

**RICHLAND COUNTY COUNCIL
SPECIAL CALLED MEETING
COUNCIL CHAMBERS
DECEMBER 20, 2005
6:00 P.M.**

**CALL TO ORDER Honorable Anthony G. Mizzell
Chairman**

INVOCATION Honorable L. Gregory Pearce, Jr.

**PLEDGE OF ALLEGIANCE
 Honorable L. Gregory Pearce, Jr.**

PRESENTATION OF RESOLUTIONS

Richlard T. Laughridge, RMH Board Member

James H. Suddeth, Jr., RMH Board Member

ADOPTION OF AGENDA

CITIZEN'S INPUT

APPROVAL OF MINUTES

Regular Session: December 13, 2005 [Pages 4-11]

**REPORT OF COUNTY ATTORNEY FOR EXECUTIVE
SESSION ITEMS**

- a. Innovista Garage**
- b. Recreation Commission Lawsuit**
- c. Project Fish Fry**
- d. Historic Columbia Foundation**

REPORT OF THE COUNTY AMINISTRATOR

- a. Council Retreat (Strategic Planning Session)**

REPORT OF THE CLERK OF COUNCIL

- a. Council Group Picture January 3, 2005 @ 5:00 p.m.**

REPORT OF THE CHAIRMAN

OPEN/CLOSE PUBLIC HEARINGS

- 1.a., 4.**

APPROVAL OF CONSENT ITEMS

- 1.a., 1.b., 1.c.,**

1. THIRD READING ITEMS

- a. Ordinance to incorporate the “Southeast”
Richland Neighborhood Master Plan” into the
Lower Richland Area Plan of the Imagine
Richland 2020 Comprehensive Plan
[PUBLIC HEARING][CONSENT]
[Pages 12-13]**
 - b. Ordinance amending the Richland County
Code of Ordinances, Chapter 2
Administration; Article VIII, Personnel
Regulations; Division 8, Grievance
Proceedings; Section 2-476, Definitions
[CONSENT] [Pages 14-15]**
 - c. Land Development Code
Wholesale Trade Uses
[CONSENT] [Pages 16-69]**
- 2. Ordinance authorizing General Obligation Bond
Anticipation Notes for Innovista Garage [Page 70]**

- 3. Legal Settlement of Condemnation Action for
Burdell Fuller Road [Pages 71-72]**
- 4. JEDA Bond Issue and Resolution [PUBLIC
HEARING] [Pages 73-75]**
- 5. CITIZEN'S INPUT**
- 6. MOTION PERIOD**
- 7. ADJOURNMENT**

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, DECEMBER 13, 2005 6:00 p.m.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.

MEMBERS PRESENT:

Chair	Anthony G. Mizzell
Vice Chair	L. Gregory Pearce, Jr.
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Joseph McEachern
Member	Mike Montgomery
Member	Bernice G. Scott
Member	Damon Jeter
Member	Doris Corley
Member	Kit Smith
Member	Paul Livingston

OTHERS PRESENT - Michielle Cannon-Finch, Milton Pope, Tony McDonald, Ashley Jacobs, Monique Walters, Joe Cronin, Michael Criss, Chief Harrell, Kendall Johnson, Anna Almeida, Stephany Snowden, Jennifer Dowden, Michelle Onley, Donny Phipps, Larry Smith, Susan Britt, John Newman, Amelia Linder, Daniel Driggers

CALL TO ORDER

The meeting was called to order at approximately 6:04 p.m.

INVOCATION

The Invocation was given by the Honorable Anthony G. Mizzell

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Anthony G. Mizzell

PRESENTATION OF RESOLUTION

Dr. Barry Russell of Midlands Technical College – Mr. Pearce and Mr. Livingston presented Dr. Barry Russell a resolution for his outstanding service during his presidency at Midlands Technical College.

ADOPTION OF AGENDA

Ms. Scott moved, seconded by Mr. Livingston, to move the Redevelopment Plan for the Olympia, Whaley, Granby Tax Increment Financing District Ordinance and the Report of Economic Development Committee to after Approval of Consent Items. The vote in favor was unanimous.

Ms. Scott moved, seconded by Ms. Dickerson, to make the Redevelopment Plan for the Olympia, Whaley, Granby Tax Increment Financing District Ordinance a public hearing item, to remove the Ordinance to Incorporate the "Southeast Richland Neighborhood Master Plan" into the Lower Richland Area Plan of the Imagine Richland 2020 Comprehensive Plan from the agenda and add the Clerk's Contract. The vote in favor was unanimous.

Mr. Montgomery moved, seconded by Ms. Hutchinson, to adopt the agenda as amended. The vote in favor was unanimous.

CITIZEN'S INPUT

Vi Hendley spoke in favor of the Ordinance Prohibiting Through Traffic on Olympia Avenue.

APPROVAL OF MINUTES

Regular Session: December 6, 2005 – Ms. Dickerson moved, seconded by Ms. Scott, to adopt the minutes as submitted. The vote in favor was unanimous.

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

Ms. Scott moved, seconded by Ms. Dickerson, to move these items to after Citizen's Input. The vote in favor was unanimous.

- a. **Personnel Matter—Clerk of Council's Contract**
- b. **Contractual Matter—Innovista Garage**

REPORT OF THE COUNTY ADMINISTRATOR

Council Retreat – Mr. Pope stated that he and Ms. Finch had notified Council of the proposed dates for Council's Retreat. Mr. Pope stated that there were a few council members that had concerns regarding the proposed dates and requested direction from Council regarding this issue.

A discussion took place. Mr. Mizzell suggested that he work with staff to look at other options to accommodate the council members' schedules and finalize the matter at the next council meeting.

REPORT OF THE CLERK OF COUNCIL

Ms. Finch stated the schedule for the December 20th meetings will be:

5:00	D&S Committee
Immediately Following	A&F Committee
6:00	Special Called Meeting
7:00	Zoning Public Hearing

Ms. Finch stated that everyone should plan to be present at 5:00 on December 20.

REPORT OF THE CHAIRMAN

Mr. Mizzell stated that Council was awarded the Gold Sponsor for their generous support of diabetes research.

Mr. Mizzell stated that the Central Midlands Transit Authority Board needed someone to serve in Ms. Corley's place. Mr. Pearce volunteered to take Ms. Corley's seat.

Mr. Jeter was appointed to Ms. Corley's seat on the Lake Murray Tourism Committee.

PUBLIC HEARING ITEMS

- **Redevelopment Plan for the Olympia, Whaley, Granby Tax Increment Financing District Ordinance [Second Reading]**

Ms. Vi Hendley, Mr. Larry Gates, and Mr. Bob Guild spoke in favor of this item.

APPROVAL OF CONSENT ITEMS

Mr. Pearce moved, seconded by Ms. Scott, to approve the following consent items:

- **05-55MA, Randy Mullis, RU to CG (2.2 acres), Office Bldg. & Warehouse, 12003-03-01/03 & 12007-02-01, Fairfield Road & Hwy. 321 [Third Reading]**
- **05-87MA, Cliff Kinder, RU to RS-MD (42 acres), Single family detached residences, 21800-01-05, Rabbit Run Road [Third Reading]**
- **05-92MA, Ramona Hatcher, RS-LD to NC, Boutique/Consignment Shop, 16415-07-04/03, 1526 & 1518 Leesburg Road [Third Reading]**
- **05-95MA, Stadium Village Lofts [Phase 2], HI to GC (2.4 acres), Condominiums Residences, 11206-04-01/02, Berea Road near Stadium [Third Reading]**
- **05-96MA, Kirkman Finlay, HI to GC (5.8 acres), Restaurant in existing structure, 11213-05-02, 1601 Shop Road (across from DMV) [Third Reading]**
- **Sale of Property in Richland Northeast Industrial Park to Midlands Fire Protection [Second Reading]**
- **Sale of Property in Richland Northeast Industrial Park to Forum Development II, LLC [Third Reading]**
- **Sale of Property in Richland Northeast Industrial Park from Atlas Foods to Travis Motley [Third Reading]**

The vote in favor was unanimous.

Redevelopment Plan for the Olympia, Whaley, Granby Tax Increment Financing District Ordinance – Ms. Scott moved, seconded by Ms. Smith, to table this item and direct staff to bring back numbers for the special revenue bond or other financing. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Consolidated Properties, LLC – Mr. Livingston stated the committee's recommendation was to approve this item. The vote in favor was unanimous.

Project Fish Fry – Mr. Livingston moved, seconded by Ms. Scott, to direct staff to meet with the group interested in this public partnership, draft a MOU to be presented to Council at Council's Retreat.

Mr. Montgomery offered a friendly amendment to the motion. Mr. Livingston did not accept the amendment. A discussion took place.

POINT OF ORDER – Mr. McEachern stated Council could take a vote on Mr. Montgomery's amendment.

Mr. Jeter disclosed that he had a business relationship with someone that may be working on behalf of the development team. At present this person has not been hired, but Mr. Jeter wanted to disclose this relationship for the record.

Ms. Smith moved, seconded by Ms. Hutchinson, to authorize staff to engage the services of a financial advisor and/or someone to conduct an economic and physical impact analysis at any stage when the proposal may deem necessary to garner the full impact before bringing it to Council.

<u>In favor</u>	<u>Oppose</u>	<u>Abstain</u>
Montgomery	Corley	Jeter
McEachern	Dickerson	
Smith	Scott	
Pearce		
Mizzell		
Livingston		
Hutchinson		

The vote was in favor.

Mr. Livingston called for questions, seconded by Ms. Scott. The vote in favor was unanimous.

The vote in favor was unanimous.

Mr. Pope inquired as to what funding resources are to be utilized to financial analysis services requested by Council. Mr. Livingston recommended that if there is additional funding that staff bring it back to Council.

THIRD READING ITEMS

Ordinance Prohibiting Through Traffic on Olympia Avenue –Ms. Scott moved, seconded by Mr. McEachern, to defer this item until the first meeting in January. The vote in favor was unanimous.

05-98MA, Development Services, Inc., Greg Lehman, RU to RS-LD (206 acres), Single Family Residences, 24700-02-08 & 21800-04-04/09/10 – Mr. Mizzell requested the status on an agreement to protect the Carolina Bay before he approves the minutes at the next meeting.

Mr. McEachern moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

SECOND READING ITEMS

Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VIII, Personnel Regulations; Division 8, Grievance Proceedings; Section 2-476, Definitions (deferred from mtg. of 12/06/05) – Mr. McEachern moved, seconded by Mr. Montgomery, to approve this item. The vote in favor was unanimous.

Land Development Code, Wholesale Trade Uses (deferred from mtg. of 12/06/05) – Mr. Pearce moved, seconded by Ms. Scott, to approve this item as amended. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. Notification of Vacancies on Boards, Commissions and Committees

Historic Columbia Foundation-1 – Mr. McEachern stated the committee recommended for staff to advertise the vacancy. The vote in favor was unanimous.

Performing Arts Center Board-1 – Mr. McEachern stated the committee recommended for staff to advertise the vacancy. The vote in favor was unanimous.

II. Notification of Appointments to Boards, Commissions and Committees

Lexington/Richland Alcohol and Drug Abuse Council-2 – Mr. McEachern stated there are two vacancies to this board with three applications received.

No one vote in favor of Mr. Henry Counts.

Mr. McEachern, Ms. Smith, Mr. Montgomery, Mr. Pearce, Mr. Mizzell, Mr. Livingston, Ms. Dickerson, Ms. Hutchinson, Ms. Scott, Mr. Jeter voted in favor of Ms. Margaret Gregory.

Mr. McEachern, Ms. Smith, Mr. Montgomery, Mr. Pearce, Mr. Mizzell, Mr. Livingston, Ms. Dickerson, Ms. Hutchinson, Ms. Scott, Mr. Jeter voted in favor of Ms. Victoria B. Kelley.

Ms. Margaret Gregory and Ms. Victoria B. Kelley were appointed.

Music Festival Commission-1

Mr. McEachern stated that there are no applicants at this time.\

Performing Arts Center Board-2

Mr. McEachern stated that there are no applicants at this time.

Richland Memorial Hospital Board-3

Mr. McEachern stated there are three vacancies to this board with five applications received.

Mr. Montgomery, Mr. Pearce, Mr. Mizzell, Mr. Livingston, Ms. Hutchinson, Ms. Dickerson, Ms. Scott, Mr. Jeter voted in favor of Mr. Bill Bradshaw.

Ms. Smith voted in favor of Ms. Holly P. Carlisle.

Mr. Montgomery, Mr. McEachern, Ms. Smith, Mr. Pearce, Mr. Mizzell, and Ms. Hutchinson voted in favor of Dr. Jerry Odom.

Mr. McEachern, Mr. Livingston, Ms. Dickerson, Ms. Scott, Mr. Jeter voted in favor of Dr. Nowamagbe A. Omoigui.

Mr. Montgomery, Mr. McEachern, Ms. Smith, Mr. Pearce, Mr. Mizzell, Mr. Livingston, Ms. Hutchinson, Ms. Dickerson, Ms. Scott, and Mr. Jeter voted in favor of Ms. Ann Pringle Washington.

Mr. Bill Bradshaw, Dr. Jerry Odom and Ms. Ann Pringle Washington were appointed.

III. Amendment to Grievance Ordinance

This item was discussed during the Second Reading items.

IV. Guidelines for Council Retreat Discussions

Mr. McEachern requested a meeting with for Council and staff to discuss several issues regarding the upcoming Council Retreat.

Mr. Mizzell asked Ms. Finch to set a meeting.

Ordinance Authorizing General Obligation Bond Anticipation Notes for Innovista Garage –
This item was taken up in Executive Session.

CITIZEN'S INPUT

No one signed up to speak.

EXECUTIVE SESSION ITEMS

Mr. Jeter moved, seconded by Mr. Pearce, to go into Executive Session. The vote in favor was unanimous.

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Council went into Executive Session at approximately 7:15 p.m. and came out at approximately 7:37 p.m.

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Mr. McEachern moved, seconded by Ms. Dickerson, to come out of Executive Session. The vote in favor was unanimous.

- a. **Personnel Matter: Clerk's Contract** – Mr. Montgomery moved, seconded by Ms. Dickerson, to approve the format of the Clerk's contract as submitted by the committee. The vote in favor was unanimous.
- b. **Contractual: Innovista Garage** – Mr. Montgomery moved, seconded by Ms. Dickerson, to accept as information the legal advice received. The vote in favor was unanimous.

MOTION PERIOD

Cancellation of December 20th Meetings -- Ms. Scott moved, seconded by Mr. Montgomery, to not hold the December 20 meetings. The motion failed.

Southland Waste Collection Complaints – Mr. McEachern moved, seconded by Mr. Montgomery, to forward to the D&S Committee the review of complaints regarding Southland waste collection services.

Resolutions for Mr. James H. Suddeth, Jr. and Mr. Richard T. Laughridge – Mr. Pearce moved, seconded by Ms. Scott, to adopt resolutions for Mr. James H. Suddeth, Jr. and Mr. Richard T. Laughridge. The vote in favor was unanimous.

Resolution for Ms. Tucker – Ms. Scott moved, seconded by Mr. Jeter, to adopt a resolution for Ms. Tucker. The vote in favor was unanimous.

ADJOURNMENT

Mr. Montgomery moved, seconded by Ms. Scott, to adjourn. The vote in favor was unanimous.

The meeting adjourned at approximately 7:49 p.m.

Anthony G. Mizzell, Chair

L. Gregory Pearce, Jr. Vice-Chair

Doris M. Corley

Joyce Dickerson

Valerie Hutchinson

Damon Jeter

Paul Livingston

Joseph McEachern

Mike Montgomery

Bernice G. Scott

Kit Smith

The minutes were transcribed by Michelle M. Onley

DRAFT

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-05HR

AN ORDINANCE AMENDING THE IMAGINE RICHLAND 2020 COMPREHENSIVE PLAN, ADOPTED ON MAY 3, 1999, BY INCORPORATING THE "SOUTHEAST RICHLAND NEIGHBORHOOD MASTER PLAN" INTO THE LOWER RICHLAND AREA PLAN.

WHEREAS, on May 3, 1999, Richland County Council adopted the Imagine Richland 2020 Comprehensive Plan pursuant to S.C. Code Section 6-29- 310, et al. (Ordinance No. 013-99HR); and

WHEREAS, Section 6-29-520 (B) of the South Carolina Code of Ordinances 1976, as amended (South Carolina Local Government Comprehensive Planning and Enabling Act of 1994, as amended), requires that recommendations for amendments to the Comprehensive Plan must be by Resolution of the Planning Commission; and

WHEREAS, the Richland County Planning Commission has unanimously approved a Resolution recommending that County Council adopt the "Southeast Richland Neighborhood Master Plan", dated November 3, 2005; and

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, be it enacted by the County Council for Richland County as follows:

SECTION I. The Imagine Richland 2020 Comprehensive Plan is hereby amended by the incorporation of the "Southeast Richland Neighborhood Master Plan", dated November 3, 2005, and which is attached hereto, into the Lower Richland Area Plan.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2005.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

DRAFT

ATTEST THIS THE ____ DAY

OF _____, 2005

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: November 15, 2005
Second Reading: December 6, 2005
Public Hearing: December 20, 2005 (tentative)
Third Reading: December 20, 2005 (tentative)

AMENDED DRAFT

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-05HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE VIII, PERSONNEL REGULATIONS; DIVISION 8, GRIEVANCE PROCEEDINGS; SECTION 2-476, DEFINITIONS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article VIII, Personnel Regulations; Division 8, Grievance Proceeding; Section 2-476, Definitions; is hereby amended to read as follows:

Sec. 2-476. Definitions.

Grievance. A grievance is defined as ~~any~~ complaint by an employee that he or she has been treated unfairly, unlawfully, or in violation of his or her rights under county policies, with regard to ~~any~~ matter pertaining to his or her employment by the county. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion and demotion, but specifically does not include an employee's "Performance Enhancement Program" (P.E.P.) appraisal or the performance appraisal ratings, except as they may apply to allegations of discrimination based on race, religion, color, sex, age, national origin, or disability. If an employee believes that he or she has not received or been credited with or has otherwise lost wages or benefits to which he or she is entitled, ~~he must present his a~~ grievance must be presented in accordance with this procedure or such wages or benefits may be forfeited.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2005.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

ATTEST THIS THE ____ DAY

OF _____, 2005

AMENDED DRAFT

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: December 6, 2005
Second Reading: December 13, 2005
Third Reading: December 20, 2005 (tentative)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-05HR

AN ORDINANCE AMENDING ORDINANCE NO. 074-04HR (THE RICHLAND COUNTY LAND DEVELOPMENT CODE); ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES, PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; "WHOLESALE TRADE" OF TABLE 20-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SO AS TO PERMIT CERTAIN WHOLESALE USES WITH SPECIAL REQUIREMENTS IN THE GC GENERAL COMMERCIAL ZONING DISTRICT.

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

SECTION I. Article V (Zoning Districts and District Standards), Section 141 (Table of permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions), "Wholesale Trade" of Table 20-V-2. of Ordinance No. 074-05HR, which was adopted by the Richland County Council on November 9, 2004, is hereby amended to read as follows:

(Ordinance continues on next page)

USE TYPES	RU	RR	SR-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Wholesale Trade																
Apparel, Piece Goods, and Notions													P	P	P	P
Beer/Wine/Distilled Alcoholic Beverages													<u>SR</u>	P	P	P
Books, Periodicals, and Newspapers													P	P	P	P
Chemicals and Allied Products													<u>SR</u>	P	P	P
Drugs and Druggists' Sundries													<u>SR</u>	P	P	P
Durable Goods, Not Otherwise Listed													<u>SR</u>	P	P	P
Electrical Goods													<u>SR</u>	P	P	P
Farm Products, Raw Materials														P	P	P
Farm Supplies														P	P	P
Flowers, Nursery Stock, and Florist Supplies												P	P	P	P	P
Furniture and Home Furnishings													<u>SR</u>	P	P	P
Groceries and Related Products													P	P	P	P
Hardware													P	P	P	P
Jewelry, Watches, Precious Stones													P	P	P	P
Lumber and Other Construction Materials													<u>SR</u>	P		P
Machinery, Equipment and Supplies													<u>SR</u>	P	P	P
Market Showrooms (Furniture, Apparel, Etc.)													<u>SR</u>	P	P	P
Metal and Minerals														P	P	P
Motor Vehicles														P	P	P
Motor Vehicles, New Parts and Supplies													<u>SR</u>	P	P	P
Motor Vehicles, Tires and Tubes													<u>SR</u>	P	P	P
Motor Vehicles, Used Parts and Supplies													<u>SR</u>	P	P	P
Nondurable Goods, Not Otherwise Listed													<u>SR</u>	P	P	P

USE TYPES	RU	RR	SR-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Paints and Varnishes													<u>SR</u>	P	P	P
Paper and Paper Products													P	P	P	P
Petroleum and Petroleum Products														SR		SR
Plumbing and Heating Equipment and Supplies													<u>SR</u>	P	P	P
Professional and Commercial Equipment and Supplies													P	P	P	P
Scrap and Recyclable Materials														SE	SE	SE
Sporting and Recreational Goods and Supplies (Except Sporting Firearms and Ammunition)													P	P	P	P
Sporting Firearms and Ammunition													<u>SR</u>	P	P	P
Timber and Timber Products														P	P	P
Tobacco and Tobacco Products													<u>SR</u>	P	P	P
Toys and Hobby Goods and Supplies													P	P	P	P

SECTION II. Article VI, Supplemental Use Standards; Section 151, Permitted Uses with Special Requirements; Subsection (b), Permitted Uses with Special Requirements Listed by Zoning District; of Ordinance No. 074-05HR, which was adopted by the Richland County Council on November 9, 2004, is hereby amended to read as follows:

(b) *Permitted uses with special requirements listed by zoning district.*

- (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 - (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)
- (~~11~~ 12) Buildings, High-Rise, Four (4) or Five (5) Stories – (RM-HD, GC)
- (~~12~~ 13) Car and Light Truck Washes- (RC)
- (~~13~~ 14) Cemeteries and Mausoleums - (OI, NC, RC, GC, M-1, LI, HI)
- (~~14~~ 15) Clubs or Lodges – (RU)
- (~~15~~ 16) Continued Care Retirement Communities - (RM-MD, RM-HD, OI, RC, GC)
- (~~16~~ 17) Construction, Building, General Contracting, with Outside Storage - (M-1, LI)
- (~~17~~ 18) Construction, Building, Heavy, with Outside Storage - (M-1, LI)

- (~~18~~ 19) Construction, Special Trades, with Outside Storage - (M-1, LI)
- (~~19~~ 20) Country Clubs with Golf Courses - (RU, GC, M-1, LI)
- (~~20~~ 21) Day Care, Adult, Home Occupation (6 or Less) – (OI, NC, RC, GC)
- (~~21~~ 22) Day Care Centers, Adult - (OI, NC, RC, GC)
- (~~22~~ 23) Day Care, Child, Family Day Care, Home Occupation (5 or less) - (OI, NC, RC, GC)
- (~~23~~ 24) Day Care, Child, Group Day Care, Home Occupation (6 to 12) – (OI, NC, RC, GC)
- (~~24~~ 25) Day Care Centers, Child, Licensed Centers - (OI, NC, RC, GC, M-1, LI)
- (26) Drugs and Druggists' Sundries – (GC)
- (27) Durable Goods, Not Otherwise Listed – (GC)
- (~~25~~ 28) Dwellings, Manufactured Homes on Individual Lots - (RU, MH)
- (~~26~~ 29) Dwellings, Manufactured Homes on Individual Lots - (RR, RS-E)
- (~~27~~ 30) 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)
- (31) Electrical Goods – (GC)
- (~~28~~ 32) Fuel Oil Sales (Non-Automotive) - (M-1, HI)
- (33) Furniture and Home Furnishings – (GC)
- (~~29~~ 34) Golf Courses - (GC, M-1, LI)
- (~~30~~ 35) Golf Driving Ranges (Freestanding) - (RC, GC, M-1, LI)
- (~~31~~ 36) Go-Cart, Motorcycle, and Similar Small Vehicle Tracks - (GC)
- (~~32~~ 37) Group Homes (9 or Less) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (~~33~~ 38) Home Occupations - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)

- (~~34~~ 39) Kennels - (RU, OI, RC, GC, M-1, LI)
- (~~35~~ 40) Libraries – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (41) Lumber and Other Construction Materials – (GC)
- (42) Machinery, Equipment and Supplies – (GC)
- (~~36~~ 43) Manufactured Home Sales – (GC, M-1)
- (~~37~~ 44) Manufactured Home Parks – (MH, M-1)
- (~~38~~ 45) Market Showrooms - (GC)
- (46) Motor Vehicles, New Parts and Supplies – (GC)
- (47) Motor Vehicles, Tires and Tubes – (GC)
- (48) Nondurable Goods, Not Otherwise Listed – (GC)
- (49) Paints and Varnishes – (GC)
- (~~39~~ 50) Pet Care Services – (NC, RC)
- (~~40~~ 51) Petroleum and Coal Products Manufacturing - (HI)
- (~~41~~ 52) Petroleum and Petroleum Products - (M-1, HI)
- (~~42~~ 53) Places of Worship – (RU, RR, RM-MD, RM-HD, RC)
- (54) Plumbing and Heating Equipment and Supplies – (GC)
- (~~43~~ 55) Poultry Farms – (RU)
- (~~44~~ 56) Produce Stands – (RU)
- (~~45~~ 57) Public or Private Parks- (All Districts)
- (~~46~~ 58) Public Recreation Facilities- (All Districts)
- (~~47~~ 59) Radio, Television, and Other Similar Transmitting Towers – (M-1)
- (~~48~~ 60) Recreational Vehicle Parks and Recreation Camps – (RU)
- (~~49~~ 61) Rental Centers, With Outside Storage – (GC)

- (~~50~~ 62) Repair and Maintenance Service, Appliance and Electronics - (RC, GC, M-1, LI)
- (~~51~~ 63) Research and Development Services – (OI)
- (~~52~~ 64) 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)
- (~~53~~ 65) Sexually Oriented Businesses - (GC)
- (66) Sporting Firearms and Ammunition – (GC)
- (~~54~~ 67) Swimming Pools - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (68) Tobacco and Tobacco Products – (GC)
- (~~55~~ 69) Utility Substations - (All Districts)
- (~~56~~ 70) Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services) - (OI, NC)
- (~~57~~ 71) 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)
- (~~58~~ 72) Warehouses (Self Storage) - (RC, GC, M-1, LI)
- (~~59~~ 73) Yard Sales - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (~~60~~ 74) Zoos and Botanical Gardens – (GC, M-1)

SECTION III. Article VI, Supplemental Use Standards; Section 151, Permitted Uses with Special Requirements; Subsection (c), Standards; of Ordinance No. 074-05HR, which was adopted by the Richland County Council on November 9, 2004, 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).

(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.

- 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.*

- a. Use districts: 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.

- 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.

- 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~~ be directed and shielded so as not to shine onto adjacent properties.
- g. In new developments, ~~n~~No parking space or drive shall be located closer than twenty (20) feet to a residence. In existing developments where a parking space or drive is less than twenty (20) feet to a residence, such parking space or drive shall not be relocated to a position any closer to the residence than its current location.
- h. There shall be a minimum landscaping buffer around the perimeter of the property of no less than fifteen (15) feet in width. Landscaping buffers shall comply with the requirements of Section 26-176 ~~infra~~, except when existing development prevents compliance. When existing development prevents compliance,

buffers shall be no less than those identified in the most recent, previously approved landscaping plan.

(~~11~~ 12) *Buildings, high-rise, four (4) or five (5) stories.*

- 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.

(~~12~~ 13) *Car and light truck washes.*

- a. Use districts: Rural Commercial.
- 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.

~~(13~~ 14) *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.

~~(14~~ 15) *Clubs or lodges.*

- a. Use districts: Rural.
- b. A club or lodge may not be used after 12:00 midnight, Sunday through Thursday, and after 1:00 a.m. on Fridays and Saturdays.
- c. Sexually oriented businesses are not permitted in a club or lodge.

~~(15~~ 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.

(~~16~~ 17) *Construction, building, general contracting, 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.

(~~17~~ 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.

(~~18~~ 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.

(~~19~~ 20) *Country clubs with golf courses.*

- a. Use districts: 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.

(~~20~~ 21) *Day care, adult, home occupation (six or less).*

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. An adult day care, home occupation, with six (6) 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. Parking shall not be located in the front yard.
- e. All other state and federal regulations shall be met.

(~~21~~ 22) *Day care centers, adult.*

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

(~~22~~ 23) *Day care, child, family day care, home occupation (five or less).*

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- 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. Parking shall not be located in the required front yard.
- e. All other state and federal regulations shall be met.

(~~23~~ 24) *Day care, child, group day care, home occupation (6 to 12).*

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. A child group 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. Parking shall not be located in the required front yard.

- f. All other state and federal regulations shall be met.

(24 ~~25~~) *Day care centers, child, licensed centers.*

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 and LI 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.

(26) *Drugs and Druggists' Sundries.*

- 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~~ be directed and shielded so as not to shine onto adjacent properties.
- g. In new developments, ~~n~~No parking space or drive shall be located closer than twenty (20) feet to a residence. In existing developments where a parking space or drive is less than twenty (20) feet to a residence, such parking space or drive shall not be relocated to a position any closer to the residence than its current location.
- h. ~~There shall be a minimum landscaping buffer around the perimeter of the property of no less than fifteen (15) feet in width.~~

Landscaping buffers shall comply with the requirements of Section 26-176 infra, except when existing development prevents compliance. When existing development prevents compliance, buffers shall be no less than those identified in the most recent, previously approved landscaping plan.

(27) 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 ~~be directed and shielded so as not to shine onto adjacent properties.~~
- g. In new developments, ~~n~~No parking space or drive shall be located closer than twenty (20) feet to a residence. In existing developments where a parking space or drive is less than twenty (20) feet to a residence, such parking space or drive shall not be relocated to a position any closer to the residence than its current location.
- h. There shall be a minimum landscaping buffer around the perimeter of the property of no less than fifteen (15) feet in width. Landscaping buffers shall comply with the requirements of Section 26-176 infra, except when existing development prevents compliance. When existing development prevents compliance, buffers shall be no less than those identified in the most recent, previously approved landscaping plan.

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

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

(26 29) *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.
- 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.

~~(27~~ 30) *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 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.

(31) 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~~ be directed and shielded so as not to shine onto adjacent properties.
- g. In new developments, ~~n~~No parking space or drive shall be located closer than twenty (20) feet to a residence. In existing developments where a parking space or drive is less than twenty (20) feet to a residence, such parking space or drive shall not be relocated to a position any closer to the residence than its current location.
- h. There shall be a minimum landscaping buffer around the perimeter of the property of no less than fifteen (15) feet in width. Landscaping buffers shall comply with the requirements of Section 26-176 ~~infra~~, except when existing development prevents compliance. When existing development prevents compliance, buffers shall be no less than those identified in the most recent, previously approved landscaping plan.

(28 32) 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.

(33) 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.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 ~~infra~~ be directed and shielded so as not to shine onto adjacent properties.

- g. In new developments, nNo parking space or drive shall be located closer than twenty (20) feet to a residence. In existing developments where a parking space or drive is less than twenty (20) feet to a residence, such parking space or drive shall not be relocated to a position any closer to the residence than its current location.
- h. There shall be a minimum landscaping buffer around the perimeter of the property of no less than fifteen (15) feet in width. Landscaping buffers shall comply with the requirements of Section 26-176 infra, except when existing development prevents compliance. When existing development prevents compliance, buffers shall be no less than those identified in the most recent, previously approved landscaping plan.

(29 34) Golf courses.

- a. Use districts: 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.

(30 35) Golf driving ranges (freestanding).

- a. Use districts: 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.

(31 36) 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.

~~(32 37)~~ 37 *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.

~~(33 38)~~ 38 *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.
- 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.

~~(34~~ 39) *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.

~~(35~~ 40) *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.

(41) Lumber and Other Construction Materials.

- 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 be directed and shielded so as not to shine onto adjacent properties.~~
- g. In new developments, ~~n~~No parking space or drive shall be located closer than twenty (20) feet to a residence. In existing developments where a parking space or drive is less than twenty (20) feet to a residence, such parking space or drive shall not be relocated to a position any closer to the residence than its current location.
- h. ~~There shall be a minimum landscaping buffer around the perimeter of the property of no less than fifteen (15) feet in width. Landscaping buffers shall comply with the requirements of Section 26-176 infra, except when existing development prevents compliance. When existing development prevents compliance, buffers shall be no less than those identified in the most recent, previously approved landscaping plan.~~

(42) 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 be directed and shielded so as not to shine onto adjacent properties.~~
- g. In new developments, nNo parking space or drive shall be located closer than twenty (20) feet to a residence. In existing developments where a parking space or drive is less than twenty (20) feet to a residence, such parking space or drive shall not be relocated to a position any closer to the residence than its current location.
- h. ~~There shall be a minimum landscaping buffer around the perimeter of the property of no less than fifteen (15) feet in width.~~ Landscaping buffers shall comply with the requirements of Section 26-176 infra, except when existing development prevents compliance. When existing development prevents compliance, buffers shall be no less than those identified in the most recent, previously approved landscaping plan.

(~~36~~ 43) *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.

(~~37~~ 44) *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:
 - 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.

~~(38~~ 45) *Market showrooms.*

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

(46) *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.
- f. Lighting shall comply with the requirements of Section 26-177 ~~infra be directed and shielded so as not to shine onto adjacent properties.~~
- g. In new developments, nNo parking space or drive shall be located closer than twenty (20) feet to a residence. In existing developments where a parking space or drive is less than twenty (20) feet to a residence, such parking space or drive shall not be relocated to a position any closer to the residence than its current location.
- h. ~~There shall be a minimum landscaping buffer around the perimeter of the property of no less than fifteen (15) feet in width. Landscaping buffers shall comply with the requirements of Section 26-176~~ infra, except when existing development prevents compliance. When existing development prevents compliance, buffers shall be no less than those identified in the most recent, previously approved landscaping plan.

(47) 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 be directed and shielded so as not to shine onto adjacent properties.~~
- g. In new developments, ~~n~~No parking space or drive shall be located closer than twenty (20) feet to a residence. In existing developments where a parking space or drive is less than twenty (20) feet to a residence, such parking space or drive shall not be relocated to a position any closer to the residence than its current location.
- h. There shall be a minimum landscaping buffer around the perimeter of the property of no less than fifteen (15) feet in width. Landscaping buffers shall comply with the requirements of Section 26-176 ~~infra~~, except when existing development prevents compliance. When existing development prevents compliance, buffers shall be no less than those identified in the most recent, previously approved landscaping plan.

(48) 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 be directed and shielded so as not to shine onto adjacent properties.~~
- g. In new developments, nNo parking space or drive shall be located closer than twenty (20) feet to a residence. In existing developments where a parking space or drive is less than twenty (20) feet to a residence, such parking space or drive shall not be relocated to a position any closer to the residence than its current location.
- h. There shall be a minimum landscaping buffer around the perimeter of the property of no less than fifteen (15) feet in width. Landscaping buffers shall comply with the requirements of Section 26-176 infra, except when existing development prevents compliance. When existing development prevents compliance, buffers shall be no less than those identified in the most recent, previously approved landscaping plan.

(49) *Paintsand 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 be directed and shielded so as not to shine onto adjacent properties.~~
- g. In new developments, nNo parking space or drive shall be located closer than twenty (20) feet to a residence. In existing

developments where a parking space or drive is less than twenty (20) feet to a residence, such parking space or drive shall not be relocated to a position any closer to the residence than its current location.

- h. ~~There shall be a minimum landscaping buffer around the perimeter of the property of no less than fifteen (15) feet in width. Landscaping buffers shall comply with the requirements of Section 26-176 infra, except when existing development prevents compliance. When existing development prevents compliance, buffers shall be no less than those identified in the most recent, previously approved landscaping plan.~~

(39 50) *Pet Care Services.*

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

(40 51) *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 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.

(41 ~~52~~) *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.

(42 ~~53~~) *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 or 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.

(54) 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~~ be directed and shielded so as not to shine onto adjacent properties.
- g. In new developments, ~~n~~No parking space or drive shall be located closer than twenty (20) feet to a residence. In existing developments where a parking space or drive is less than twenty (20) feet to a residence, such parking space or drive shall not be relocated to a position any closer to the residence than its current location.
- h. There shall be a minimum landscaping buffer around the perimeter of the property of no less than fifteen (15) feet in width. Landscaping buffers shall comply with the requirements of Section 26-176 ~~infra~~, except when existing development prevents compliance. When existing development prevents compliance, buffers shall be no less than those identified in the most recent, previously approved landscaping plan.

(43 55) 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.

- 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.

(44 56) *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.

(45 57) *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.

(46 58) *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.

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

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

- 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 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.

(48 60) *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-way for the purpose of parking or maneuvering vehicles is prohibited.

(49 61) *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.

(50 62) *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.

(51 63) *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.

(52 64) *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.

(53 65) *Sexually oriented businesses.*

- a. Use districts: General Commercial.
- b. It is the purpose of this subsection to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of Richland County. Furthermore, the purpose of these regulations is to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the county. The provisions of this subsection have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of these regulations to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this subsection to condone or legitimize the distribution of obscene material.
- 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. Adult theaters;
 - 7. Escort agencies;
 - 8. Nude model studios; and
 - 9. Sexual encounter centers.
- d. *Permit and/or license required:*
 - 1. A person commits a misdemeanor if he or she operates a sexually oriented business without a valid permit and/or license, issued by the county for the particular type of business.

2. An application for a permit and/or license must be made on a form provided by the Richland County Planning Department. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
 3. The applicant must be qualified according to the provisions of this section, and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official. The health department, fire department, and building official shall complete their inspections and certify same to the zoning administrator within twenty-one (21) days of receipt of the application by said zoning administrator.
 4. If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity that wishes to operate such a business, each individual having a ten percent (10%) or greater interest in the corporation must sign the application for a permit and/or license as applicant.
 5. The fact that a person possesses other types of state or county permits and/or licenses does not exempt him or her from the requirement of obtaining a sexually oriented business permit and/or license.
- e. *Issuance of permit and/or license.* The zoning administrator shall approve the issuance of a permit and/or license to an applicant within thirty (30) days after receipt of an application unless he or she finds one or more of the following to be true:
1. An applicant is under eighteen (18) years of age.

2. An applicant or applicant's spouse is overdue in his payment to the county of taxes, fees fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
 3. An applicant has failed to provide information reasonably necessary for issuance of the permit and/or license or has falsely answered a question or request for information on the applicant form.
 4. An applicant is residing with a person who has been denied a permit and/or license by the county to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
 5. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.
 6. The permit and/or license fee required by this ordinance has not been paid.
 7. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this section.
 8. The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
- f. *Fees.* The annual fee for a sexually oriented business permit and/or license is five hundred (\$500.00) dollars.
- g. *Inspection.*
1. An applicant or permittee and/or licensee shall permit representatives of the sheriff's department, health department, fire department, planning department, or other county departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring

compliance with the law, at any time it is occupied or open for business.

2. A person who operated a sexually oriented business, or his/her agent or employee, commits a misdemeanor if he or she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

h. *Expiration of permit and/or license.*

1. Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in subsection e. above. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit and/or license will not be affected.
2. When the zoning administrator denies renewal of a license, the applicant shall not be issued a permit and/or license for one (1) year from the date of denial. If, subsequent to denial, the zoning administrator finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license, if at least ninety (90) days have elapsed since the date denial became final.

i. *Suspension.* The zoning administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if he or she determines that a permittee and/or licensee or an employee of a permittee and/or licensee has:

1. Violated or is not in compliance with any provision of this section;
2. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
3. Refused to allow an inspection of the sexually oriented business premises as authorized by this section; or
4. Knowingly permitted gambling by an person on the sexually oriented business premises.

j. *Revocation.*

1. The zoning administrator shall revoke a permit and/or license if a cause of suspension in subsection i. above occurs and the permit and/or license has been suspended within the preceding twelve (12) months.
2. The zoning administrator shall revoke a permit and/or license if he or she determines that:
 - (a) A permittee and/or licensee gave false or misleading information in the material submitted to the planning department during the application process;
 - (b) A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - (c) A permittee or licensee or an employee has knowingly allowed prostitution on the premises;
 - (d) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended;
 - (e) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises;
 - (f) A permittee and/or licensee is delinquent in payment to the county or state for any taxes or fees past due
3. When the zoning administrator revokes a permit and/or license, the revocation shall continue for one (1) year, and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one (1) year from the date revocation became effective. If, subsequent to revocation, the zoning administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date the revocation became effective.

k. *Transfer of permit and/or license.* A permittee and/or licensee shall not transfer his/her permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license, at any place other than the address designated in the application.

1. *Location of Sexually Oriented Businesses:*

1. A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business outside of a designated GC General Commercial District. All sexually oriented businesses shall be located within a GC General Commercial District.
2. A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business within one thousand (1,000) feet of any place of worship, a public or private elementary or secondary school, a child daycare center or a pre-school, a boundary of any residential district, a public park adjacent to any residential district, or the property line of a lot devoted to residential use.
3. A person commits a misdemeanor if he or she causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.
4. A person commits a misdemeanor if he or she causes or permits the operation, establishment, or maintenance of more than one (1) sexually oriented business 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.
5. For the purpose of this Section 26-151(c)(53), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part 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, or to the nearest boundary of an affected public park, residential zoning district, or a residential lot.

6. For the purpose of subsection 3. 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 closest exterior wall of the structure in which the businesses are located.
7. Any sexually oriented business lawfully operating on August 1, 1987 that is in violation of subsections 1. through 6. above shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.
7. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a place of worship, public or private elementary or secondary school, public park, residential district, or residential lot within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.

m. *Additional regulations for adult motels.*

1. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.
2. A person commits a misdemeanor, if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually

oriented permit and/or license, he/she rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he/she rents or sub-rents the same sleeping room again.

3. For purposes of subsection 2. above, the terms “rent” or “sub-rent” mean the act of permitting a room to be occupied for any form of consideration.

n. *Regulations pertaining to exhibition of sexually explicit films or videos.*

1. 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, a film, video cassette, or other video reproduction that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- (a) Upon application for a sexually oriented permit and/or license, the application shall be accompanied by 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. A manager’s station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. 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 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. The zoning administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

- (b) The application shall be sworn to be true and correct by the applicant.
- (c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator.
- (d) 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.
- (e) 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 subsection must be by direct line of sight from the manager's station.
- (f) 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 subsection (e) 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 application filed pursuant to subsection (a) above.
- (g) No viewing room may be occupied by more than one (1) person at any time.
- (h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are

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

- (i) 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.
2. A person having a duty under subsection (a) through (i) of subsection 1. above commits a misdemeanor if he or she knowingly fails to fulfill that duty.
- o. *Exemptions.* It is a defense to prosecution under subsections (53)e. and (53)l. above that a person appearing in a state of nudity did so in a modeling class operated:
1. By a proprietary school licensed by the State of South Carolina; or by a college, junior college, or university supported entirely or partly by taxation; or
 2. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 3. In a structure:
 - (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - (b) Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - (c) Where no more than one (1) nude model is present at any one (1) time.

(66) *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 be directed and shielded so as not to shine onto adjacent properties.~~
- g. In new developments, nNo parking space or drive shall be located closer than twenty (20) feet to a residence. In existing developments where a parking space or drive is less than twenty (20) feet to a residence, such parking space or drive shall not be relocated to a position any closer to the residence than its current location.
- h. ~~There shall be a minimum landscaping buffer around the perimeter of the property of no less than fifteen (15) feet in width.~~ Landscaping buffers shall comply with the requirements of Section 26-176 infra, except when existing development prevents compliance. When existing development prevents compliance, buffers shall be no less than those identified in the most recent, previously approved landscaping plan.

(54 67). *Swimming pools.*

- 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. 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.

(68) 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.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 ~~infra~~ be directed and shielded so as not to shine onto adjacent properties.
- g. In new developments, ~~n~~No parking space or drive shall be located closer than twenty (20) feet to a residence. In existing developments where a parking space or drive is less than twenty (20) feet to a residence, such parking space or drive shall not be relocated to a position any closer to the residence than its current location.
- h. There shall be a minimum landscaping buffer around the perimeter of the property of no less than fifteen (15) feet in width. Landscaping buffers shall comply with the requirements of Section 26-176 ~~infra~~, except when existing development prevents compliance. When existing development prevents compliance, buffers shall be no less than those identified in the most recent, previously approved landscaping plan.

(55 69) 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).

~~(56~~ 70) *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.

~~(57~~ 71) *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).*

- 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.

(~~58~~ 72) *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 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.

(~~59~~ 73) *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.

(~~60~~ 74) *Zoos and Botanical Gardens.*

- a. Use districts: General Commercial; M-1 Light Industrial.
- 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. All remaining provisions of Ordinance No. 074-04HR shall remain in full force and effect.

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

SECTION VII. This ordinance shall be effective from and after _____, 2005.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

Attest this the ____ day of
_____, 2005

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: November 29, 2005
First Reading: November 29, 2005
Second Reading: December 13, 2005
Third Reading: December 20, 2005 (tentative)

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

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$7,750,000 GENERAL OBLIGATION BOND ANTICIPATION NOTES, SERIES 2006A AND TAXABLE SERIES 2006B, OF RICHLAND COUNTY, SOUTH CAROLINA, FOR THE PURPOSE OF DEFRAYING A PORTION OF THE COSTS OF CONSTRUCTING A PARKING FACILITY; FIXING THE FORM AND DETAILS OF THE NOTES; PROVIDING FOR THE PAYMENT AND DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

Legal Settlement of Condemnation Action for Burdell Fuller Road

UPDATE: This item was first discussed during the October 25, 2005 Development and Services Committee, where it was forwarded to the full Council without recommendation. The full Council voted unanimously to abandon the condemnation action on November 1, 2005. However, the decision was reconsidered on November 15, 2005, and the item was forwarded to the last Council meeting in December. For your reference, the background information, financial impact, and each of the three alternatives from the original request of action are included below.

Background / Discussion:

Burdell Fuller Road is a County maintained, unpaved road located on the north side of Wash Lever Road in Northwest Richland County (3B5 in the Richland County Road Atlas). The Department of Public Works currently maintains Burdell Fuller Road from Wash Lever Road to a gate at the property line of property belonging to Nanci A. Mason; a distance of 0.52 miles. The road itself continues on through Ms. Mason's property and onto the property of Michael and Lisa Cowan. There is also a gate at the Cowans' property line. It continues into the Cowan property and provides access to an old family cemetery located on the property as well as to the Cowan residence.

The Cowans contend that the County is obligated to maintain Burdell Fuller Road through the Mason property and up to their residence and have filed suit against the County demanding that. Ms. Mason, however, contends that that part of the road on her property and beyond is private and steadfastly refuses to allow County maintenance. During its December 1, 1998 meeting, County Council approved condemnation of the right-of-way for County maintenance of Burdell Fuller Road and the County Attorney's office subsequently initiated condemnation proceedings against Ms. Mason.

As part of the condemnation process, a settlement was negotiated with Ms. Mason under which she would grant right-of-way for the road, without compensation, along her southern property line if the County agreed to drop the condemnation of right-of-way along the route of the existing road. The existing road runs through the interior of her property in close proximity to her house. In order to comply with this agreement, the County will have to construct a new road on her property as well as on adjacent property belonging to the Cowans and to the Tuller Family Partnership, a distance of approximately 1300 feet. The estimated cost of construction is approximately \$29,000. It is the intent of this department to accomplish the construction under contract if this settlement is approved by County Council. In addition, a new driveway linking Ms. Mason's home to the new road would be required adding additional cost to the project.

It should be noted that Ms. Mason is only prepared to grant a right-of-way 20' in width. This is well below the standard County right-of-way width of 50' and barely wide enough to even contain a typical County unpaved gravel road. This office considers this right-of-way to be inadequate for the intended purpose.

C. Financial Impact:

As stated above, the cost for construction of the new road alignment is approximately \$29,000 plus the cost of the new driveway. The right-of-way will be provided without compensation.

D. Alternatives:

The alternatives available are:

1. Accept the negotiated settlement and construct a new road - Under this alternative, the County will spend in excess of \$29,000 to provide public road access to one residence and ends up with a sub-standard road. It does, however, settle the Cowans' lawsuit against the County.
2. Reject the settlement and continue with the condemnation - Under this alternative, the right-of-way would be condemned along the existing alignment of the road on Ms. Mason's property. Although very little construction work would be required in order to upgrade the road, Ms. Mason would have a publicly maintained road within a few feet of her front doorstep. It can be assumed that the condemnation would end up in court and that Ms. Mason would be awarded compensation. The amount of compensation is unknown at this point. It is also possible that the condemnation action would be unsuccessful in court since the project itself is not for any substantial public purpose.

The Cowans' lawsuit against the County is also settled under this alternative if the condemnation is successful.

3. Abandon the project altogether - Under this alternative, Burdell Fuller Road remains as it is and County maintenance ends at Ms. Mason's property line. The County incurs no construction cost but will have to defend itself against the Cowans' lawsuit.

E. Recommendation:

In view of the fact that the purpose of this project is only to provide public road access to one property owner and does significant harm to another property owner, alternative 3 (abandon the project altogether) is recommended.

Recommended By: Ralph B. Pearson, P.E. **Department:** Public Works **Date:** 6/1/2005

RESOLUTION NO. _____

IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS NOT EXCEEDING \$11,000,000 ECONOMIC DEVELOPMENT REVENUE BONDS (YOUNG MEN'S CHRISTIAN ASSOCIATION OF COLUMBIA, S.C. PROJECT), IN ONE OR MORE SERIES, PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED.

WHEREAS, the South Carolina Jobs-Economic Development Authority (the "Authority") is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended (the "Act"), to utilize any of its program funds to establish loan programs for the purpose of reducing the cost of capital to business enterprises which meet the eligibility requirements of Section 41-43-150 of the Act and for other purposes described in Section 41-43-160 of the Act and thus provide maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State of South Carolina (the "State"); and

WHEREAS, the Authority is further authorized by Section 41-43-110 of the Act to issue revenue bonds (including refunding revenue bonds) payable by the Authority solely from a revenue producing source and secured by a pledge of said revenues in order to provide funds for any purpose authorized by the Act; and

WHEREAS, in furtherance of the purposes of the Act and in order to promote the prosperity, health, safety and welfare of the citizens of the State, the Authority on behalf of Young Men's Christian Association of Columbia, S.C., a South Carolina nonprofit corporation (the "Borrower"), proposes to finance (i) the acquisition of, by construction or purchase, an approximately 10,000 square foot addition to its existing facility located at 1501 Kennerly Road, Irmo, South Carolina, an expansion of the existing fitness area and a new multipurpose room, office space and outdoor children's play areas, and other related land, improvements, furnishings and equipment located at such facilities and (ii) the acquisition, by construction or purchase, of a new facility located at or adjacent to 912 Lake Carolina Drive, Columbia, SC 29229, including but not limited to, a building, an indoor pool, a splash park, tennis courts, soccer field, wellness center, double-court gymnasium, child watch center, aerobics, playground, specialized fitness programs and administrative offices, and other related land, improvements, furnishings and equipment (collectively, the "Project"), and (iii) to refinance the outstanding principal amount of the Authority's \$3,800,000 original principal amount Economic Development Variable Rate Demand Revenue Bonds (Young Men's Christian Association Project), Series 1999 (the "1999 Bonds"); and

WHEREAS, the Borrower is projecting that the Project and the facilities being refinanced with the 1999 Bonds (the "Refunding Project") will benefit the State generally, and Richland County, South Carolina (the "County") in particular, by assisting the Borrower in maintaining approximately 24 jobs, and creating approximately 9 new jobs in the County and adjacent areas

within 12 months after completion of the Project and approximately 10 additional new jobs in the County and adjacent areas within 24 months after completion of the Project, when operating at full capacity, with a resulting alleviation of unemployment and a substantial increase in payrolls and other public benefits incident to the conduct of such businesses not otherwise provided locally; and

WHEREAS, the County Council of the County (the "County Council") and the Authority have on this date jointly held a public hearing, duly noticed by publication in a newspaper having general circulation in the County, not less than 15 days prior to the date hereof, at which all interested persons have been given a reasonable opportunity to express their views;

NOW, THEREFORE, BE IT RESOLVED by the County Council of the County, as follows:

SECTION 1. It is hereby found, determined and declared that the Project and the Refunding Project are anticipated to subserve the purposes of the Act and to benefit the general public welfare of the County by maintaining services, employment, recreation or other public benefits not otherwise provided locally.

SECTION 2. The County Council supports the Authority in its determination to issue the Bonds to finance the costs related to the Project and the Refunding Project.

SECTION 3. The amount of Bonds required to undertake the Project and the Refunding Project is not exceeding \$11,000,000.

SECTION 4. The Project and the Refunding Project will not give rise to a pecuniary liability of the County or a charge against its general credit or taxing power.

SECTION 5. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this resolution shall take effect and be in full force from and after its adoption.

Adopted this 20th day of December, 2005.

RICHLAND COUNTY, SOUTH CAROLINA

(SEAL)

By: _____

Its: _____

ATTEST:

Clerk to County Council

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the South Carolina Jobs-Economic Development Authority ("JEDA") and the County Council of Richland County, South Carolina (the "County"), will hold a public hearing with respect to a proposed issuance by JEDA of its Economic Development Revenue Bonds (Young Men's Christian Association of Columbia, S.C. Project), in one or more series (the "Bonds"). The proceeds of the Bonds will be made available to Young Men's Christian Association of Columbia, S.C., a South Carolina nonprofit corporation (the "Corporation"), to finance (i) the acquisition, by construction or purchase, of an approximately 10,000 square foot addition to the Corporation's existing facilities located at 1501 Kennerly Road, Irmo, South Carolina 29063 (the "Existing Facilities"), an expansion of the existing fitness area and a new multipurpose room, office space and outdoor children's play areas, and other related land, improvements, furnishings and equipment located at the Existing Facilities, and (ii) to finance the acquisition, by construction or purchase, of a new facility to be located at or adjacent to 912 Lake Carolina Drive, Columbia, SC 29229 including but not limited to, a building, an indoor pool, a splash park, tennis courts, soccer field, wellness center, double-court gymnasium, child watch center, aerobics, playground, specialized fitness programs and administrative offices, and other related land, improvements, furnishings and equipment (the "New Facilities" and, together with the Existing Facilities and the additions thereto financed with the Bonds, the "Project"), and (iii) to refinance the outstanding principal amount of the Authority's \$3,800,000 original principal amount Economic Development Variable Rate Demand Revenue Bonds (Young Men's Christian Association Project), Series 1999, the proceeds of which were used to finance the acquisition, by construction or purchase, of the Existing Facilities. The maximum aggregate face amount of the Bonds will be \$11,000,000. The Corporation currently owns, operates and manages the Existing Facilities and will initially own, operate and manage the New Facilities.

The Bonds will be payable by JEDA solely and exclusively out of payments to be made by the Corporation and are to be secured, *inter alia*, by a pledge of the revenues derived by JEDA from the Corporation in connection with the Project. The Bonds will not constitute an indebtedness of JEDA, the State of South Carolina or the County within the meaning of any South Carolina constitutional provision or statutory limitation (other than Article X, Section 13(9) of the State Constitution permitting indebtedness payable from a source other than revenues derived from a tax or license) nor give rise to a pecuniary liability of JEDA, the State of South Carolina or the County. The Bonds will not constitute a charge against the general credit of JEDA, the State of South Carolina or the County or the taxing powers of the State of South Carolina or the County. JEDA has no taxing powers.

Any person may appear and be heard at the public hearing relating to the proposed issuance of the Bonds which will be held on Tuesday, December 20, 2005, at 6:00 p.m., in the Richland County Council Chambers, 2020 Hampton Street, Columbia, South Carolina.

SOUTH CAROLINA JOBS-ECONOMIC
DEVELOPMENT AUTHORITY
Elliott E. Franks, III, Executive Director and Chief
Executive Officer

RICHLAND COUNTY, SOUTH CAROLINA
Michielle Cannon-Finch, Clerk to County Council