location other than at an intersection;
- (7) No sign permitted in this subsection shall be erected more than one (1) mile from the property for sale or lease, or if a subdivision, not more than one (1) mile from the subdivision;
- (8) No sign permitted in this subsection shall be erected on or abutting a road owned and maintained by the state of South Carolina unless specifically allowed by the South Carolina Department of Transportation.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-09HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SO AS TO CREATE A NEW SECTION THAT WOULD ALLOW WEEKEND DIRECTIONAL SIGNS UNDER CERTAIN CONDITIONS.

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 in the appropriate alphabetical order, the following definition:

Sign, weekend directional. An off-premise sign not greater than exceed twenty-four (24) inches by twenty-four (24) inches in total size and placed only on the weekend, the purpose of which is limited exclusively to the identification of a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General development, Site, and Performance Standards; Section 26-180, Signs; is hereby amended to create a new subsection to read as follows:

(r) *Weekend directional signs.* Weekend directional signs are permitted in all zoning districts, with the following restrictions:

- (1) Sign area shall not exceed twenty-four (24) inches by twenty-four (24) inches.
- (2) Sign height shall not exceed three (3) feet above adjacent grade.
- (3) Signs shall not encroach into the road right-of-way and shall not obstruct visibility at intersections;
- (4) Signs shall not be erected before 7:00 p.m. on Friday evening and shall be completely removed in their entirety not later than 10:00 a.m. on the following Monday morning;
- (5) No sign permitted in this subsection shall be erected within thirty (30) feet of an intersection, and not more than two (2) signs per company or development shall be allowed at an intersection;
- (6) No weekend directional sign shall be placed at any location other than at an intersection;

(7) No sign permitted in this subsection shall be erected more than one (1) mile from the property for sale or lease, or if a subdivision, not more than one (1) mile from the subdivision;

(8) No sign permitted in this subsection shall be erected on or abutting a road owned and maintained by the state of South Carolina unless specifically allowed by the South Carolina Department of Transportation.

Any violation of these provisions shall result in the offending individual, company, or corporation being barred from erecting weekend directional off-premises signs for a period not to exceed six (6) months, and may also result in the penalties contained in Section 26-272.

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 _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2009

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: March 24, 2009 (tentative)
First Reading: March 24, 2009 (tentative)
Second Reading:
Third Reading:

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SO AS TO CREATE A NEW SECTION THAT WOULD ALLOW TEMPORARY OFF-PREMISES SIGNS UNDER CERTAIN CONDITIONS.

Background:

This ordinance is being initiated by the Planning Director, Joseph Kocy, as a follow-up to a meeting that was held with the "Home Builders Association of Greater Columbia" on January 14, 2009.

What this ordinance will do:

This ordinance will define a "tempory off-premises" sign as being a sign that disseminates information about special events or occurrences, property for sale, land development, or contractor's or craftsmen's signs at a construction site, subject to the provisions of § 26-180 (q).

In addition, such signs will be allowed in all zoning districts, but the signs will have to comply with the following requirements:

- (1) Such signs shall not exceed thirty-two (32) square feet per sign face, and shall not exceed twelve (12) feet in height (as measured from ground level at the base of the sign).
- (2) The sign face shall be constructed of durable material, and may be illuminated.
- (3) Prior to the erection of such sign a permit must be obtained. The permit shall be valid for twenty-four (24) months, but may be renewed for an additional twelve (12) months upon application to the Planning Department.

DRAFT

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-09HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SO AS TO CREATE A NEW SECTION THAT WOULD ALLOW TEMPORARY OFF-PREMISES SIGNS UNDER CERTAIN CONDITIONS.

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 in the appropriate alphabetical order, the following definition:

Sign, temporary off-premises. A sign that disseminates information about special events or occurrences, property for sale, land development, or contractor's or craftsmen's signs at a construction site, subject to the provisions of § 26-180 (q).

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General development, Site, and Performance Standards; Section 26-180, Signs; is hereby amended to create a new subsection to read as follows:

(q) *Temporary off-premises signs.* Temporary off-premises signs are permitted in all zoning districts, with the following restrictions:

- (1) Such signs shall not exceed thirty-two (32) square feet per sign face, and shall not exceed twelve (12) feet in height (as measured from ground level at the base of the sign).
- (2) The sign face shall be constructed of durable material, and may be illuminated.
- (3) Prior to the erection of such sign a permit must be obtained. The permit shall be valid for twenty-four (24) months, but may be renewed for an additional twelve (12) months upon application to the Planning Department.

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.

DRAFT

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 _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2009

Michielle R. Cannon-Finch
Clerk of Council

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