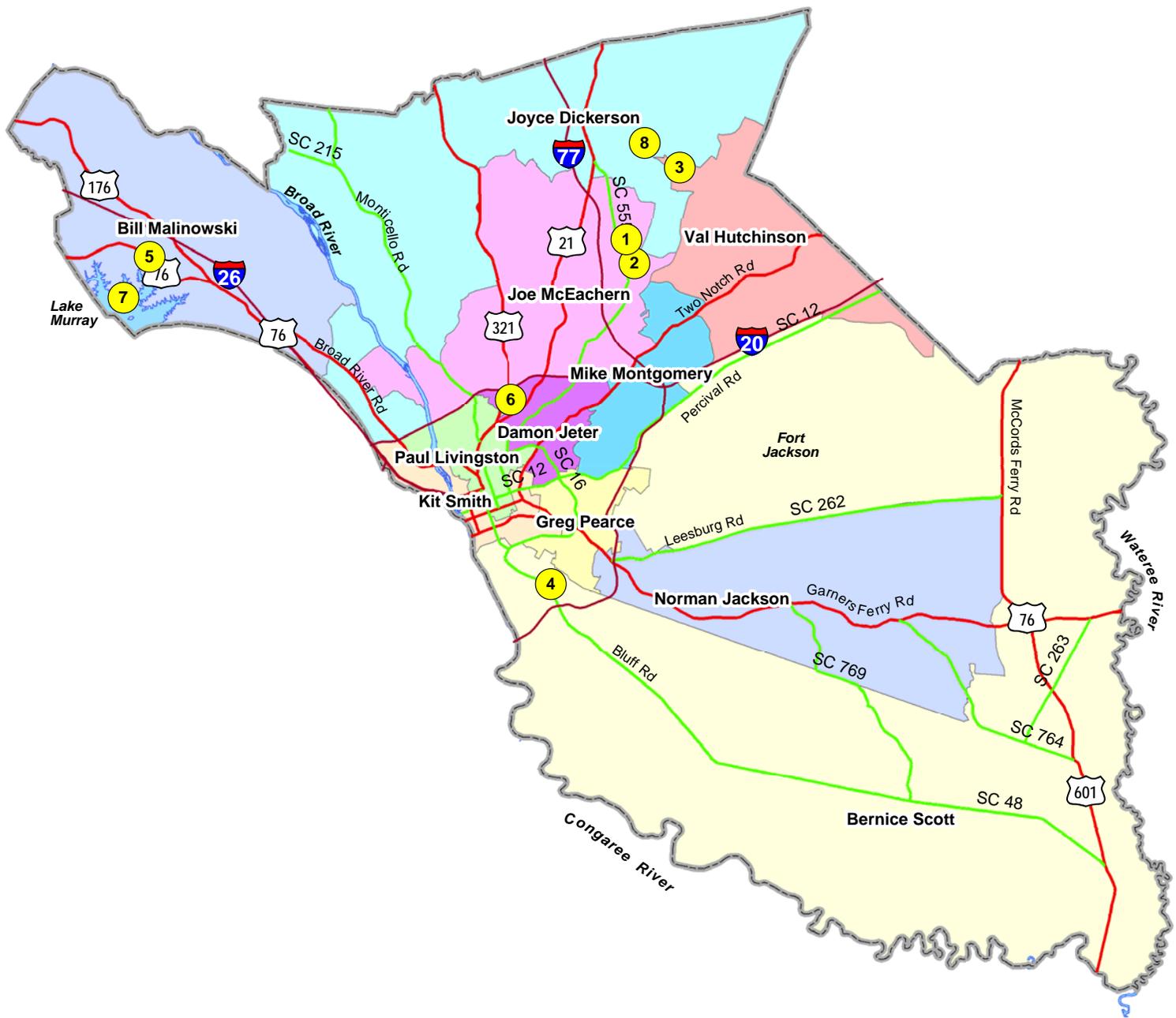


RICHLAND COUNTY COUNCIL
ZONING PUBLIC HEARING



NOVEMBER 25, 2008

RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING NOVEMBER 25, 2008



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 08-03 MA	Summit Contractors, Inc.	17400-05-30	Clemson Rd & Longreen Pkwy	McEachern
2. 08-31 MA	Jim Poston	17400-05-40(p)	Clemson Rd & Longtown Road	McEachern
3. 08-32 MA	Fairways Development	20406-02-01(p)	Longcreek Plantation	Hutchinson
4. 08-34 MA	University Suites	13607-02-01	Bluff Road	Scott
5. 08-36 MA	Security Federal	02505-02-10	Hwy. 176 & Rauch Metz Road	Malinowski
6. 08-37 MA	Bruce Oswald	11708-06-06	5706 Fairfield Road	Jeter
7. 08-38 MA	Deborah Shaffer	01316-01-01/02/03/04/05/06/07	Summer Haven Road	Malinowski
8. 08-39 MA	Martha Crawford	17800-03-30 & 31	1235 Trading Post Road	Dickerson



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING

Tuesday, November 25, 2008

7:00 P.M.

**2020 Hampton Street
2nd Floor, Council Chambers
Columbia, South Carolina**

STAFF: Joseph Kocy, AICP Planning Director
 Anna Almeida, AICP Deputy Planning Director
 Amelia R. Linder, Esq. Attorney

I. CALL TO ORDER Joe McEachern
 Chair of Richland County Council

II. ADDITIONS / DELETIONS TO THE AGENDA

OPEN PUBLIC HEARING

CASE # 08 - 03 MA	Charlie Waite	Deferred 4/22
APPLICANT	Summit Contractors, Inc.	1 st Reading
REQUESTED AMENDMENT	HI to RM-HD (27.86 acres)	Approved
PURPOSE	Multi-Family Apartments	8-0
TAX MAP SHEET NUMBER (S)	17400-05-30	Page
LOCATION	Clemson Rd. & Longreen Parkway	1

CASE # 08-31 MA		Deferred 10/28
APPLICANT	Jim Poston	1 st Reading
REQUESTED AMENDMENT	M-1 to GC (.92 acres)	Denied
PURPOSE	Zaxby's	4 - 3
TAX MAP SHEET NUMBER (S)	17400-05-40 (p)	Page
LOCATION	Clemson & Longtown Rd.	9

CASE # 08-32 MA	Fairways Development	Deferred 10/28
APPLICANT	John Bakhaus	1 st Reading
REQUESTED AMENDMENT	TROS to RS-MD (15.94 acres)	Approved
PURPOSE	Residential Subdivision	4 - 3
TAX MAP SHEET NUMBER (S)	20406-02-01 (p)	Page
LOCATION	Longcreek Plantation	17

CASE # 08-34 MA	University Suites	
APPLICANT	Stuart Lee	1 st Reading
REQUESTED AMENDMENT	HI to RM-HD (13.94 acres)	Approved
PURPOSE	Multi-Family Use	5 - 0
TAX MAP SHEET NUMBER (S)	13607-02-01	Page
LOCATION	Bluff Rd.	27

CASE # 08-36 MA		
APPLICANT	Security Federal	1 st Reading
REQUESTED AMENDMENT	NC to OI (2 acres)	Approved
PURPOSE	Bank	4 - 1
TAX MAP SHEET NUMBER (S)	02505-02-10	Page
LOCATION	Hwy. 176 & Rauch Metz Rd.	35

CASE # 08-37 MA		
APPLICANT	Bruce Oswald	1 st Reading
REQUESTED AMENDMENT	GC to RS-MD (.83 acres)	Approved
PURPOSE	Residential	4 - 2
TAX MAP SHEET NUMBER (S)	11708-06-06	Page
LOCATION	5706 Fairfield Rd.	43

CASE # 08-38 MA		
APPLICANT	Deborah Shaffer	1 st Reading
REQUESTED AMENDMENT	RU to RS-LD (2.94 acres)	Approved
PURPOSE	Residential	6 - 1
TAX MAP SHEET NUMBER (S)	01316-01-01/02/03/04/05/06/07	Page
LOCATION	Summer Haven Rd.	51

CASE # 08-39 MA		
APPLICANT	Martha Crawford	1 st Reading
REQUESTED AMENDMENT	RU to OI (3 acres)	Approved
PURPOSE	Child Care Facility	6 - 1
TAX MAP SHEET NUMBER (S)	17800-03-30 & 31	Page
LOCATION	1235 Trading Post Rd.	59

VII. TEXT AMENDMENTS

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, SO AS TO PERMIT CERTAIN PAYDAY LENDERS IN THE GC GENERAL COMMERCIAL DISTRICTS WITH SPECIAL REQUIREMENTS. Denied 4-3 1 st Reading	Page 67
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AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, REGARDING LIGHTING STANDARDS. 1 st Reading	Approved 7-0 Page 69
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AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, SO AS TO CORRECTLY REFLECT THAT SEXUALLY ORIENTED BUSINESSES ARE PERMITTED IN THE HI ZONING DISTRICT, AS WELL AS IN THE GC ZONING DISTRICT. 1 st Reading	Approved 6-1 Page 77
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AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SO AS TO IMPROVE RICHLAND COUNTY'S WATER QUALITY, PROTECT THE ENVIRONMENT, AND COMPLY WITH THE COUNTY'S NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS. 2nd Reading Approved 4-2 Page 81

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, SO AS TO REMOVE THE REQUIREMENT OF DEVELOPMENT REVIEW TEAM REVIEW PRIOR TO PDD APPROVAL AND TO DELETE THE PROVISION FOR PDD EXPIRATION . 2nd Reading Approved 7-0 Page 83

VIII. ADJOURNMENT



Richland County Planning & Development Services Department Map Amendment Staff Report

PC MEETING DATE: February 4, 2008
RC PROJECT: 08-03 MA
APPLICANT: Summit Contractors, Inc/ Charlie Waite
PROPERTY OWNER: Goebel Partners
LOCATION: Northwest corner of Longreen Parkway and Clemson Road

TAX MAP NUMBER: 17400-05-30
ACREAGE: 28.11
EXISTING ZONING: HI
PROPOSED ZONING: RM-HD

PC SIGN POSTING: January, 2008

Staff Recommendation

Approval

Background /Zoning History

The site is currently zoned Heavy Industrial District (HI) and is located at the northwest corner of Longreen Parkway and Clemson Road with approximately 436 linear feet along Clemson Road and bound on the west side by the existing railroad line.

On September 12, 2007 a plat was approved which consolidated three (3) parcels into this one parcel of 28.11 acres.

According to County records the current zoning of Heavy Industrial District (HI) reflects the original zoning as adopted September 7, 1977.

Summary

The RM-HD District is intended to provide for high-density residential development in Richland County, allowing compact development consisting of the full spectrum of residential unit types where adequate public facilities are available. This district is intended to allow a mix of

residential unit types where adequate public facilities are available. This district is intended to allow a mix of residential unit types to provide a balance of housing opportunities while maintaining neighborhood compatibility. This district may serve as a transitional district between lower density residential and low intensity commercial uses.

No minimum lot area, except as determined by DHEC. Maximum density for residential uses is no more than sixteen (16) dwelling units per acre.

Gross Dwelling Units: 449

Net Dwelling Units: 312

Roads

The site is located on Clemson Road classified as a two lane collector road currently maintained by SCDOT.

Existing Zoning		
<u>North:</u>	PDD	Longtown Planned Development/Mixed Use
<u>South:</u>	HI	Commercial
<u>East:</u>	LI/HI/PDD	Commercial/Single Family
<u>West:</u>	HI	Railroad Line/ Manufacturing

Plans & Policies

The Imagine Richland 2020 Comprehensive Plan/ “I-77 Corridor Area Proposed Land Use Map” designates this area as Industrial Area in the Developing Urban Area.

Objective: “Accommodate in certain planned higher density residential areas, a full range of housing opportunities, to meet the various needs of area residents”.

Compliance: The general vicinity has commercial, multi-family, single family residential and manufacturing within a five mile radius.

Principal: “Mixed residential densities are appropriate within the Developing Urban Area; high-density is identified as 9 dwellings per acre”.

Compliance: The comprehensive plan identifies high density as nine (9) dwelling units per acre; however the land redevelopment regulations define high density as sixteen units per acre which is almost fifty percent more.

Principal: “Where single-family development occurs adjacent to higher intensity uses, multi-family development, at a compatible density, may be used as a buffer”.

Compliance: The existing single family residential will have the high density residential as the adjacent land use, as opposed to the intense manufacturing and industrial uses in a Heavy Industrial District (HI) permitted uses.

Traffic Impact

The current traffic counts were received from SCDOT in May, 2007 and represent the Annual Average Daily Trips in 2006. The nearest count station is # 285 located on Farrow Road. The current traffic volume is 6,200 ADT which is currently at a level-of-service “B”.

Conclusion

The subject property is located off of a two lane state road which has a guard rail along the frontage, of the only frontage road. The current zoning of Heavy Industrial District (HI) has as the permitted uses manufacturing and industrial. The Residential Multi-Family – High Density District (RM-HD) also has as permitted and special requirement uses civic, recreation, and personal services.

The neighboring lands within a five mile radius include a middle school, two multifamily developments, single family developments, commercial, manufacturing. In the immediate area, this would be the initial multi-family development as the single family dwelling developments exist. The requested zone district represents the highest density permitted in Richland County and could yield the site a maximum of 449 dwelling units.

Planning Staff recommends approval of this map amendment.

Zoning Public Hearing Date

March 25, 2008

Planning Commission Action

At their meeting of **February 4, 2008** the Richland County Planning Commission **agreed** with the PDSR recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process for **RC Project # 08-03 MA** at the next available opportunity.

CASE 08-03 MA HI to RM-HD



ZONING CLASSIFICATIONS

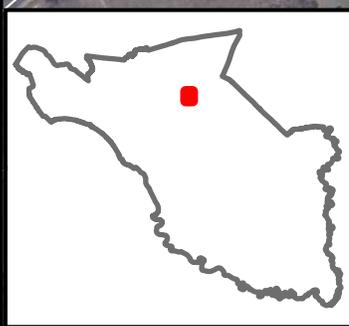


 RR	 RS-MD	 RM-MD	 NC	 LI	 RU
 RS-E	 RS-HD	 RM-HD	 GC	 HI	 TRO
 RS-LD	 MH	 OI	 M-1	 PDD	 Subject Property

CASE 08-03 MA
HI to RM-HD
TMS 17400-05-30



- FLOOD ZONE A
- FLOOD ZONE AE
- WETLANDS





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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 17400-05-30) FROM HI (HEAVY INDUSTRIAL DISTRICT) TO RM-HD (RESIDENTIAL, MULTI-FAMILY, HIGH DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 17400-05-30 from HI (Heavy Industrial District) zoning to RM-HD (Residential, Multi-Family, High Density District) zoning.

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

Section IV. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: November 25, 2008 (tentative)
First Reading: November 25, 2008 (tentative)
Second Reading:
Third Reading:



Richland County Planning & Development Services Department

Map Amendment Staff Report

PC MEETING DATE: October 6, 2008
RC PROJECT: 08-31 MA
APPLICANT: Jim Poston
PROPERTY OWNER: Hendon Columbia, 2006 LLC
LOCATION: Clemson Road (Sam's Crossing)

TAX MAP NUMBER: 17400-05-40(P)
ACREAGE: 0.92 acres
ZONING REQUEST: M-1 to GC

PC SIGN POSTING: September, 2008

Staff Recommendation

Disapproval

Background /Zoning History

The site is currently zoned Light Industrial District (M-1) and is located on Clemson Road.

According to the County records the property was rezoned in May 10, 2001(01-37 MA) from Heavy Industrial (M-2) to the current zoning of Light Industrial (M-1).

Summary

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

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

Existing Zoning		
<u>North:</u>	M-1	Community Resource Bank
<u>South:</u>	M-1	Proposed Lowes
<u>East:</u>	M-1	CVS Pharmacy
<u>West:</u>	M-1	Vacant

Plans & Policies

The Imagine Richland 2020 Comprehensive Plan/ "I-77 Corridor Proposed Land Use Map" designates this as Office Commercial in the Developing Area.

Objective: "Establish Commercial Pockets or Clusters as needed to serve the area".

Compliance: The development of the surrounding parcels creates a cluster of commercial uses.

Principal: "Sites of major traffic junctions and cluster locations as opposed to strip development."

Compliance: The property is located within the Sams Crossing development on Clemson Road and will be connected internally by Sams Crossing Road.

Traffic Impact

Roads are classified by their function, i.e., local, collector (collects local road traffic), etc. and are built to engineering design standards according to their classification. The traffic volume is also dependent upon the number of lanes and their geometry.

A simple measure of traffic impact is the volume of vehicles on a given roadway segment in comparison to the road's engineering design capacity, expressed as the volume-to-capacity ratio (V/C). The higher the V/C ratio, the more congested the traffic. The location of the subject project in relation to the applicable SCDOT count stations on is shown at the end of this text.

Project Traffic Facts

Name of Adjacent Road	Clemson Rd
Road Classification	Four Lane Undivided Minor Arterial
Design Capacity (ADTs)	21,600 LOS C
Site Frontage	173 feet
2007 Traffic Count (ADTs) & Station #	25,200 # 442 -2 mi. east (1)
Road Maintained By	SCDOT
Current V/C Ratio	1.17 LOS E
Estimated Project Traffic (ADTs)	1,322 (2,665 sq. ft @ 496.12/1000)
V/C Ratio with Project	1.23 LOS E
Traffic Analysis Prepared By	Planning Department staff

Volume-To-Capacity Effects

The current SCDOT Statewide Transportation Improvement Plan (STIP) does not include any road widening projects in Richland County until after 2012. Only projects with a V/C ratio of 1.35, or greater, will be considered for future funding.

Compliance with Pending Comprehensive Plan - Land Use Element 2009

The Subject parcel is located within the Northeast Suburban Area. Throughout the suburban areas in the Northeast, infill should be a focus in residential, commercial and industrial areas in order to complement and connect the existing sprawl pattern.

The proposed map amendment will be compatible with the pending Comprehensive Plan Land Use Element.

Conclusion

With the exception of tanning salons, body piercing/tattoo parlors, and multifamily residential uses permitted in the General Commercial District (GC), the permitted land uses in the Light Industrial (M-1) and General Commercial (GC) districts are substantially the same. Although the surrounding parcels are zoned Light Industrial District (M-1), most of the existing uses are more commercial in nature. Therefore, the applicant still has a wide variety of permitted land uses that can be utilized without a zoning map amendment

The applicant has not provided sufficient justification to amend the zoning map in this location.

The staff recommends denial of this map amendment.

Zoning Public Hearing Date

November 25, 2008

Planning Commission Action

At their meeting of **October 6, 2008** the Richland County Planning Commission **agreed** with the PDSD recommendation and recommends the County Council deny RC Project # 08-31 MA at the next available opportunity.

Case 08-31 MA

M-1 to GC



ZONING CLASSIFICATIONS

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

 Subject Property

CASE 08-31 MA
M-1 to GC
TMS 17400-05-40



CASE 08-31 MA

From M1 to GC

TMS#17400-05-40 (P) Clemson Rd



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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS A PORTION OF TMS # 17400-05-40 FROM M-1 (LIGHT INDUSTRIAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as a portion of TMS # 17400-05-40 (described in Exhibit A, which is attached hereto), from M-1 (Light Industrial District) zoning to GC (General Commercial District) zoning.

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

Section IV. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

Public Hearing: November 25, 2008 (tentative)
First Reading: November 25, 2008 (tentative)
Second Reading:
Third Reading:

EXHIBIT A

All that certain piece, parcel, lot or tract of land, with any improvements therein, situate, lying and being in the City of Columbia, County of Richland, State of South Carolina, being shown and delineated as Parcel 2A, 0.92 Acres on a plat prepared by US Design Services, Inc. dated February 13, 2008, recorded August 27, 2008 in Record Book 1458 at Page 3457, Office of the Register of Deeds for Richland County, and having the following metes and bounds as shown on said plat, to-wit: beginning at a #4 rebar located at the northeasternmost corner of the subject property at the intersection of the right-of-way of Clemson Road and the right-of-way of Chap Lane (Parcel 4) and running therefrom S37°15'31"W along the right-of-way of Chap Lane (Parcel 4) for a distance of 215.42 feet to a #4 rebar; thence turning and running N61°56'42"W along the right-of-way of Sams Crossing Drive (Parcel 4) for a distance of 13.55 feet to a #4 rebar; thence turning and running N64°09'50"W along the right-of-way of Sams Crossing Drive (Parcel 4) for a distance of 162.69 feet to a #4 rebar; thence turning and running N37°20'16"E along Parcel 2B for a distance of 250.04 feet to a #4 rebar; thence turning and running S52°39'45"E along the right-of-way of Clemson Road for a distance of 172.50 feet to a #4 rebar, being the point of beginning; be all measurements a little more or less.

TMS: 17400-05-40 (Portion)



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

PC MEETING DATE: October 6, 2008
RC PROJECT: 08-32 MA
APPLICANT: John Bakhaus
PROPERTY OWNER: Fairways Development
LOCATION: Longcreek Plantation

TAX MAP NUMBER: 20406-02-01 (p)
ACREAGE: 15.94 acres
ZONING REQUEST: TROS to RS- MD

PC SIGN POSTING: September, 2008

Staff Recommendation

Approval

Background /Zoning History

According to County records the current zoning of Traditional Recreational and Open Space District (TROS) reflects the zoning as adopted July 27, 2007 (Ordinance NO. 065-07-HR) from Residential Single Family Low Density District (RS-LD).

Summary

The RS-MD District is intended as a single family, detached residential district of medium densities, and the requirements for this district are designed to maintain a suitable environment for single family living. Minimum lot area: 8,500 square feet or as determined by DHEC.

Existing Zoning		
<u>North:</u>	RS-LD	Residential lots
<u>South:</u>	RS-LD	Residential lots
<u>East:</u>	RS-LD	Residential lots
<u>West:</u>	RS-LD	Residential lots

Plans & Policies

The Imagine Richland 2020 Comprehensive Plan/“I-77 Corridor Area Proposed Land Use Map” designates this as Low Density Residential in the Developing Urban Area.

Objective: “Attract quality residential development in the area by restricting uses which would compromise the areas residential qualities”.

Compliance The subject parcels rezoning would limit the property to residential uses.

Principal: “Within single family areas, higher density development is appropriate where it completes a block face or is oriented toward developments of similar density”.

Non-Compliance The Proposed Land Use Map identifies the area as Low Density Residential.

Traffic Impact

Roads are classified by their function, i.e., local, collector (collects local road traffic), etc. and are built to engineering design standards according to their classification. The traffic volume is also dependent upon the number of lanes and their geometry.

A simple measure of traffic impact is the volume of vehicles on a given roadway segment in comparison to the road’s engineering design capacity, expressed as the volume-to-capacity ratio (V/C). The higher the V/C ratio, the more congested the traffic. The location of the subject project in relation to the applicable SCDOT count stations on is shown at the end of this text.

Project Traffic Facts

Name of Adjacent Road	Longtown Rd E
Road Classification	Two Lane Undivided Collector
Design Capacity (ADTs)	8,600 LOS C
Site Frontage	None – interior parcel of Windemere S/D
2007 Traffic Count (ADTs) & Station #	6,500 # 713.
Road Maintained By	SCDOT
Current V/C Ratio	0.76 LOS B
Estimated Project Traffic (ADTs)	428
V/C Ratio with Project	0.8 LOS C
Traffic Analysis Prepared By	Planning Staff

Volume-To-Capacity Effects

The current SCDOT Statewide Transportation Improvement Plan (STIP) does not include any road widening projects in Richland County until after 2012. Only projects with a V/C ratio of 1.35, or greater, would be considered for future funding.

Additional Comments

The Amendment will not result in the level-of-service “C” of Longtown Road being exceeded in this area.

Compliance with Pending Comprehensive Plan - Land Use Element 2009

The subject parcel is located within the proposed Land Use Element's Suburban land use classification. Throughout the suburban areas in the North East, infill should be a focus in residential, commercial and industrial uses in order to complement and connect the existing sprawl pattern. Public facilities such as schools, libraries, and recreation centers should be located where they reinforce neighborhood and community centers.

The rezoning provides an opportunity for infill in an existing residential area connecting the existing sprawl pattern. The rezoning is in compliance with the proposed Comprehensive Plan.

Conclusion

In 2005 the Single Family Residential zoning of RS-1A was converted to Single Family Residential Low Density (RS-LD). Under this zoning district conversion the lot size went from 10,000 square feet under the Single Family Residential zoning of RS-1A to 12,000 square feet under the Single Family Residential Low Density (RS-LD).

The property under the proposed zoning would contain a minimum lot area of 8,500 square feet with no more than one (1) principle dwelling unit on a lot. The net density of available lots at 8,500 square feet is 45 lots.

The development will be surrounded on two sides by the golf course. The open space provision will not apply due to the TROS zoning of the surrounding two holes. The subject parcel was shown as subdivision lots in the overall master plan approval; at the time of the TROS rezoning this parcel had not been plated out of the original golf course tax map and therefore had been included in the TROS rezoning. The golf course and surrounding community amenities would be available for residents to utilize for recreational activities and open space. The subject property contains existing water and sewer connections. The site is located within two miles of an Elementary and Middle School.

Planning Staff recommends approval of this map amendment.

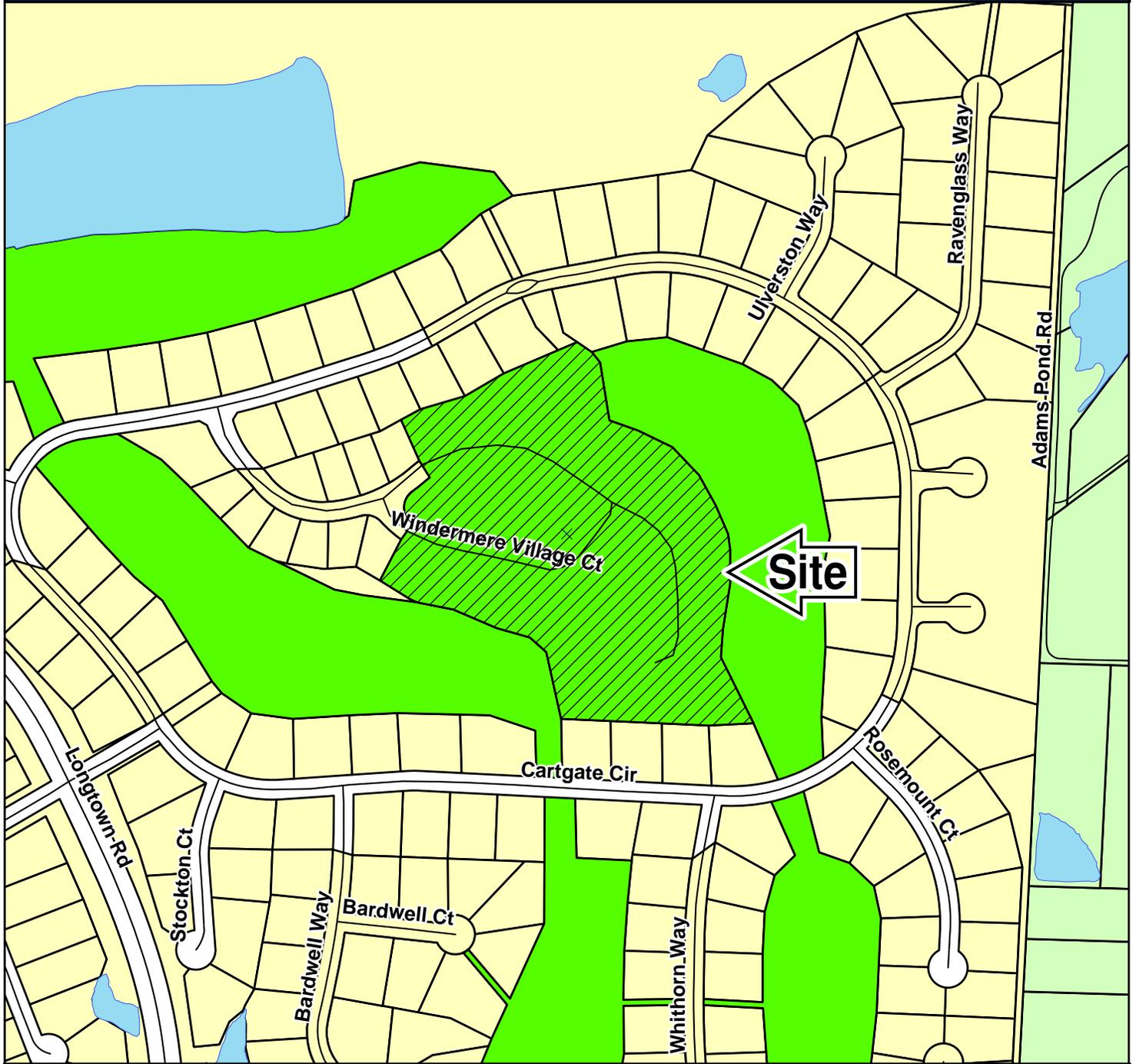
Zoning Public Hearing Date

November 25, 2008

Planning Commission Action

At their meeting of **October 6, 2008** the Richland County Planning Commission **agreed** with the PSDS recommendation and recommends the County Council initiate the ordinance consideration process for **RC Project # 08-32 MA** at the next available opportunity

Case 08-32 MA TROS to RS-MD



ZONING CLASSIFICATIONS

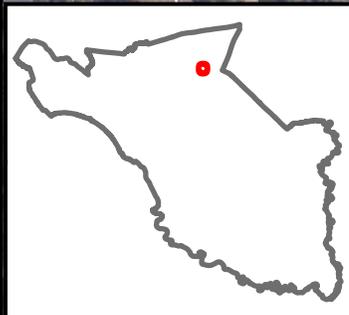
 RR	 RS-E	 MH	 NC	 HI
 C-1	 RS-LD	 RM-MD	 GC	 PDD
 C-3	 RS-MD	 RM-HD	 M-1	 RU
 RG-2	 RS-HD	 OI	 LI	 TROS

 Subject Property



CASE 08-32 MA TROS to RS-MD

TMS 20500-04-16



CASE 08-32 MA

From RS-LD to RS-MD

TMS#20500-01-01

Cartgate Rd



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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS A PORTION OF TMS # 20406-02-01 FROM TROS (TRADITIONAL RECREATION OPEN SPACE DISTRICT) TO RS-MD (RESIDENTIAL, SINGLE-FAMILY – MEDIUM DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as a portion of TMS # 20406-02-01 (described in Exhibit A, which is attached hereto), from TROS (Traditional Recreation Open Space District) zoning to RS-MD (Residential, Single-Family – Medium Density District) zoning.

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

Section IV. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: November 25, 2008 (tentative)
First Reading: November 25, 2008 (tentative)
Second Reading:
Third Reading:

Exhibit A

All that certain piece, parcel or tract of land containing 12.49 acres as shown on "Composite Sketch Plan Prepared For The Village At Windermere, Phase II, dated September 8, 2008, located in the State of South Carolina, County of Richland, near the City of Columbia and being more particularly described as follows:

Beginning at a 1/2" rebar (0), being the southeastern lot corner of lot 4, The Village at Windermere, Phase I, thence running along Lot 4 N19°53'38"W for a distance of 113.35' to a 1/2" rebar (o); thence turning and running along Lot 190, Windermere, Phase VII-B, (Phase VII-B) N65°24'52"E for a distance of 55.88' to a 1/2" rebar (o); thence running along Lot 189, Phase VII-B N77°40'39"E for a distance of 117.94' to a 1/2" rebar (o); thence running along Lot 188, Phase VII-B N63°53'10"E for a distance of 114.10' to a 1/2" rebar (o); thence running along Lot 187, Phase VII-B N71°03'58"E for a distance of 150.10' to a 1/2" rebar (o); thence turning and running along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.5 S60°14'54"E for a distance of 95.46' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.5 S00°41'59"E for a distance of 122.80' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.5 S33°04'19"E for a distance of 83.07' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.5 S67°57'00"E for a distance of 79.02' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.5 S66°11'04"E for a distance of 119.70' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.5 S26°07'41"E for a distance of 169.99' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.5 S06°30'20"E for a distance of 78.55' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.5 S03°37'39"E for a distance of 431.78' to a 1/2" rebar (o); thence turning and running along Lot 171, Windermere At Longcreek Plantation, Phase 6 (Phase 6) N88°39'53"W for a distance of 114.11' to a 1/2" rebar (o); thence running along Lot 170, Phase 6 N83°11'10"W for a distance of 121.74' to a 1/2" rebar (o); thence running along Lot 169, Phase 6 N83°11'38"W for a distance of 124.43' to a 1/2" rebar (o); thence running along Lot 168, Phase 6 N83°12'18"W for a distance of 128.33' to a 1/2" rebar (o); thence turning and running along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.7 N16°46'58"E for a distance of 116.78' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.7 N02°41'15"W for a distance of 70.61' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.7 N52°14'59"W for a distance of 96.21' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.7 N78°43'12"W for a distance of 56.39' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.7 N64°43'05"W for a distance of 105.30' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.7 N81°41'44"W for a distance of 103.45' to a 1/2" rebar (o); thence continuing along property of now or formerly

Fairways Development General Partnership, Golf Course Fairway No.7 N78°19'11"W for a distance of 42.66' to a 1/2" rebar (o); thence turning and running along Common Area Buffer of The Village at Windermere, Phase I N61°31'49"W for a distance of 20.36' to a 1/2" rebar (o); thence continuing along Common Area Buffer of The Village at Windermere, Phase I N54°05'39"W for a distance of 89.53' to a 1/2" rebar (o); thence turning and running along Lot 35, The Village at Windermere, Phase I N31°33'05"E for a distance of 116.60' to a 1/2" rebar (o); thence running along the southeastern end of right of way of Windmere Village Court N39°28'10"E for a distance of 50.00' to a 1/2" rebar (o); thence turning and running along the eastern right of way of Windmere Village Court on a curved line with a radius of 50.00' and a chord bearing of N03°50'18"E for a chord distance of 81.74' to a 1/2" rebar (o); thence continuing along the eastern right of way of Windmere Village Court on a curved line with a radius of 395.23' and a chord bearing of N56°03'19"E for a chord distance of 38.14' to a 1/2" rebar (o); thence continuing along the eastern right of way of Windmere Village Court on a curved line with a radius of 275.00' and a chord bearing of N55°21'33"E for a chord distance of 18.26' to a 1/2" rebar (o); thence turning and running along the northeastern end of the right of way of Windmere Village Court N28°14'05"W for a distance of 50.13' to a 1/2" rebar (o); the point of beginning.



Richland County Planning & Development Services Department

Map Amendment Staff Report

PC MEETING DATE: November 6, 2008
RC PROJECT: 08-34 MA
APPLICANT: Stuart Lee
PROPERTY OWNER: Southern Region Industrial Realty, Inc.
LOCATION: Bluff Road

TAX MAP NUMBER: 13607-02-01
ACREAGE: 13.94
ZONING REQUEST: HI to RM-HD

PC SIGN POSTING: October, 2008

Staff Recommendation

Approval

Background /Zoning History

According to County records the current zoning of Heavy Industrial (HI) reflects the original zoning as adopted September 7, 1977.

The property located west of the subject parcel was rezoned July 12, 2006 (06-26MA) from Heavy Industrial District (HI) to Residential Multi-Family High Density District (RM-HD). The remaining portion of the same property was rezoned April 3, 2007 (07-10MA) from Heavy Industrial District (HI) to Residential Multi-Family High Density District (RM-HD).

The site contains 747.21 linear feet of frontage along Bluff Road.

Summary

The Residential Multi-Family High Density District (RM-HD) is established to provide for high-density residential development in Richland County, allowing compact development consisting of the full spectrum of residential unit types where adequate public facilities area available. This district is intended to allow a mix of residential unit types to provide a balance of housing opportunities while maintaining neighborhood compatibility. This district may serve as a transitional district between lower density residential and low intensity commercial uses.

Minimum lot area: no minimum lot area requirement except as required by DHEC. Maximum density: no more than sixteen (16) units per acre.

Gross density: 223 dwelling units
Net density: 112 dwelling units

Existing Zoning		
North:	RM-MD	Residential single family detached subdivision
South:	M-1	Dilmar Oil Company
East:	RM-HD	Copper Beach Townhomes
West:	M-1/M-1	Precision Truck Services INC/ vacant

Plans & Policies Comprehensive Plan Revised through 1994

The Imagine Richland 2020 Comprehensive Plan/“Lower Richland Area Proposed Land Use Map” designates this area as Residential in the Established Urban District.

Objective: “Vary residential densities and development according to the character of the area”.

Compliance The character of the surrounding area is changing from industrial to Multi-family housing.

Principal: “High density residential developments are best located on the fringe of established single-family areas or on sites which use clustering with ample open space.”

Compliance The Residential Multi-family Medium Density District (RM-HD) would be located south of an existing residential neighborhood.

Traffic Impact

The current traffic counts were received from SCDOT in April, 2008 and represent the Annual Average Daily Trips in 2007. The nearest count station #238 is located on Bluff Road. The current traffic volume is 18,800 ADT is estimated to be operating at LOS C.

Three residential projects have recently been approved in the area. The average daily trips for each project are listed below:

- Copper Beech (adjacent to the subject site) – added 2,290 ADT’s
- Retreat (across Bluff Rd, ½ mile west) – added 1,639 ADT’s
- Woodlands (adjacent to Copper Beech on the east) – added 2,898 ADT’s

The three projects listed will add a total of 6,827 average daily trips to Bluff Road within the next couple of years. Upon build out of all three residential projects, Bluff Road will continue to operate at level-of-service “C” in the area of the proposed amendment.

Compliance with Pending Comprehensive Plan - Land Use Element 2009

The subject parcel is located within the proposed Land Use Element’s Urban land use classification. Urban areas within the Beltway should contain a deliberate mix of residential, commercial, and civic land uses, with in many multi-story buildings, complete utilities, and full local government services. Proposed residential areas should contain 8 or more dwelling units per acre with a deliberate mix of residential, commercial, and civic land uses.

Since Residential Multi-family - High Density (RM-HD) zoning will permit construction of up to 16 dwelling units per acre, the proposed amendment is in compliance with the pending Comprehensive Plan land use designation.

Conclusion

The character of the surrounding area along portions of Bluff Road has shifted from industrial to residential. The rezoning of Copper Beech Townhomes located to the east of the site was approved April 3, 2007 (07-10MA) from Heavy Industrial District (HI) to Residential Multifamily High Density District (RM-HD). Located further east is the proposed Woodlands development that was successfully rezoned from Heavy Industrial District (HI) to Residential Multifamily Medium Density District (RM-MD) on July 25, 2006 (06-36MA). The Retreat located west of the site was successfully rezoned from Rural/Light Industrial District (RU/M-1) to Residential Multifamily High Density District (RM-HD) September 11th, 2007 (07-30MA) and has since been annexed into the City of Cayce. All of the previous map amendments brought about a change in this portion of Bluff Road from industrial to residential.

The rezoning of vacant industrial zoned property into residential multifamily would create an opportunity for residential infill within the Beltway Planning area rather than creating further sprawl out into the county. The site has access to water and sewer connections.

An existing baseball field at the northwest corner of the site is leased to the adjacent neighborhood by Norfolk Southern Railroad. The Railroad has the right to terminate the lease within a 30 day period.

The adjacent existing subdivision to the west of the site is zoned for Residential Multi-family Medium Density District (RM-MD). Although the subdivision is zoned for multifamily development, it has been developed as single family detached development at a density of approximately 5 units per acre.

The Planning staff recommends approval of this map amendment.

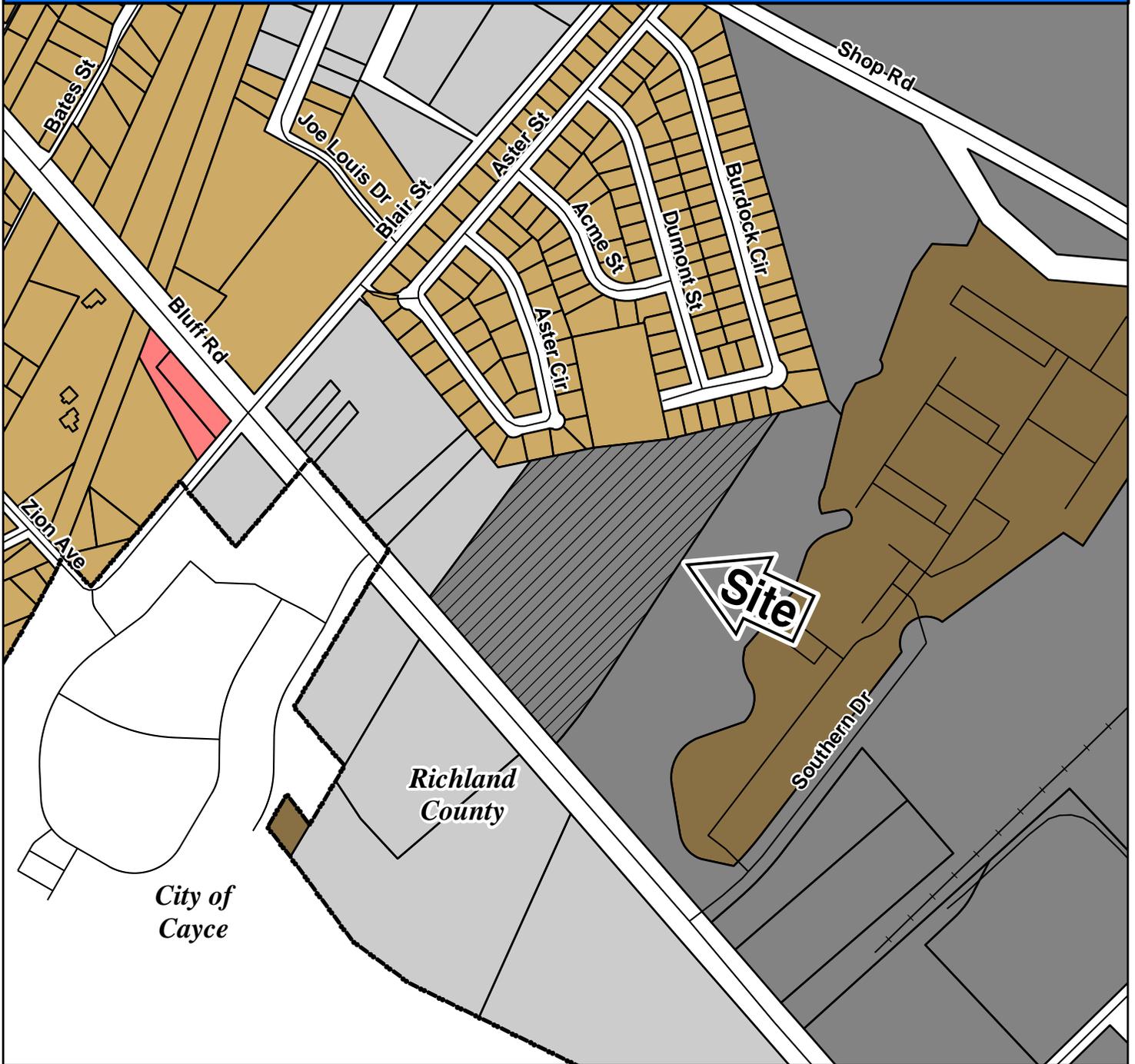
Zoning Public Hearing Date

November 25, 2008

Planning Commission Action

At their meeting of **November 6, 2008** the Richland County Planning Commission **agreed** with the PDSR recommendation and recommends the County Council initiate the ordinance consideration process for **RC Project # 08-34 MA** at the next available opportunity

Case 08-34 MA HI to RM-HD

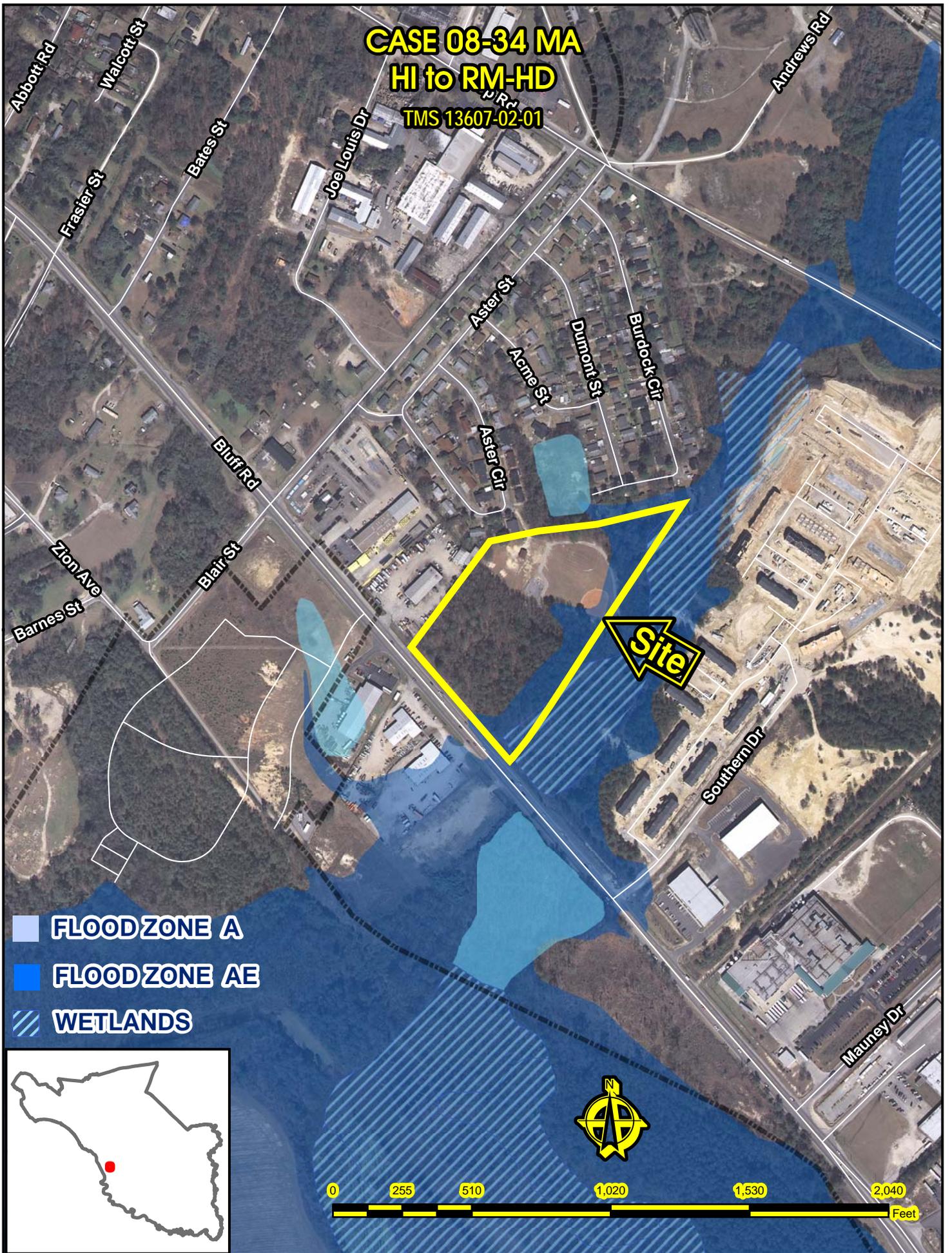


ZONING CLASSIFICATIONS

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

 Subject Property

CASE 08-34 MA
HI to RM-HD
TMS 13607-02-01



CASE 08-34 MA

From HI to RM-HD

TMS#13607-02-01 Bluff Rd



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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 13607-02-01) FROM HI (HEAVY INDUSTRIAL DISTRICT) TO RM-HD (RESIDENTIAL, MULTI-FAMILY, HIGH DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 13607-02-01 from HI (Heavy Industrial District) zoning to RM-HD (Residential, Multi-Family, High Density District) zoning.

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

Section IV. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: November 25, 2008 (tentative)
First Reading: November 25, 2008 (tentative)
Second Reading:
Third Reading:



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

PC MEETING DATE: November 6, 2008
RC PROJECT: 08-36 MA
APPLICANT: Todd Sease
PROPERTY OWNER: Security Federal Bank
LOCATION: Intersection of Dutch Fork Rd and Rauch Metz Rd.

TAX MAP NUMBER: 02505-02-10
ACREAGE: 2.0
ZONING REQUEST: NC to OI

PC SIGN POSTING: October, 2008

Staff Recommendation

Approval

Background /Zoning History

On May 17, 1994 (64-06MA) the subject property was rezoned from Rural (RU) to Neighborhood Commercial (C-2). The current zoning is designated as Neighborhood Commercial (NC).

The site contains 250 linear feet of frontage along Dutch Fork Road and 315 linear feet of frontage along Rauch Metz Road.

Summary

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

Existing Zoning		
<u>North:</u>	PDD	Gas station/ dry cleaners
<u>South:</u>	GC	Plant Nursery
<u>East:</u>	PDD	Automatic car wash
<u>West:</u>	RU/RU	Church/Undeveloped parcel

Plans & Policies

The Imagine Richland 2020 Comprehensive Plan/“Northwest Area Proposed Land Use Map” designates this area as Commercial.

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

Compliance The proposed map amendment would be located in an established commercial cluster.

Principal: “The Plan recognizes the Ballentine area as the principle commercial hub for the Developing Urban Area. Secondary locations identified by the Plan as appropriate for commercial uses should consider alternative treatments (screening, buffering, setbacks or parcel specific site designs) of the use to offset any incompatible effects created from the scale or nature of the proposed use.”

Compliance: The proposed map amendment would not create an incompatible effect on the surrounding area.

Traffic Impact Analysis

The current traffic counts were received from SCDOT in April, 2008 and represent the Annual Average Daily Trips in 2007. The nearest count station #145 in Ballentine, approximately two miles to the east of the site. The current traffic volume is 15,300 ADT and is estimated to be operating at LOS “F”.

A preliminary traffic analysis of this proposed Zoning Map Amendment discloses the following:

The proposed project will add an additional 800 trips to the existing traffic upon build out. It should be noted that a more accurate LOS determination will be made as part of the SCDOT process.

Dutch Fork Road is a two lane undivided minor arterial road and Rauch Metz Road is a two lane road, which is not classified and does not have any traffic counts.

Compliance with Pending Comprehensive Plan - Land Use Element 2009

Throughout the suburban areas in the North West, infill should be a focus in residential, commercial and industrial areas in order to complement and connect the existing sprawl pattern. Infill is development concentrated in areas with existing infrastructure. It aims to prevent the high costs associated with transportation and infrastructure improvements in areas that are sparsely developed. This parcel is currently surrounded by uses including a gas station/dry cleaner, car wash, plant nursery, church, and some vacant land. Therefore, infrastructure is currently in place to support this rezoning.

This portion of the Northwest planning area is designated for Suburban development. Within Suburban areas Commercial/Office activities should be located at traffic junctions or areas where existing commercial and office uses are located. Commercial uses should not encroach or penetrate established residential areas.

The proposed Amendment is in compliance with the pending Comprehensive Plan land use designation.

Conclusion

In 1994 the map amendment approved by Richland County Council for Neighborhood Commercial was consistent with the land development code in effect for financial institutions, banks, permitted as special exception. The current land development regulations as adopted in July 2005, for the Neighborhood Commercial District (NC) permits financial institutions with special requirements. These special requirements prohibit drive thru facilities.

The requested map amendment to Office Institutional District (OI) in brief, while including the multi-family element preserves the education and services industries. Further, it eliminates main stream retail, large retail, and repair services. The rezoning would potentially allow for a maximum of approximately 32 dwelling units based on the gross acreage. Currently, development plans have been received proposing to construct a bank with approximately 3,700 square feet and 30 parking spaces with three drive-thru lanes on this site. The property was purchased by the bank in July 2006. The existing land use is an abandoned building of approximately 3,600 square feet.

Planning Staff recommends approval of this map amendment, consistent with the prior map amendment request to facilitate the land use requested. Though the traffic analysis places a level of service "F", it should be noted that the count station is over two (2) miles from the specific intersection. Planning staff acknowledges the clear possibility that the level of service may in fact be impaired, based on direct knowledge of the intersection. However, the approval of the previous map amendment, fourteen (14) years ago, to provide neighborhood commercial was the intent of the planning commission with a subsequent ordinance change, causing an integral part of the banking facilities to be a prohibited land use. In addition, the elimination of retail and repair land uses supports the reduced capacity of the road.

The proposed Amendment significantly limits the intensity of development of the site through various site development limitations. The Office Institutional (OI) zoning designation allows for a drive-in bank whereas the Neighborhood Commercial district does not.

The Planning Staff recommends approval of this map amendment.

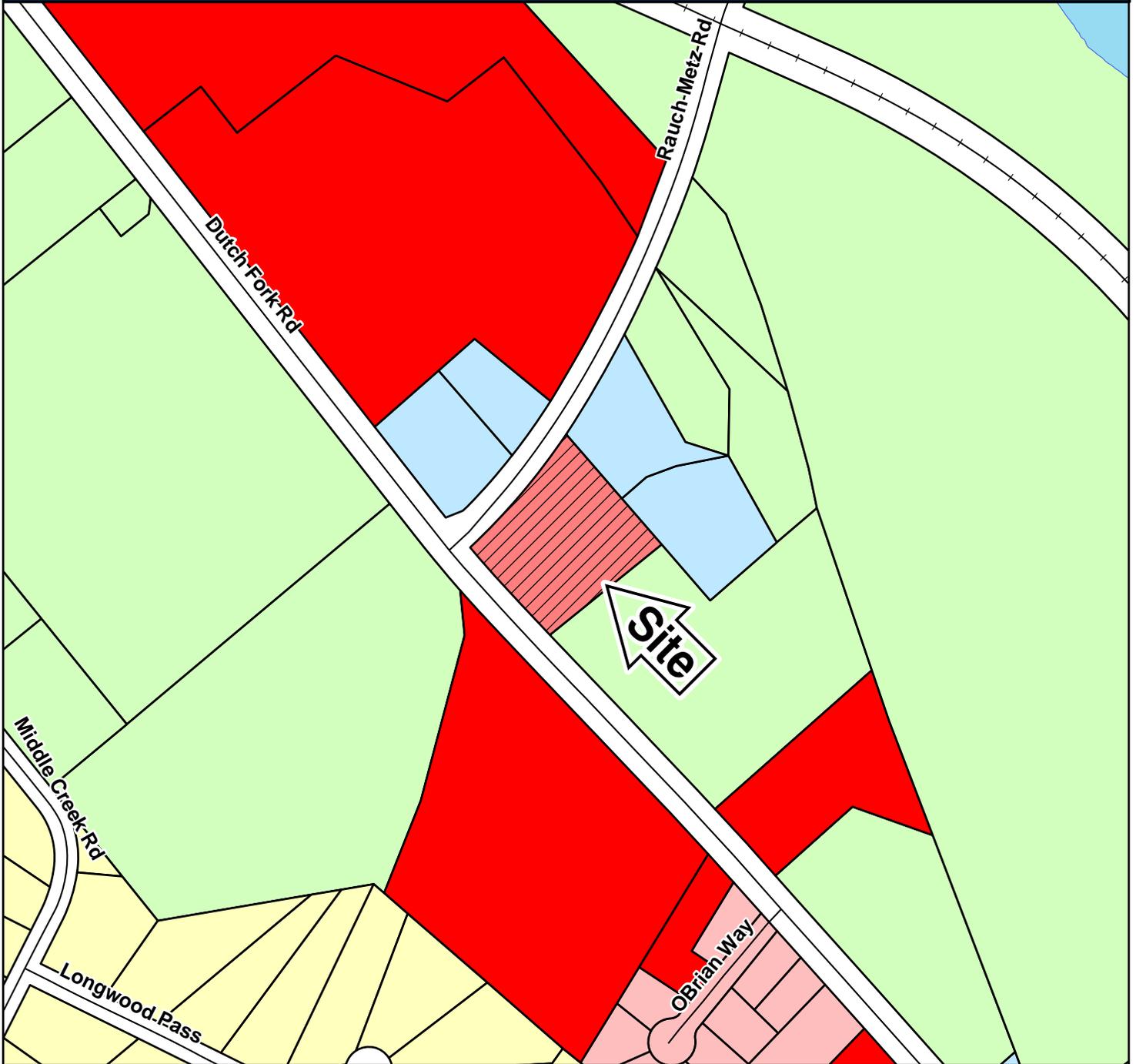
Zoning Public Hearing Date

November 25, 2008

Planning Commission Action

At their meeting of **November 6, 2008** the Richland County Planning Commission **agreed** with the PDSD recommendation and recommends the County Council initiate the ordinance consideration process for **RC Project # 08-36 MA** at the next available opportunity

Case 08-36 MA NC to OI



ZONING CLASSIFICATIONS

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

 Subject Property

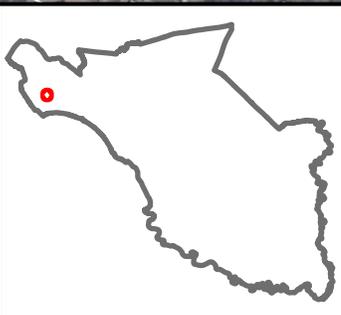
**CASE 08-36 MA
NC to OI**

TMS 02505-02-10

Rauch Metz Rd

Site

-  FLOOD ZONE A
-  FLOOD ZONE AE
-  WETLANDS



CASE 08-36 MA

From NC to OI

02505-02-01

Dutch Fork Rd and Rauch Metz Rd



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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 02505-02-10 FROM NC (NEIGHBORHOOD COMMERCIAL DISTRICT) TO OI (OFFICE AND INSTITUTIONAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 02505-02-10 from NC (Neighborhood Commercial District) zoning to OI (Office and Institutional District) zoning.

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

Section IV. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

Public Hearing: November 25, 2008 (tentative)
First Reading: November 25, 2008 (tentative)
Second Reading:
Third Reading:



Richland County Planning & Development Services Department

Map Amendment Staff Report

PC MEETING DATE: November 6, 2008
RC PROJECT: 08-37 MA
APPLICANT: Bruce J. Oswald
PROPERTY OWNER: Bruce J. Oswald
LOCATION: 5706 Fairfield Road

TAX MAP NUMBER: 11708-06-06
ACREAGE: 0.83
ZONING REQUEST: GC to RS-MD

PC SIGN POSTING: October, 2008

Staff Recommendation

Denial

Background /Zoning History

The original zoning of this property, adopted September 7, 1977, was General Commercial (C-3). Between 1977 and 1989, this property was rezoned to Residential Single – Family - Medium Density (RS-MD).

In November 2007 (07-59MA), the subject parcel and the adjacent parcel to the north (11708-06-01) were granted a rezoning to the current, General Commercial District (GC).

The applicant is seeking to change the zoning of the subject site (the southern parcel) back to Residential Single - Family Medium Density (RS-MD). The site contains 164 linear feet of frontage along Fairfield Road.

Summary

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

Minimum lot area is 8,500 square feet, or as determined by DHEC.

Maximum density standard is no more than one principal dwelling unit per lot except for permitted accessory dwellings.

There are provisions for zero lot line dwellings and must meet Sec. 26-151 and Sec. 26-152 of the Land Development Code.

Existing Zoning

<u>North:</u>	GC	Vacant
<u>South:</u>	RS-MD	Single family detached residence
<u>East:</u>	RS-MD	Single family dwellings
<u>West:</u>	GC/ City of Columbia	Vacant

Plans & Policies Comprehensive Plan Revised through 1994

The Imagine Richland 2020 Comprehensive Plan/"**I-20 Interbeltway Corridor Area Proposed Land Use Map**" designates this area as Medium Density Residential in the Established Urban Area.

Objective: "Promote new development and redevelopment in areas with adequate infrastructure".

Compliance: The City of Columbia has existing water and sewer service in the area. Fairfield Rd is operating at an LOS B in the area. The proposed Amendment is in compliance with this Objective.

Principle: "The established urban area should contain overall higher density levels than the developing Urban or Rural areas of the county and that these density levels should conform to the proposed Land Use Map. Compatible zoning classifications include medium Density (5 to 9 dwelling units per acre)."

Compliance The proposed Amendment to Residential Single - Family Medium Density RS-MD (5.1 DU/acre) complies with this Principle

Traffic Impact

The current traffic counts were received from SCDOT in April, 2008 and represent the Annual Average Daily Trips in 2007. The nearest count station #187 located on Fairfield Road approximately 1.5 miles south of I-20. The current traffic volume is 9,300 ADT is estimated to be operating at LOS B.

The proposed Amendment will reduce the amount of traffic from the proposed site. The adjacent segment of Fairfield Road is operating at LOS B.

Compliance with Pending Comprehensive Plan - Land Use Element 2009

The subject parcel is located within a Priority Investment Area in the pending Comprehensive Plan. Priority Investment Areas are intended to include a mixture of mix of variable density residential, commercial, and civic uses. The proposed Amendment is technically in compliance with the pending Comprehensive Plan Land Use designation.

Conclusion

In November 2007, the map amendment request from Single Family-Medium Density (RS-MD) to General Commercial District (GC) was recommended by the Planning Staff for approval principally because it reflected the general growth pattern in the area of commercial. In addition, the lots had frontage on a collector road, namely, Fairfield Rd and Prescott Rd. This is a frontage road along the south side of I-20. These factors diminished the land use for residential based on location alone as well as increased the land use for commercial.

Although the proposed amendment is in compliance with the Comprehensive Plan, the corridor is designated as urban, medium density with an emphasis on utilizing existing infrastructure. This is compliant for both zone districts, Medium Density and General Commercial.

However, the planning staff recommends the land use remain General Commercial, which not only reflects the recommended map amendment of 2007 but also reflects the original zoning of the parcels as adopted September 7, 1977. The parcels total together 3.47 acres and separation reduces the possible land uses for the neighboring parcel.

The Planning staff recommends denial of this map amendment.

Zoning Public Hearing Date

November 25, 2008

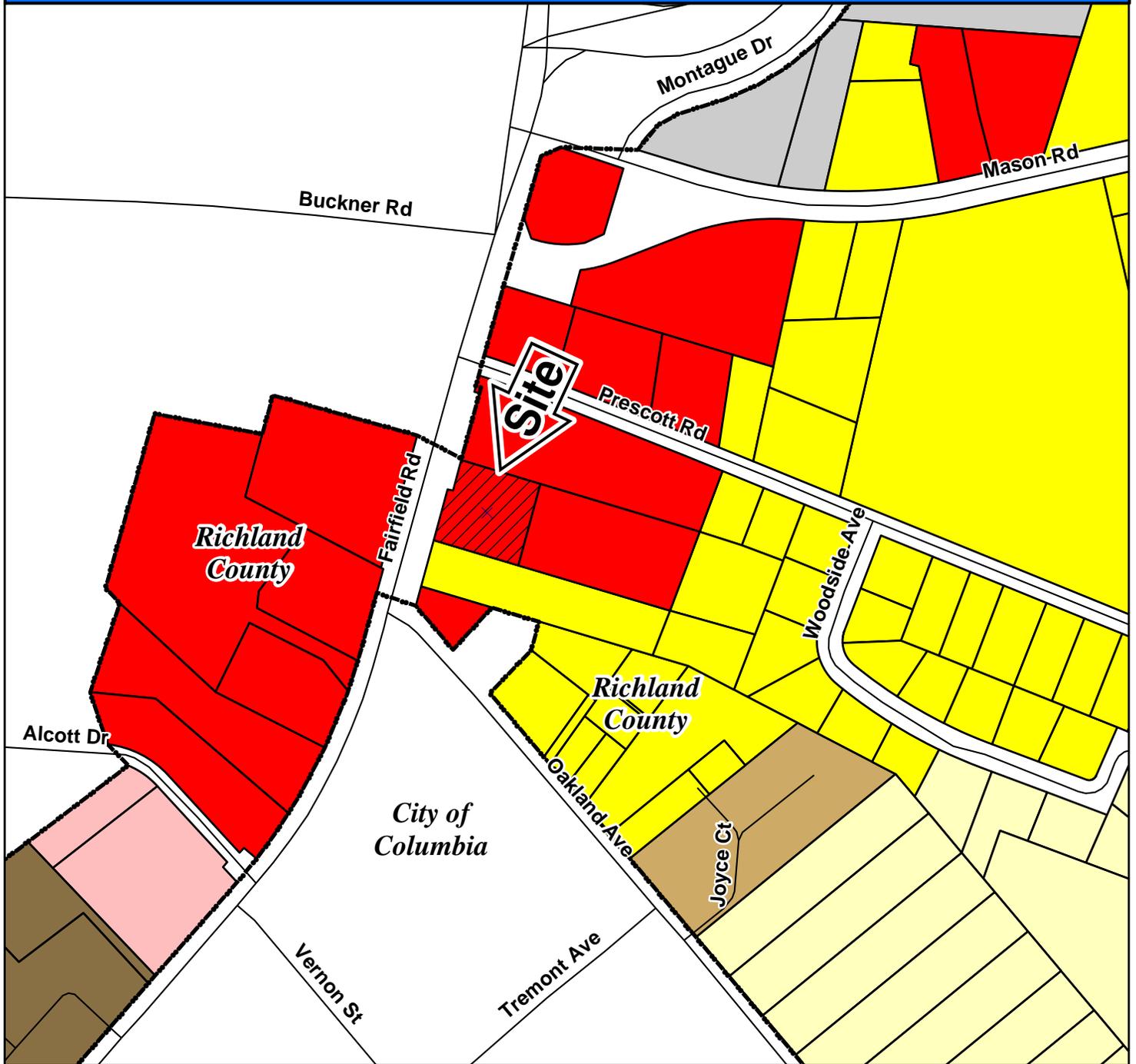
Planning Commission Recommendations

The existing residential structure would be in conformity to the use.

Planning Commission Action

At their meeting of **November 6, 2008** the Richland County Planning Commission **disagreed** with the PDSO recommendation and, based on the findings of facts above, recommends the County Council initiate the ordinance consideration process to **approve** the proposed amendment for **RC Project # 08-37 MA** at the next available opportunity

Case 08-37 MA GC to RS-MD



ZONING CLASSIFICATIONS

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

 N
 Subject Property

CASE 08-37 MA
GC to RS-MD
TMS 11708-06-06



CASE 08-37 MA

From GC to RS-MD

11708-06-06

5710 Fairfield Rd



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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 11708-06-06 FROM GC (GENERAL COMMERCIAL DISTRICT) TO RS-MD (RESIDENTIAL, SINGLE-FAMILY – MEDIUM DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 11708-06-06 from GC (General Commercial District) zoning to RS-MD (Residential, Single-Family – Medium Density District) zoning.

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

Section IV. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: November 25, 2008 (tentative)
First Reading: November 25, 2008 (tentative)
Second Reading:
Third Reading:



Richland County Planning & Development Services Department

Map Amendment Staff Report

PC MEETING DATE: November 6, 2008
RC PROJECT: 08-38 MA
APPLICANT: Deborah Shaffer
PROPERTY OWNER: Mary & Ralph Rye Jr., Rosemary Craft; Karen Mixon; Paula Williams; Thomas & Helen Outlaw; Jesse & Jane Davis; Michael Andrews; Deborah Shaffer

LOCATION: Summer Haven Drive

TAX MAP NUMBER: 01316-01-01, 02, 03, 04, 05, 06, 07
ACREAGE: 2.94
EXISTING ZONING: RU
PROPOSED ZONING: RS-LD

PC SIGN POSTING: October, 2008

Staff Recommendation

Approval

Background /Zoning History

According to County records the current zoning of Rural (RU) reflects the original zoning as adopted September 7, 1977. Variances have been approved on Lots: 02 and 07 (01-80 V; 06-14 V) for the purpose of encroaching into the required setbacks.

On June 2, 2008 (08-14MA) the subject properties were brought before the Planning Commission to be rezoned from Rural (RU) to Residential Single-family Medium Density District (RS-MD). Richland County Planning Commission agreed with the staff recommendation and recommended denial. County Council denied the map amendment.

Summary

The Residential Single-Family- Low Density District (RS-LD) is intended as a single-family, detached residential district, and the requirements for this district are designed to maintain a suitable environment for single family living. Non-single family development normally required to provide the basic elements of a balanced and attractive residential area is also permitted. The minimum lot area is 12,000 square feet; and no more than one (1) principal dwelling unit on a lot except for permitted accessory dwellings.

Existing Zoning		
North:	RU/ Lake Murray	Single family residences
South:	RU	Single family residences
East:	Lake Murray	
West:	RU/ RS-LD	Single family residences

Plans & Policies

The Imagine Richland 2020 Comprehensive Plan/ “Northwest Area Proposed Land Use Map” designates this area as Single family Low Density in the Developing Urban Area.

Objective: “Promote a variety of residential densities for the development of affordable, quality housing while blending with the character of the surrounding area”.

Compliance: In areas with environmentally sensitive lands of limited infrastructure, low density development is encouraged

Principal: “Residential development should be limited to individual dwellings on individual lots”.

Compliance: The seven dwellings, all currently exist on individual lots.

Traffic Impact

The current traffic counts were received from SCDOT in April, 2008 and represent the Annual Average Daily Trips in 2007. The nearest count station is # 559 located on Johnson Marina Road. The current traffic volume is 1,750 ADT which is currently at a level-of-service “A”.

The Amendment is changing the zoning to reflect the existing development; no new traffic will be generated by the project.

Compliance with Pending Comprehensive Plan - Land Use Element 2009

The proposed Amendment does not change the land use designation for the subject parcels. It simply changes the zoning designation to bring the existing residences in conformance with their actual setbacks. The proposed Amendment is in compliance with the Pending Comprehensive Plan.

Conclusion

The subject parcels range in size from 7,405 square feet to 27,008 square feet. Under the current RU classification, these lots are all legal-non conforming as the minimum lot size of 33,000 square feet as well as the yard setback requirements in some cases.

Several Zoning Map Amendments have been granted on adjacent properties beginning in the past several years. The last map amendment granted for Residential Single-Family Low Density (RS-LD) was 2006 and 2008. Setback variances have been granted on two of the subject properties in the last year or two.

The subject portion of Summer Haven Road is an unpaved County maintained road. The right-of-way varies throughout the subject parcels.

The Planning Staff recommends approval of this map amendment.

Zoning Public Hearing Date

November 25, 2008

Planning Commission Action

At their meeting of **November 6, 2008** the Richland County Planning Commission **agreed** with the PDSD recommendation and recommends the County Council initiate the ordinance consideration process for **RC Project # 08-38 MA** at the next available opportunity.

Case 08-38 MA RU to RS-LD



ZONING CLASSIFICATIONS

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

 Subject Property



CASE 08-38 MA
RU to RS-LD
TMS 01316-01-01 to 07

Brody Rd

Haven Cir

Lake Murray

Summer Haven Dr



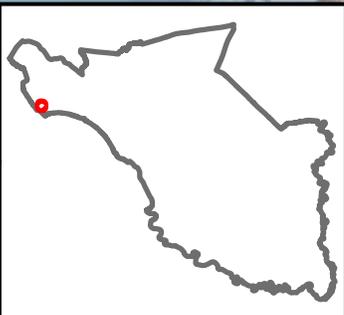
Johnson Marina Rd

Amenity Rd

Amenity Ct

Rucker Rd

-  FLOOD ZONE A
-  FLOOD ZONE AE
-  WETLANDS



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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # 01316-01-01/02/03/04/05/06/07 FROM RU (RURAL DISTRICT) TO RS-LD (RESIDENTIAL, SINGLE-FAMILY – LOW DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 01316-01-01/02/03/04/05/06/07 from RU (Rural District) zoning to RS-LD (Residential, Single-Family – Low Density District) zoning.

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

Section IV. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: November 25, 2008 (tentative)
First Reading: November 25, 2008 (tentative)
Second Reading:
Third Reading:



Richland County Planning & Development Services Department

Map Amendment Staff Report

PC MEETING DATE: November 6, 2008
RC PROJECT: 08-39 MA
APPLICANT: Martha G. Crawford
PROPERTY OWNER: Martha G. Crawford
LOCATION: 1235 Trading Post Road

TAX MAP NUMBER: 17800-03-30 & 31
ACREAGE: 3.00
ZONING REQUEST: RU to OI

PC SIGN POSTING: October, 2008

Staff Recommendation

Denial

Background /Zoning History

According to County records, the current zoning of Rural (RU) reflects the original zoning as adopted September 7, 1977. The site contains 386 linear feet of frontage along Trading Post Rd.

Summary

The Office and Institutional (OI) District is intended to accommodate office, institutional, and certain types of residential uses in an area whose characteristics are neither general commercial nor exclusively residential in nature. The maximum allowed density for residential uses is sixteen (16) dwelling units per acre.

Gross Density: Not applicable – no public water or sewer currently available at the site
Net Density: Not applicable – no public water or sewer currently available at the site

Existing Zoning		
North:	RU	Residence
South:	RU	Undeveloped
East:	RU	Residence
West:	RU	Undeveloped

Plans & Policies

The Imagine Richland 2020 Comprehensive Plan/“I-77 Corridor Proposed Land Use Map” designates this area as Medium Density Residential.

Objective: “Establish commercial pockets or clusters as needed to serve the area”.

Non Compliance The proposed map amendment would not establish a commercial cluster.

Principal: “Commercial uses should be located on sites convenient to residential areas while not creating an adverse impact.”

Compliance: The proposed map amendment would allow a commercial use within a half mile of two schools and within a mile of an established neighborhood.

Traffic Impact Analysis

The current traffic counts were received from SCDOT in April, 2008 and represent the Annual Average Daily Trips in 2007. The nearest count station #137 located on Wilson Boulevard and count station # 713 located on Longtown Road. The current traffic volume on count station #137 is 9,300 ADT and count station # 713 is 2,400 ADT both are estimated to be operating at LOS A.

Trading Post Road is a two lane, unclassified SCDOT maintained rural road. No traffic counts are available for this road.

Compliance with Pending Comprehensive Plan - Land Use Element 2009

Throughout the suburban areas in the Northeast, Commercial/Office activities should be located at traffic junctions or areas where existing commercial and office uses are located. Commercial uses should not encroach or penetrate established residential areas.

The proposed Amendment is not in compliance with the pending Comprehensive Plan land use designation.

Conclusion

The applicant intends to use the subject parcels as a licensed child daycare center, which is not permitted in the current RU zoning classification. Licensed child daycare centers are permitted in the Office/Institutional (OI) zoning district, subject to compliance with certain special site development conditions. All the surrounding parcels are zoned RU and developed with typical rural land uses.

Among the permitted land uses are: multi-family residences (if water and sewer are available); fraternity and/or sorority facilities; clubs or lodges; cemeteries and/or mausoleums (by special exception); wide variety of governmental institutions; banks, beauty shops and bed and breakfast facilities; construction building with outside storage for general contractors and the like; and various kinds of studios.

In summary, the OI zoning district is appropriate in urban and/or suburban area where land uses are in transition from residential to low intensity commercial. It is clearly not intended for areas characterized by rural, very low density land uses.

The Planning staff recommends denial of this map amendment.

Zoning Public Hearing Date

November 25, 2008

Planning Commission Recommendations

- There is a need for these kinds of services in the area.
- The traffic generated from the site would not pose a safety issue.

Planning Commission Action

At their meeting of **November 6, 2008** the Richland County Planning Commission **disagreed** with the PDSD recommendation and, based on the findings of facts above, recommends the County Council initiate the ordinance consideration process to **approve** the proposed amendment for **RC Project # 08-39 MA** at the next available opportunity

Case 08-39 MA

RU to OI



ZONING CLASSIFICATIONS

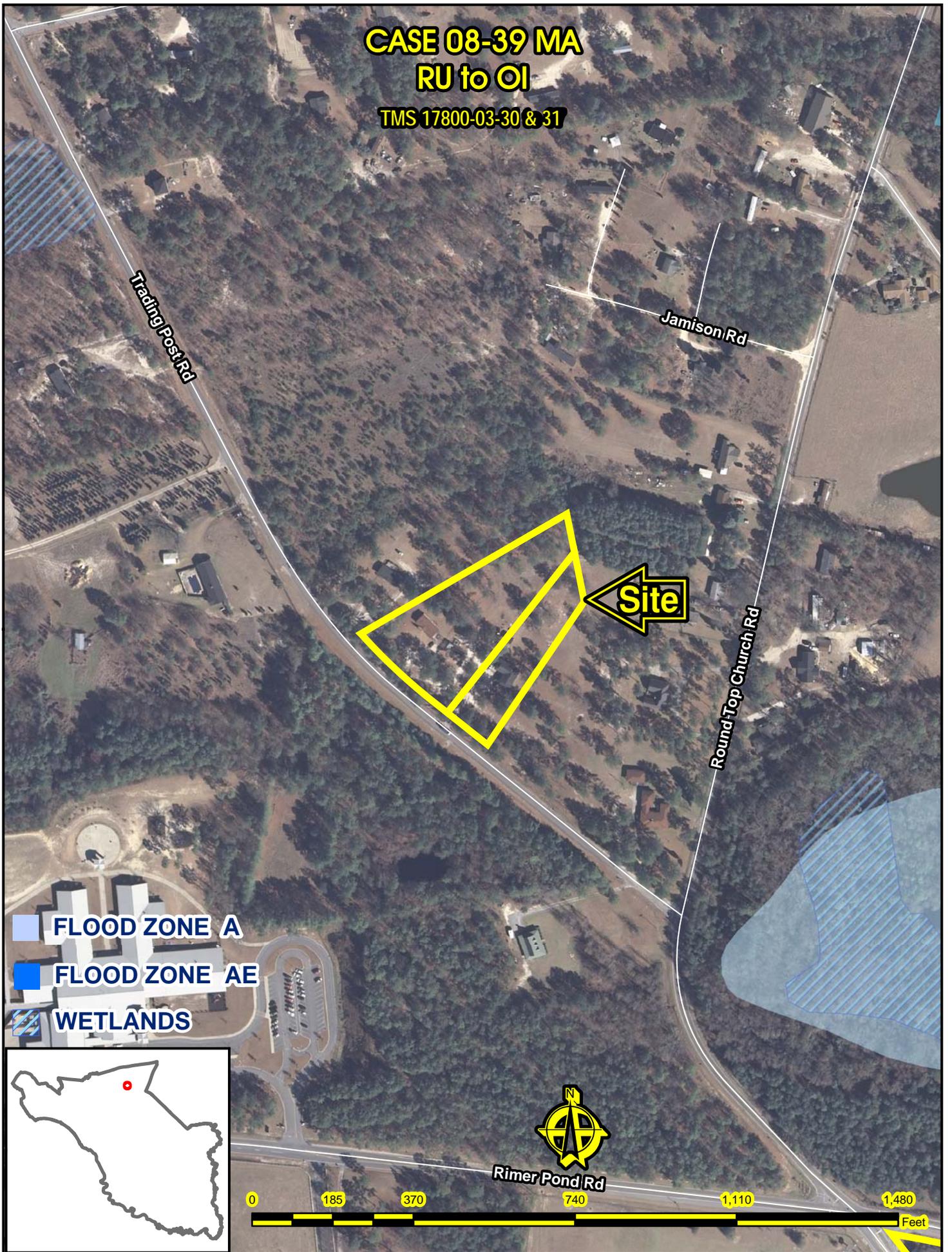
 RR	 RS-E	 MH	 NC	 HI
 C-1	 RS-LD	 RM-MD	 GC	 PDD
 C-3	 RS-MD	 RM-HD	 M-1	 RU
 RG-2	 RS-HD	 OI	 LI	 TROS

 Subject Property



**CASE 08-39 MA
RU to OI**

TMS 17800-03-30 & 31



CASE 08-39 MA

From RU to OI

TMS#17800-03-31 & 31

Trading Post Rd



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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # 17800-03-30/31 FROM RU (RURAL DISTRICT) TO OI (OFFICE AND INSTITUTIONAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 17800-03-30/31 from RU (Rural District) zoning to OI (Office and Institutional District) zoning.

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

Section IV. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

Public Hearing: November 25, 2008 (tentative)
First Reading: November 25, 2008 (tentative)
Second Reading:
Third Reading:

PROCEDURES FOR SENDING REZONING MATTERS ‘BACK’ TO THE PLANNING COMMISSION

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

EXPLANATION

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; "BUSINESS, PROFESSIONAL AND PERSONAL SERVICES" OF TABLE 26-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SO AS TO PERMIT CERTAIN PAYDAY LENDERS IN THE GC GENERAL COMMERCIAL DISTRICTS WITH SPECIAL REQUIREMENTS.

What this ordinance will do:

This ordinance will establish "payday lenders" as a separate use, with special requirements, in the GC General Commercial District, to wit:

(49) *Payday Lenders.*

- a. Use districts: General Commercial.
 - b. The use shall be located no closer than 3,000 feet, measured lot line to lot line, from the nearest payday lending establishment; and
- Ordinance is provided under separate cover

EXPLANATION

Title:

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

What this ordinance will do:

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

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

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

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

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

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

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

LED (Light Emitting Diode). A semiconductor diode that emits light when an electric current is applied in the forward direction of the device.

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

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

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

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

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

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

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards;

Section 26-177, Lighting Standards; Subsection (b), Standards; is hereby amended to read as follows:

(b) *Standards.*

~~(1) — *Orientation/shielding.* All light fixtures, except streetlights, shall be located, aimed, or shielded as to minimize stray light trespassing across property boundaries. No illumination in excess of one half (1/2) foot candle shall be permitted within the boundaries of any adjacent residentially developed property. The orientation of all lighting shall be downward.~~

~~(2) — *Height of pole lighting.* Any lighting that is installed on a pole shall have a maximum height of eighteen (18) feet from the bulb to the adjacent ground. However, a maximum height of thirty (30) feet from the bulb to the adjacent ground is permitted for cut off lights in rural areas.~~

~~(3) — *Prohibited lighting.* The following lighting features are prohibited: search lights, laser source lights, or any similar high-intensity light, except in emergencies by police and fire personnel or at their direction.~~

~~(4) — *Parking lot and street lighting.* All outdoor lighting fixtures installed for parking lot or street lighting are permitted a maximum foot candle reading of six (6) foot candles and a 2.5 maximum average reading.~~

~~(5) — *Canopy lighting.* Outdoor lighting installed on canopies or drive-thru facilities is permitted an average foot candle reading of twenty (20) foot candles under any area that is illuminated.~~

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

(a) Luminaire heights are measured from ground level to the top of the luminaire.

(b) All luminaires shall be full-cutoff certified.

(c) All luminaires shall have internal visors/panels or external visors that control offsite light spill and glare.

(d) Illumination from any luminaire at property lines shall not exceed .1 horizontal or .1 vertical foot-candles.

- (e) The orientation of all lighting shall be downward; provided, however, churches, temples, mosques, and other such places of worship may orient some lights upward onto specific architectural components of the structure (such as steeples or domes).
- (f) Accent lighting for sculptures, trees, landscaping features, flags, and entrances may orient light upward.
- (g) To control light spill and glare, luminaires shall be properly aimed when installed, and proper aiming shall be maintained.
- (h) All poles must be silver or grey, or a similar color, to blend into the horizon, scenery, or background. Under no circumstance may a black or brown pole be used. Provided, however, historic structures and/or historic sites may use traditional pole colors, and brown and/or green poles may be used in landscaped areas.

(2) Lighting exempt from these standards.

- (a) Lighting within swimming pools or other water features that are governed by Department of Health and Environmental Control regulations.
- (b) Exit signs, stairs, ramps, and other illumination required by building codes.
- (c) Emergency room entrances.

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

- (a) Parking lot lighting shall be reduced to security levels within sixty (60) minutes after the end of business hours. Luminaires near building entrances and entryways (driveways) may remain illuminated at security lighting levels.
- (b) For parking lots and driveways, luminaires may not exceed twenty-four (24) feet in height.
- (c) Parking garages:

[1] Perimeter poles are not allowed on the top floor.

[2] Interior poles may not exceed sixteen (16) feet in height.

[3] Luminaires shall be attached to perimeter walls.

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

(e) Building mounted luminaires may not be mounted above the 1st floor and shall not exceed sixteen (16) feet in height.

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

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

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

(a) For parking lots and driveways, luminaires may not exceed eighteen (18) feet in height.

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

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

(d) The maximum lighting per acre is 80,000 lumens per acre.

(5) Outdoor Retail.

(a) The maximum lighting per acre is 650,000 lumens per acre for business hours and 180,000 lumens per acre for security/non-business hours.

(b) Full-power lighting shall be reduced within thirty (30) minutes after the end of business hours. Auto display areas may be illuminated, but at security levels.

(6) Athletic Lighting.

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

(7) Prohibited lighting. The following lighting features are prohibited: search lights, laser source lights, or any similar high-intensity light, except in emergencies by police and fire personnel or at their direction.

(8) Canopy standards.

- (a) Shielding: All luminaires mounted on or recessed into the lower surface of service station and/or entrance canopies shall be fully shielded and utilize flat lenses.
- (b) Total Under-Canopy Output: The total light output used for illuminating service station and/or entrance canopies defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 430 lumens per square meter (forty lumens per square foot) of canopy
- (c) All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial lumen output.

(9) Lighting lamps.

(a) Approved lighting lamps: incandescent lamps, fluorescent lamps, metal halide lamps, LED devices, and induction lamps.

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

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: November 25, 2008 (tentative)
First Reading: November 25, 2008 (tentative)
Second Reading:
Third Reading:

EXPLANATION

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; “OTHER USES” OF TABLE 26-V-2.; AND AMENDING ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SUBSECTION (B), PERMITTED USES WITH SPECIAL REQUIREMENTS LISTED BY ZONING DISTRICT; PARAGRAPH (65), SEXUALLY ORIENTED BUSINESSES; SO AS TO CORRECTLY REFLECT THAT SEXUALLY ORIENTED BUSINESSES ARE PERMITTED IN THE HI ZONING DISTRICT, AS WELL AS IN THE GC ZONING DISTRICT.

What this ordinance will do:

This ordinance will correct the use table, as well as the listing of permitted uses by special exception, to accurately reflect that sexually oriented businesses are permitted in the HI zoning district as well as in the GC zoning district.

The ordinance that County Council enacted on July 15, 2008 (Ordinance No. 045-08HR), concerning sexually oriented businesses had omitted making the changes now under consideration.

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; “OTHER USES” OF TABLE 26-V-2.; AND AMENDING ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SUBSECTION (B), PERMITTED USES WITH SPECIAL REQUIREMENTS LISTED BY ZONING DISTRICT; PARAGRAPH (65), SEXUALLY ORIENTED BUSINESSES; SO AS TO CORRECTLY REFLECT THAT SEXUALLY ORIENTED BUSINESSES ARE PERMITTED IN THE HI ZONING DISTRICT, AS WELL AS IN THE GC 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 RICHLAND COUNTY COUNCIL:

SECTION I. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (b), Permitted Uses with Special Requirements Listed by Zoning District; Paragraph (65), Sexually Oriented Businesses; is hereby amended to read as follows:

(65) Sexually Oriented Businesses - (GC, **HI**)

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

(ORDINANCE CONTINUES ON NEXT PAGE)

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Other Uses																	
Sexually Oriented Businesses																	
Buildings, High Rise, 4 or 5 Stories										SR	SR			SR			SR
Buildings, High Rise, 6 or More Stories										SE	SE			SE			

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: November 25, 2008 (tentative)
First Reading: November 25, 2008 (tentative)
Second Reading:
Third Reading:

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SO AS TO IMPROVE RICHLAND COUNTY'S WATER QUALITY, PROTECT THE ENVIRONMENT, AND COMPLY WITH THE COUNTY'S NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS.

What this ordinance will do:

It will benefit Richland County's efforts to improve water quality, it will serve as an added measure to protect the environment and it supports compliance with our National Pollution Discharge Elimination System (NPDES) Permit.

Richland County is currently operating under its second five-year National Pollutant Discharge Elimination System (NPDES) permit to govern stormwater quality in County jurisdictional areas. DHEC issued the permit and it is effective from September 11, 2006 through September 10, 2011. This reissued permit also covers two Co-Permittees, the Town of Arcadia Lakes and City of Forest Acres, for NPDES Phase II regulations.

The changes to Chapter 26 are needed to support several programs developed by DPW's Stormwater Management Division in conjunction with complying with the Corrective Action Plan and reissued permit requirements. Some of those programs are:

- Updated Stormwater Management Plan
- Delegated Qualified Local Program (QLP) for plan reviews, inspections, etc
- Pesticide, Herbicide and Fertilizer Control Program
- Illicit Connection, Improper Disposal, Illegal discharge and Illegal Dumping Control
- Sanitary Sewer Regulatory Program (SSRP)
- Industrial and High-risk Runoff (IHR) Control Program
- Stormwater Infrastructure Inspection and Maintenance
- Stormwater Pollution Prevention Plans (SWPPPs)
- Spill Prevention Control and Countermeasure (SPCC) Plans
- Road Runoff Management Program
- Sampling and Monitoring Program, etc. . .

The changes to the current Ordinance reflect components of the developed programs for their effective implementation. The Ordinance language is being updated to reflect currently effective permit requirements.

The feasibility for identifying an Environmental Protection (EP) Overlay District has also been added to the Ordinance. The EP Overlay District is intended to address general environmental concerns within a designated area. In an effort to address some of the

most critical water resource problems that exist within Richland County, environmental protection overlay districts will be established by Richland County as necessary and appropriate. In the proposed Ordinance, the Gills Creek watershed has been identified as an environmentally protected watershed (EP-GC). Richland County seeks to preserve the Gills Creek Floodway in order to protect and improve the water quality, scenic beauty, and wildlife habitat of the creek.

Also, language requiring water quality buffers has been added. Water quality buffers apply in all zoning districts, and must be maintained. Water quality buffers are required along all perennial and intermittent streams, waterways, wetlands, etc.

There will be no new financial impacts due to the added language. On the contrary, there is the potential to generate revenue for Richland County, as a result of enforcement, by implementing the added measures.

This ordinance received first reading by County Council on October 21, 2008.

- Ordinance is provided under separate cover

MEMORANDUM

TO: Richland County Council Members
FROM: Amelia R. Linder, Esq
DATE: November 13, 2008
RE: Proposed stormwater ordinance (amendments to Chapter 26)

Staff is recommending two (2) additional amendments to the Stormwater Ordinance, both of which have been incorporated into the ordinance by the use of **blue font**. The first change involves **a new definition, as follows** (and is found on page 3 of the ordinance):

Open Stormwater Conveyance. A permanent, designed waterway, shaped, sized and lined with appropriate vegetation or structural material used to safely convey stormwater runoff within or away from developing areas.

The second change involves clarification of a paragraph under “Water Quality Buffers, General Requirements, and is found on pages 30-31 of the ordinance. **Instead of:**

(5) *Other waters.* Other waters such as tributaries, ditches, outfalls and open drainage conveyances shall maintain a buffer of at least ten (10) feet on each side, measured from the top of bank. Exceptions may be granted by Richland County Department of Public Works when disturbance is necessary to facilitate drainage in unusual circumstances.

The ordinance now reads as follows:

(5) *Additional Riparian Areas.* Buffers shall be required on waterways not listed above, including tributaries, ditches, outfalls and open stormwater conveyances. These buffers shall have a minimum width of at least 10 feet on each side, measured from the top of bank. The Richland County Department of Public Works may waive the necessity for these buffers and will make such determination on a case by case basis, taking into consideration drainage patterns, property encumbrances and additional unusual circumstances.

MEMORANDUM

TO: Richland County Council Members
FROM: Amelia R. Linder, Esq
DATE: November 7, 2008
RE: Proposed stormwater ordinance (amendments to Chapter 26)

On November 6, 2008, the Richland County Planning Commission recommended second reading approval of the proposed stormwater ordinance, with the following amendments to Section 26-186, regarding water quality buffers (said changes are **highlighted in red**):

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

Sec. 26-186. Water Quality Buffers.

(a) Purpose and applicability.

(1) Purpose. A water quality buffer is a riparian area of trees, shrubs, and other vegetation that borders an existing watercourse, wetland, or other water body (including open stormwater conveyances), for the purpose of reducing contamination from surface water runoff. Water quality buffers are most effective when stormwater runoff is flowing into and through the buffer zone as shallow sheet flow, rather than concentrated flow such as gullies, channels or other stormwater conveyances. Water quality buffers can offer an enormous number of environmental protection and resource management benefits, including:

- a. Restoring and maintaining the physical, chemical and biological integrity of the water resources,
- b. Removing pollutants from urban stormwater,
- c. Stabilizing stream banks resulting in reduced erosion and sedimentation,
- d. Providing infiltration of stormwater runoff,
- e. Maintaining base flow of streams,

- f. Contributing organic matter that serves as a source of food and energy for the aquatic ecosystem,
- g. Providing riparian wildlife habitat,
- h. Providing tree canopy to shade streams and regulate temperature, and
- i. Furnishing scenic value and recreational opportunity.

(2) Applicability. Water quality buffers are required along all perennial and intermittent streams, waterways, wetlands or other water body including open stormwater conveyances within Richland County as identified on a 7.5 USGS quadrangle map, USACE, or as determined by Richland County Department of Public Works. Water quality buffers apply in all zoning districts, and must be maintained. This Section shall apply to the following:

- a. All proposed development except for that development which is exempted pursuant to Subsection 26-186 (b), supra.
- b. All surface mining operations except active surface mining operations which are operating in compliance with an approved SCDHEC surface mining permit. A copy of the approved surface mining permit shall be provided to the Richland County Department of Public Works.
- c. All parcels of land, structures and activities which are causing or contributing to pollution, including non-point pollution, of the waters of Richland County; erosion or sedimentation of stream channels; and/or degradation of aquatic or riparian habitat.

(b) Exemptions. The water quality buffer requirements shall not apply to the following:

- a. Wet ponds used as structural BMPS, manmade ponds and lakes outside of natural hydrologic connectivity.
- b. Activities associated with emergency operations, such as hazardous materials removal, flood or fire control, evacuations, and storm drainage clean up.
- c. All “Entitled Property”. “Entitled Property” means any property that, prior to the adoption of Ordinance No. -08HR, has been subject to either “Development Activity” or a “Government Approval.” “Development Activity” means: (i) the property owner has commenced construction of a building or of any portion of a potable water distribution or transportation system, a sanitary

sewer distribution or transportation system, a storm drainage system or a public road, or (ii) the property owner has commenced grading or other land disturbance activities. "Governmental Approval" means: (x) issuance by Richland County or other applicable governmental authority of a permit to commence a Development Activity, or (y) approval by Richland County of subdivision of the property, of planned development district zoning for the property, or of a sketch plan for development of the property. If a Development Activity or Governmental Approval has occurred with respect to any tract and such tract was subsequently subdivided, or in the future is subdivided, by an approved subdivision plat, then all subdivided parcels that were part of the original tract shall be considered Entitled Property.

(c) General Requirements. Stream buffers shall be considered a "no disturb zone" along perennial and intermittent streams as defined by USGS Quad Maps. Vegetation cannot be disturbed, removed or replanted unless a buffer restoration plan has been approved by Richland County Department of Public Works. Richland County can expand the buffer width requirements depending on slopes, water pollution hazards, or other uses that may contribute to water quality degradation as outlined in the Storm Drainage Design Standards. The Richland County Engineer shall have design flexibility to modify the general requirements, provided that such modifications shall meet the intent of this Section. In defining the limits of stream buffers, top of bank is defined as the uppermost limit of the active channel of a stream during "bank full" conditions, typically marked by a break in slope. The buffer width shall be calculated as follows:

(1) Perennial streams.

a. Along perennial streams, shown as a solid blue line on the USGS Quad Map, not associated with a floodplain or wetlands, the buffer shall be at least ~~one hundred (100)~~ twenty-five (25) feet perpendicular from the top of bank on each side of the waterway.

~~b. In areas where a floodway profile has been computed along a perennial stream (AE Zones) as part of an approved flood study, the buffer area shall be the width of the floodway if the floodway is greater than or equal to one hundred (100) feet. If the width of the floodway is less than one hundred (100) feet from the top of the bank, the buffer shall be at least one hundred (100) feet perpendicular from the top of bank on each side of the waterway.~~

eb. In areas where a floodway profile has not been computed along a perennial stream (A Zones) the developer shall perform a flood study and determine the floodway. ~~and follow the buffer requirements outlined in (b).~~

(2) *Intermittent Streams.* Along intermittent streams, shown as a dashed blue line on the USGS Quad Map, the buffer shall be at least ~~fifty (50) twenty-five (25)~~ feet perpendicular from the top of bank on each side of the waterway. If these streams have associated flood as described above, the same requirements would apply to have a total width of ~~fifty (50) twenty-five (25)~~ feet.

(3) *Wetlands.*

a. For delineated wetland areas associated with perennial streams; if the delineated wetland is less than ~~one hundred (100) twenty-five (25)~~ feet from the top of bank, the distance to bring the buffer to ~~one hundred (100) twenty-five (25)~~ feet total must be added. This buffer width is independent of any wetland offset requirements of the USACE.

b. For delineated wetland areas associated with intermittent streams; if the delineated wetland is less than ~~fifty (50) twenty-five (25)~~ feet from the top of bank, the distance to bring the buffer to ~~fifty (50) twenty-five (25)~~ feet total must be added. This buffer width is independent of any wetland offset requirements of the USACE.

c. For wetland areas not associated with perennial, intermittent streams, or floodway the buffer shall be the extent of the wetland area plus an additional ~~fifty (50) twenty-five (25)~~ feet perpendicular beyond the wetland edge.

(4) *Shorelines.* The shoreline buffer width shall be ~~fifty (50) twenty-five (25)~~ feet perpendicular from the shoreline. For ponds and lakes, the shoreline shall be defined as the one hundred (100) year high water elevation. For Lake Murray the buffer shall be measured from the 363' elevation contour line.

(5) *Other waters.* Other waters such as tributaries, ditches, outfalls and open drainage conveyances shall maintain a buffer of at least ten (10) feet on each side, measured from the top of bank. Exceptions may be granted by Richland County Department of Public Works when disturbance is necessary to facilitate drainage in unusual circumstances.

(d) *Management and Maintenance.*

(1) Management of the water quality buffer includes specific limitations on alteration of the natural conditions. The following practices and activities are restricted within stream buffer, except with prior approval by the Richland County Public Works Department:

a. Clearing or grubbing of existing vegetation,

- b. Clear cutting of vegetation.
- c. Soil disturbance by grading, stripping, or other practices.
- d. Filling or dumping.
- e. Use, storage, or application of pesticides, herbicides, and fertilizers.
- f. Conversion of vegetation from native to exotic species, and
- g. Motor vehicles are not permitted in stream buffers unless during the installation of certain utilities permitted in the buffer zone.

(2) The following structures, practices, and activities are permitted in the stream buffer, subject to prior approval of the Richland County Public Works Department, and when specific design or maintenance features are adhered to:

a. Stream Crossings and utilities:

[1] An analysis needs to be conducted to ensure that no economically feasible alternative is available;

[2] The right of way should be the minimum width needed to allow for maintenance access and installation;

[3] The angle of a crossing shall be perpendicular to the stream or buffer in order to minimize clearing requirements;

[4] The minimum number of crossings should be used within each development, and no more than one crossing is allowed for every one thousand (1,000) linear feet of buffer zone. Where possible, the design of roadways and lots within a development should be aligned such that all streams are either to the rear or the side of individual lots, never along the front.

b. Transportation right-of-ways, pedestrian crossings, public access, boat ramps, docks, fishing platforms, unpaved paths (i.e. trails and greenways), and stream bank stabilization efforts.

c. Utilities are allowed and shall be installed a minimum distance of twenty-five (25) feet measured perpendicular from the top of bank within the buffer area.

(3) In order to maintain the functional value of the stream buffer, indigenous vegetation may be removed as follows:

- a. Dead, diseased, or dying trees that are in danger of falling and causing damage to dwellings or other structures may be removed with approval from the Richland County Public Works Department;
 - b. Debris in the buffer area that is caused by storm damage may be removed; and
 - c. Invasive plant species may be removed if they are replaced by native species that are equally effective in retarding runoff, preventing erosion and filtering non-point source pollution from runoff. A buffer restoration plan for removal of invasive species must be approved by the Richland County Public Works Department.
- (4) All preliminary, bonded and final plats prepared for recording and all right-of way-plats shall clearly:
- a. Show the extent of any water quality buffer on the subject property by metes and bounds.
 - b. Label the water quality buffer.
 - c. Provide a note to reference all buffers stating: “There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Richland County Public Works Department.”
 - d. Provide a note to reference any protective covenants governing all buffer areas stating: “Any buffer shown on the plat is subject to protective covenants which may be found in the land records and which restrict disturbance and use of these areas.”
 - e. If the buffer area will not be part of an individual lot then ownership must be stated by identifying who is the responsible party.
 - f. Provide location of permanent boundary marker signs.

Secs. 26-187 – 26-200. Reserved.

Results of the Public Works Stormwater Development Regulations GIS Analysis

The total acreage removed from development by the criteria of the Stormwater Development Regulations is 27,709.

Summary

An analysis was performed on the hydrography layers in the Richland County GIS. From existing data layers new layers were created for lakes and ponds and for rivers and streams. The lines of the rivers and streams layer were coded as Perennial, those rivers and stream with names and Intermittent all other line segments of the layer. Perennial streams were buffered 100 feet and intermittent segments were buffered 50 feet. Ponds and Lakes were buffered 50 feet.

All of the buffers were joined together and the formula area / 43560 were used to calculate the acreage. The total acreage of this intermediate step was 57,974. This acreage included all buffered areas including land already covered by water, incorporated areas and federal areas. For an accurate assessment the acreage those acreages would have to be removed.

The first step was to remove the areas already covered by water. After that analysis the acreage was 34,615. So, 23,359 Acres of the buffered areas were covered by existing ponds and lakes.

Next the areas on Federal lands were removed. After this analysis the acreage was 30,484. So, 4,131 acres of the buffered areas are in Federal lands.

Finally the incorporated areas were removed. The total acreage after that process is 27,709. So, 2,775 acres of the buffered area are within incorporated Richland County.

EXPLANATION

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE III, ADMINISTRATION; SECTION 26-34, DEVELOPMENT REVIEW TEAM; SUBSECTION (A), ESTABLISHED/DUTIES; AND ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-59, PLANNED DEVELOPMENT REVIEW/APPROVAL; SUBSECTIONS (D) AND (K); SO AS TO REMOVE THE REQUIREMENT OF DEVELOPMENT REVIEW TEAM REVIEW PRIOR TO PDD APPROVAL AND TO DELETE THE PROVISION FOR PDD DISTRICT EXPIRATION.

What this ordinance will do:

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

In addition, this ordinance will delete the provisions regarding the posting of a bond and will delete reference to a PDD “expiring” after 2 years.

This ordinance received first reading by County Council on October 21, 2008.

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE III, ADMINISTRATION; SECTION 26-34, DEVELOPMENT REVIEW TEAM; SUBSECTION (A), ESTABLISHED/DUTIES; AND ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-59, PLANNED DEVELOPMENT REVIEW/APPROVAL; SUBSECTIONS (D) AND (K); SO AS TO REMOVE THE REQUIREMENT OF DEVELOPMENT REVIEW TEAM REVIEW PRIOR TO PDD APPROVAL AND TO DELETE THE PROVISION FOR PDD DISTRICT EXPIRATION.

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

SECTION I. The Richland County Code of Ordinances; Chapter 26, Land Development; Article III, Administration; Section 26-34, Development Review Team; Subsection (a), Established/duties; is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

Attest this the _____ day of
_____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: October 21, 2008
Public Hearing: November 25, 2008 (tentative)
Second Reading: November 25, 2008 (tentative)
Third Reading:

