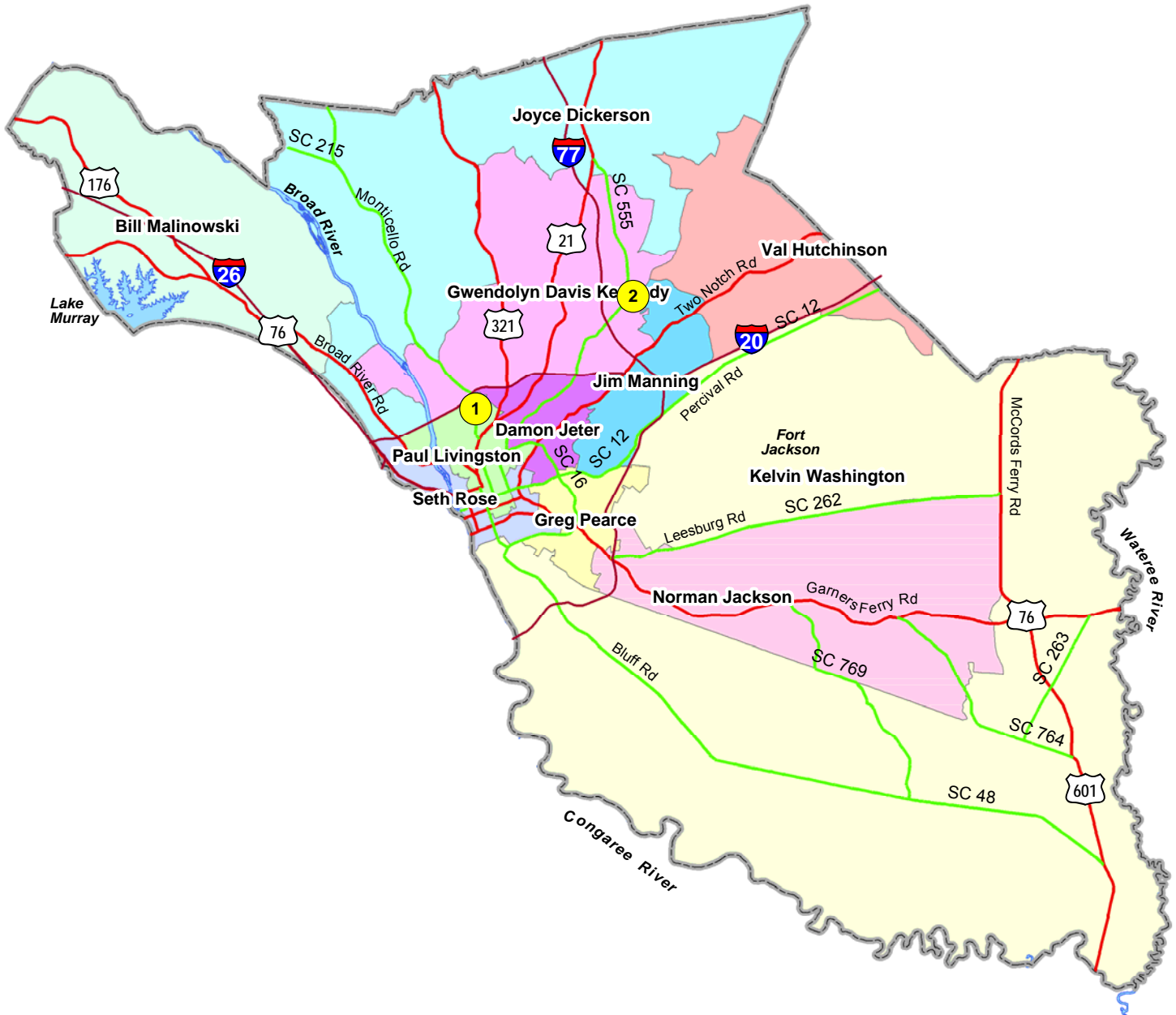


RICHLAND COUNTY
PLANNING COMMISSION



MARCH 7, 2011

*RICHLAND COUNTY
PLANNING COMMISSION
MARCH 7, 2011*



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 11-03 MA	Ram'on Wideman	09310-05-17/18/19/21/22	5326 Ridgeway Street	Livingston
2. 11-04 MA	Elias Dib	17216-10-22 (p)	Hard Scrabble Rd. & Summer Valley Dr.	Kennedy

RICHLAND COUNTY PLANNING COMMISSION

Monday, March 7, 2011
Agenda
1:00 PM
2020 Hampton Street
2nd Floor, Council Chambers

STAFF Anna Almeida, AICP Planning Director
Amelia R. Linder, Esq..... Attorney
Geonard Price.....Zoning Administrator
Holland Leger.....Planning Services Manager

PUBLIC MEETING CALL TO ORDER Pat Palmer, Chairman

PUBLIC NOTICE ANNOUNCEMENT

PRESENTATION OF MINUTES FOR APPROVAL
January & February 2011 minutes

ROAD NAME APPROVALS

AGENDA AMENDMENTS

MAP AMENDMENTS

1. Case #11-03 MA
Ram'on Wideman
RM-MD to OI (1.38 acres)
5326 Ridgeway St.
TMS # 09310-05-17/18/19/21/22
Page 1
2. Case #11-04 MA
Elias Dib
OI to NC (1.29 acres)
Hardscrabble Rd. & Summer Valley Dr.
TMS # 17216-10-22 (p)
Page 7

TEXT AMENDMENTS

1. AN ORDINANCE AMENDING; CHAPTER 26, SO AS TO PROVIDE SIZE RESTRICTIONS FOR ACCESSORY STRUCTURES IN THE RU (RURAL) DISTRICT.
Page 15

OTHER BUSINESS

1. COMMUNITY DEVELOPMENT PRESENTATION

- a. Analysis of Impediments to Fair Housing**

DISCUSSION

- 1. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SECTION 26-224, DIVISION OF REAL PROPERTY TO HEIRS OF A DECEDENT; SO AS TO PERMIT THE SUBDIVISION OF PROPERTY TO FAMILY MEMBERS.**

Page 17

ADJOURNMENT



Planning & Development Services Department

2020 Hampton Street, 1st Floor • Columbia, South Carolina 29204-1002
 Post Office Box 192 • Columbia, South Carolina 29202-0192

TO: Planning Commission Members; Interested Parties
FROM: Alfreda W. Tindal, E9-1-1 Addressing Coordinator Specialist
DATE: December 13, 2010
SUBJECT: Street Name(s) Approval

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

The proposed street/road/subdivision name(s) listed below has/ have been reviewed and meet(s) the Enhanced 9-1-1 emergency road/subdivision naming requirements.

Action Requested

The Addressing Coordinator Specialist recommends the Commission give **final** approval of the road name(s) listed below. **Unless specifically stated, the street name suffix (es) is/ are added after receipt of the subdivision lot layout.**

PROPOSED NAME(S)	PETITIONER/ INITIATOR	LOCATION	PROPERTY OWNERS/ # of LOT(S)	COUNCIL DISTRICT
1. Marion Trap Road (f/k/a Marnan Ln)	Betty Belk, Property Owner	Off North Fire Tower Rd, Blythewood SC 29016	5 (p/o)	Joyce Dickerson (2)
2. Holly Bluffs Trail and Holly Bluffs Subdivision (f/k/a Summers Trace Drive and Summers Trace Subdivision)	Judy Bessinger	Off Blythewood Rd, Blythewood SC 29016	30 (lots)	Joyce Dickerson (2)



Planning & Development Services Department

2020 Hampton Street, 1st Floor • Columbia, South Carolina 29204-1002
 Post Office Box 192 • Columbia, South Carolina 29202-0192

TO: Planning Commission Members; Interested Parties
FROM: Alfreda W. Tindal, E9-1-1 Addressing Coordinator Specialist
DATE: February 18, 2011
SUBJECT: Street Name(s) Approval

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

The proposed street/road/subdivision name(s) listed below has/ have been reviewed and meet(s) the Enhanced 9-1-1 emergency road/subdivision naming requirements.

Action Requested

The Addressing Coordinator Specialist recommends the Commission give **final** approval of the road name(s) listed below. **Unless specifically stated, the street name suffix (es) is/ are added after receipt of the subdivision lot layout.**

PROPOSED NAMES	PETITIONER/ INITIATOR	LOCATION	PROPERTY OWNERS/ LOT(S)	COUNCIL DISTRICT
1. Pepperbush Ct	Jeremy Lechner	Three Dog Road Tract SD Off Three Dog Road	52 Lots	Bill Malinowski (1)
2. Indigo Hills Dr 3. Indian Grass Dr 4. Featherfoil Ct	↓	↓	↓	↓



**Richland County
Planning & Development Services Department**

Map Amendment Staff Report

PC MEETING DATE: March 7, 2011
RC PROJECT: 11-03 MA
APPLICANT: Ram'on O Wideman
PROPERTY OWNER: Ridgewood Missionary Baptist Church

LOCATION: 5324 Ridgeway St

TAX MAP NUMBER: 09310-05-17, 18,19,21,22
ACREAGE: 1.38 acres
EXISTING ZONING: RM-MD
PROPOSED ZONING: OI

PC SIGN POSTING: February 18, 2011

Staff Recommendation

Approval

Background /Zoning History

The subject properties were zoned Residential Multifamily Medium Density District (RM-MD) on September 7, 1977.

A special exception for the construction of a community center and daycare facility in a Residential Multifamily Medium Density District (RM-MD) was approved for parcels R09310-07-03, 04, 05,12, and 13 under 03-46SE (February 5, 2003).

The parcels contain three hundred (300) feet of frontage along Ridgeway Street.

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.

- The gross density for this site is approximately: 22 dwelling units
- The net density for this site is approximately: 15 dwelling units

Direction	Existing Zoning	Use
North:	RM-MD, RM-MD	Undeveloped, Undeveloped
South:	RM-MD	Residence
East:	RM-MD, RM-MD	Ridgewood park, Undeveloped parcel
West:	RM-MD, GC	Community Center and Sanctuary

Plans & Policies

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

Beltway Area

Objective: Commercial/Office activities should be located at traffic junctions (intersections of arterial roads), along arterial roads, or in areas where existing commercial and office uses are located.

Compliance: There is a Community Center and Church Sanctuary to the west of the subject parcel.

Traffic Impact

The 2009 SCDOT traffic count (Station # 247) located north of the subject parcel on Monticello Road identifies 10,500 Average Daily Trips (ADT’s). Monticello Road is classified as a four lane undivided Principal Arterial, maintained by SCDOT with a design capacity of 29,200 ADT’s. Monticello Road is currently operating at Level of Service (LOS) “A”.

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

Conclusion

The proposed map amendment is compatible with the Comprehensive Plan. The five subject parcels are a combined 1.38 acres. The northern subject parcel is the location of the Historic Holloway House. North of the Holloway house parcel are two undeveloped Residential Multifamily Medium Density District (RM-MD) parcels. The parcel south of the subject parcels is a single family residence. West of the subject parcels is a community center and sanctuary that are part of Ridgewood Baptist Church. The sanctuary and a portion of the community center to the northwest is zoned General Commercial District (GC). A portion of the community center and parking lot to the west of the subject parcels is zoned Residential Multifamily Medium Density Districts (RM-MD). East of the subject parcels is two Residential Multifamily Medium Density District (RM-MD) zoned parcels. The parcels include Ridgewood Park and an undeveloped parcel.

The subject parcels are part of the Ridgewood Community Revitalization Master Plan completed in August 2004 by the Community Development Department. The Ridgewood Community Revitalization Master Plan analyzed the existing conditions and identified measures to help improve the community. These recommendations include seeking alternative funding sources, increasing home ownership, adding community signage, and installing additional street lighting. Planning and Community Development staff reviewed the master plan and the rezoning request is consistent with the Ridgewood Community Master Plan.

The subject parcels are within School District One’s boundaries. Eau Claire High School is located two thousand three hundred and forty seven feet (2,347) south of the subject parcels.

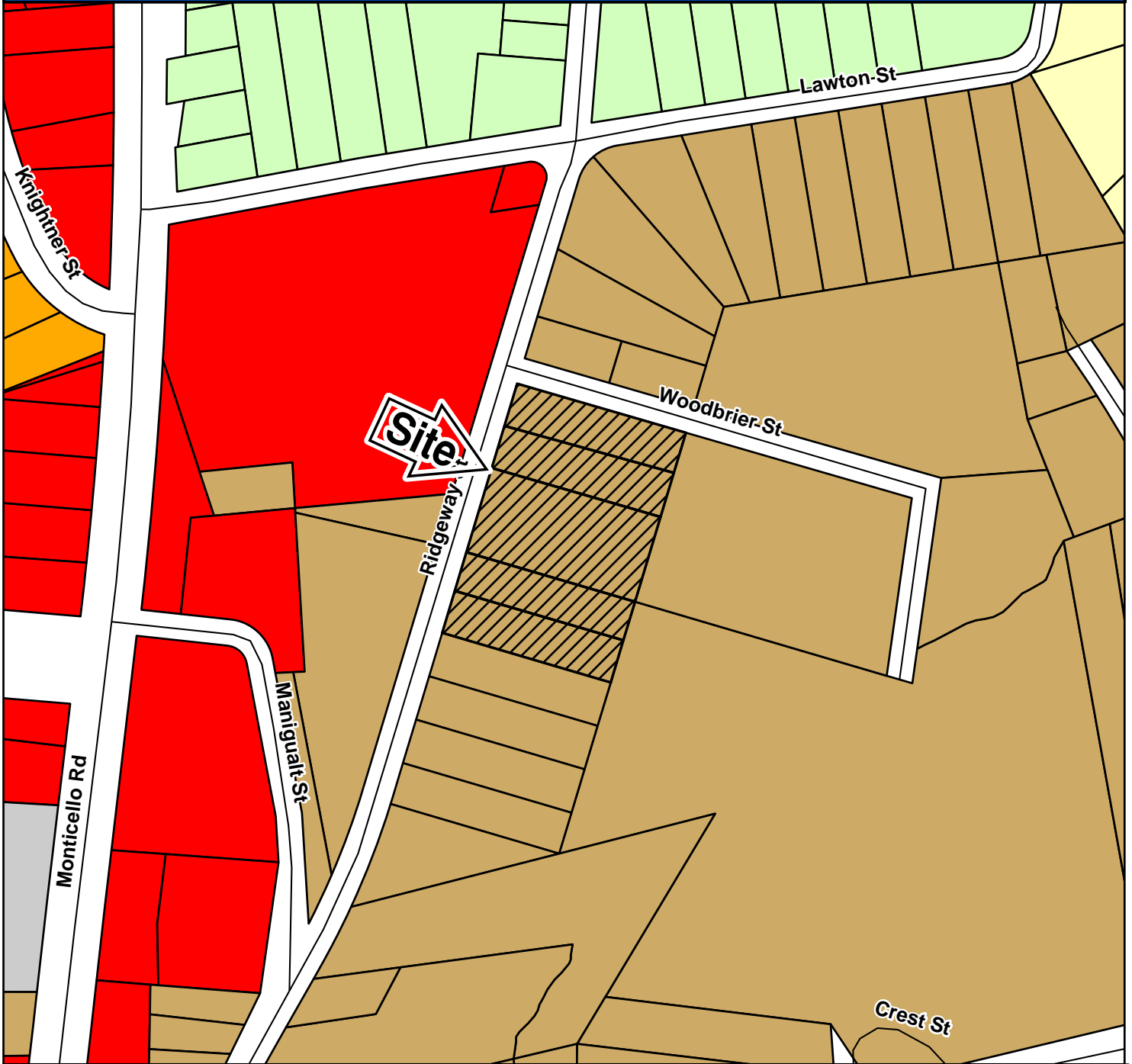
The Eau Claire fire station (number 13) is located one mile south of the subject parcel on North Main Street. Three fire hydrants are located along the west side of Ridgeway Street. The proposed map amendment would not negatively impact public services or traffic. Water and sewer is provided by the City of Columbia.

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






















Zoning Public Hearing Date

March 22, 2011

Case 11-03 MA RM-MD to OI

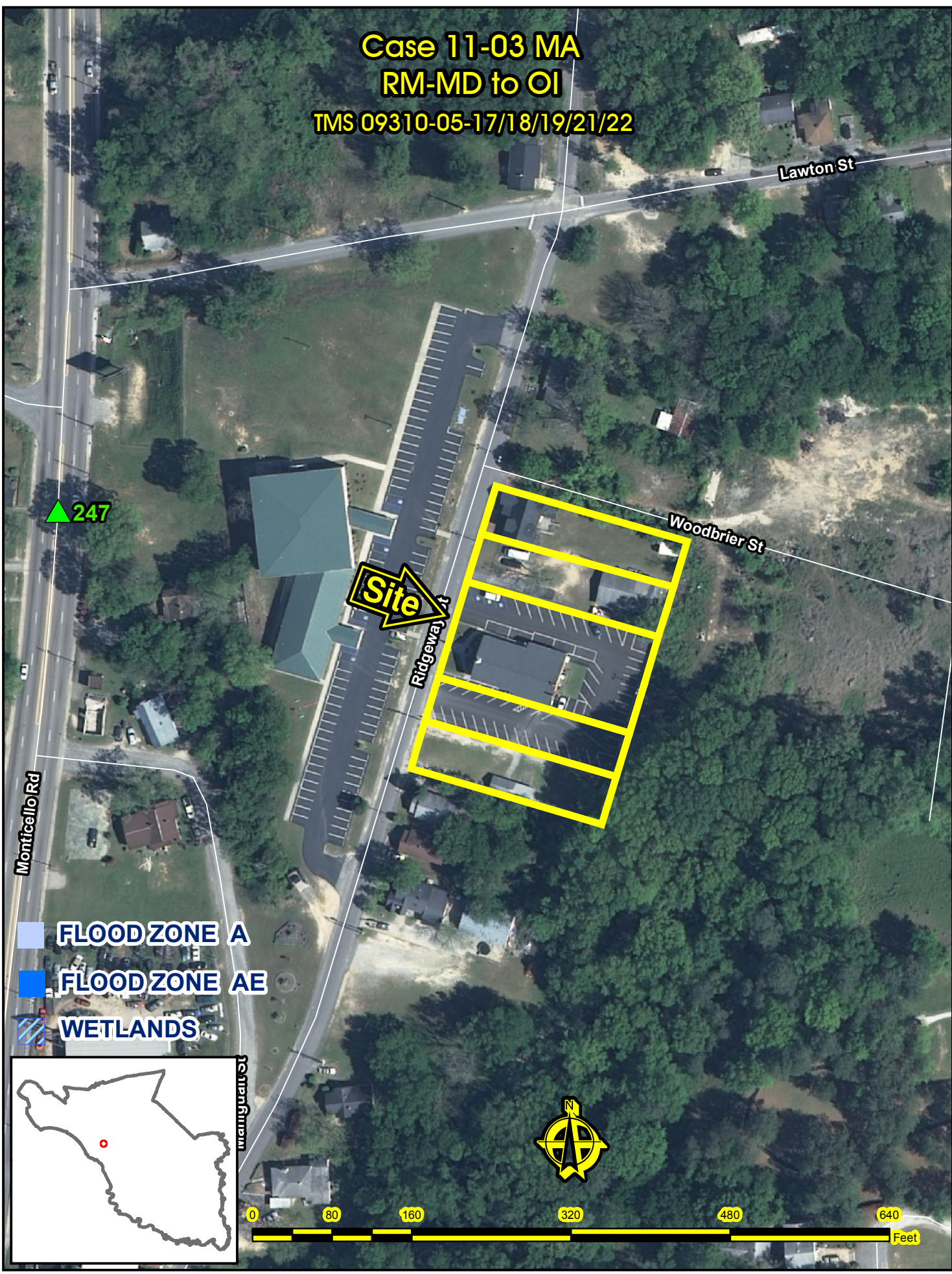


ZONING CLASSIFICATIONS

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



Case 11-03 MA
RM-MD to OI
TMS 09310-05-17/18/19/21/22



▲ 247

Lawton St

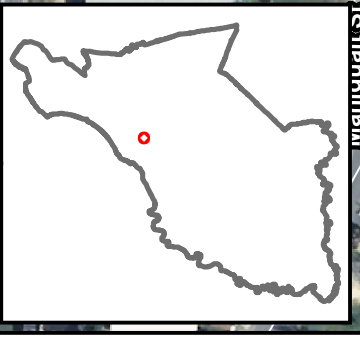
Woodbrier St

Site

Ridgeway St

Monticello Rd

- FLOOD ZONE A**
- FLOOD ZONE AE**
- WETLANDS**



0 80 160 320 480 640 Feet

CASE 11-03 MA

From RM-MD to OI

TMS# 09310-05-17,18,19,21,22

Ridgeway Street





**Richland County
Planning & Development Services Department**

Map Amendment Staff Report

PC MEETING DATE: March 7, 2011
RC PROJECT: 11-04 MA
APPLICANT: Elias Dib
PROPERTY OWNER: Elias Dib

LOCATION: Hardscrabble Road and Summer Valley Drive

TAX MAP NUMBER: 17216-10-22(P)
ACREAGE: 1.29 acres
EXISTING ZONING: OI
PROPOSED ZONING: NC

PC SIGN POSTING: February 18, 2011

Staff Recommendation

Approval

Background /Zoning History

The current zoning, Office and Institutional District (OI) reflects the zoning as adopted March 21, 2000. Prior to the March 21, 2000 rezoning, the property was zoned Residential Single-family Medium Density District (RS-MD) and Light Industrial District (M-1).

In 2000, a map amendment request (99-59MA) was submitted to the Planning Commission. On March 21, 2000 County Council approved the rezoning request from Residential Single-family Medium Density District (RS-MD) and Light Industrial District (M-1) to Office and Institutional District (OI) under Ordinance Number 010-00HR.

The parcel contains two hundred and fifty (250) feet of frontage along Hardscrabble Road and three hundred and twelve (312) feet of frontage along Summer Valley Drive.

Summary

The Neighborhood Commercial District (NC) is intended to accommodate commercial and service uses oriented primarily to serving the needs of persons who live or work in nearby areas. This district is designed to be located within or adjacent to residential neighborhoods where large commercial uses are inappropriate, but where small neighborhood oriented business are useful and desired.

New structures in the Neighborhood Commercial District (NC) shall have a building footprint of not more than 6,000 square feet. The gross floor area of new structures shall not exceed 12,000 square feet. Existing structures shall not be expanded to exceed a footprint or gross floor area of 12,000 square feet.

Minimum lot area: no minimum lot area requirement except as required by DHEC. Maximum density: no more than eight (8) units per acre.

- The gross density for this site is approximately: 10 dwelling units
- The net density for this site is approximately: 7 dwelling units

Direction	Existing Zoning	Use
<u>North:</u>	M-1, GC	Undeveloped, Automotive garage
<u>South:</u>	RS-MD	Undeveloped
<u>East:</u>	RS-MD	Undeveloped
<u>West:</u>	RS-MD	Residential

Plans & Policies

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

Northeast Area

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

Compliance: The subject parcel is contiguous to commercial uses to the north. The parcel is at the front of a residential development and does not encroach upon the single family residents.

Traffic Impact

The 2009 SCDOT traffic count (Station # 438) located south of the subject parcel on Hardscrabble Road identifies 19,900 Average Daily Trips (ADT’s). Hardscrabble Road is classified as a two lane undivided Minor Arterial, maintained by SCDOT with a design capacity of 10,800 ADT’s. Hardscrabble Road is currently operating at Level of Service (LOS) “F”.

This section of Hardscrabble Road beginning at the intersection of Farrow Road and ending at the intersection of Clemson Road has been identified for road widening from two lanes to five lanes. The project is programmed 5th in the Long Range Transportation Plan. The programmed improvements include road widening and right of way acquisition. The preliminary engineering and design phase for the project is currently underway. Funding for the right of way acquisition and road widening has not been identified at this time.

Conclusion

The proposed map amendment is compatible with the Comprehensive Plan. The subject parcel is currently zoned Office and Institutional District (OI) which allows for a number of office and institutional uses. The proposed Neighborhood Commercial District (NC) would allow for uses such as Convenience stores (with or without gas pumps), Florist, Martial Arts Instructional Schools, Restaurants (dine in and carry out), Physical Fitness Centers, and Medical/Healthcare offices. The zoning district is designed to be located within or adjacent to residential neighborhoods. The subject parcel is located at the front of the Summer Valley subdivision. The Office and Institutional District parcel to the east of the subject parcel would act as a transition area between the Neighborhood Commercial District (NC) and the Residential Single-family Medium Density District (RS-MD) parcels further to the east.

The Residential Single-family Medium Density Districts (RS-MD) to the west of the subject parcel contains residences. The General Commercial District (GC) north of the subject parcel contains an automotive garage and the Light Industrial District (M-1) to the north is undeveloped. South of the subject parcel is zoned Residential Single-family Medium Density District (RS-MD) and is undeveloped. East of the subject parcel on Summer Valley Drive is undeveloped and zoned Office and Institutional District (OI). There are commercial uses both east and west of the site along Hardscrabble Road.

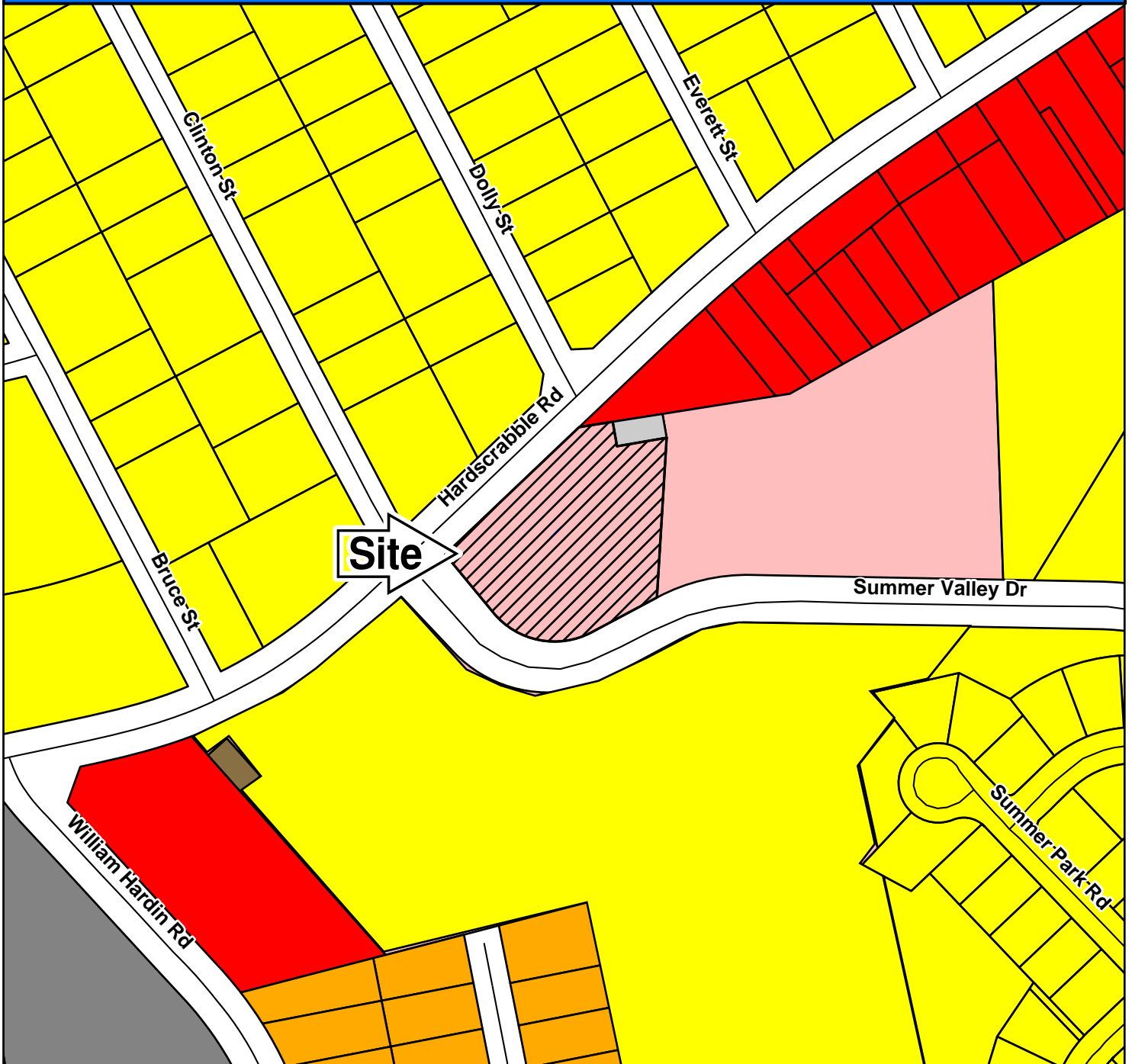
The Killian fire station (number 27) is located 1.42 miles north of the subject parcel on Farrow Road. There is a fire hydrant located at the intersection of Hardscrabble Road and Summer Valley Drive and one south of the parcel on Summer Valley. The proposed map amendment would not negatively impact public services or traffic. Water is provided by the City of Columbia and sewer is provided by East Richland County Public Service District.

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

Zoning Public Hearing Date

March 22, 2011

Case 11-04 MA OI to NC

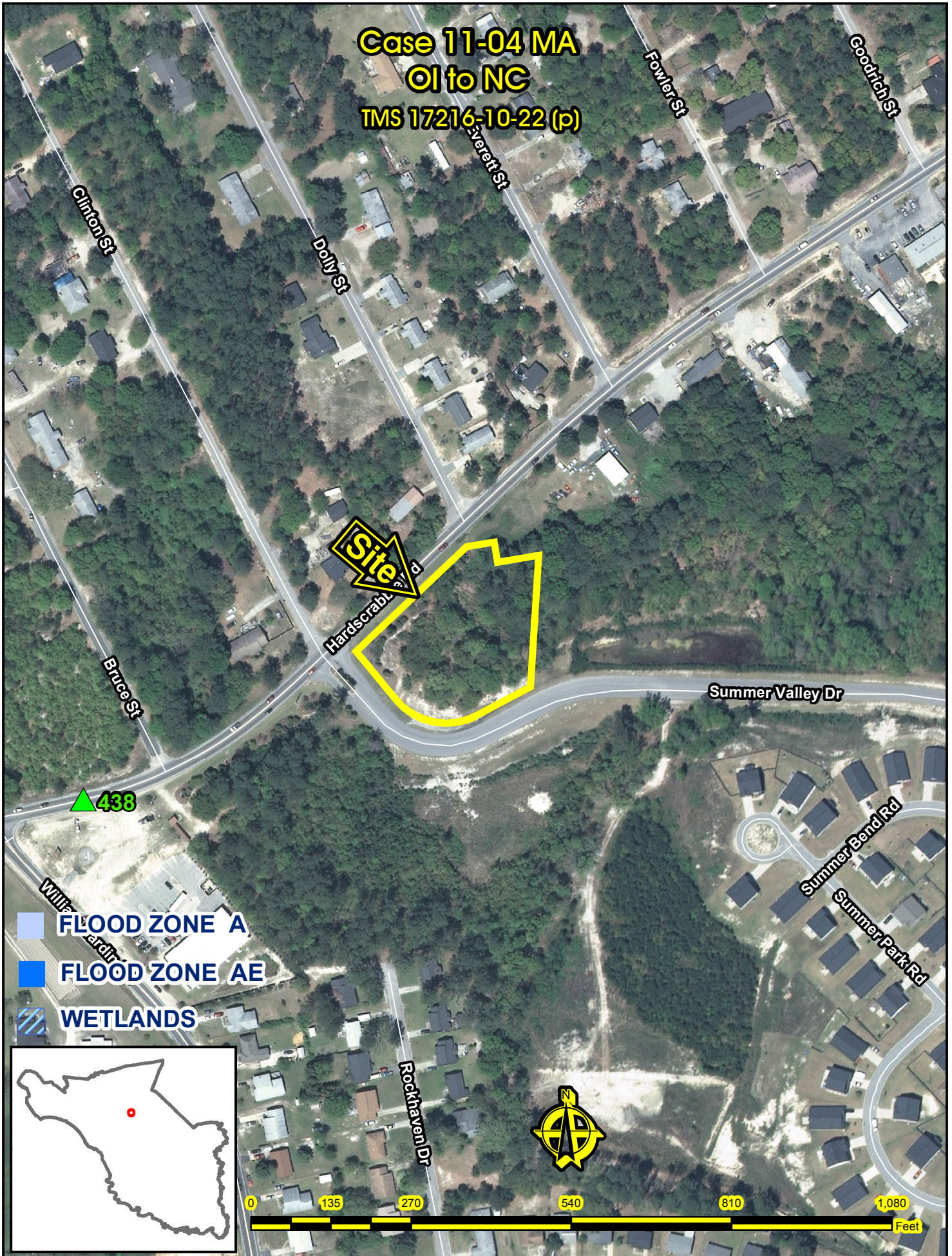


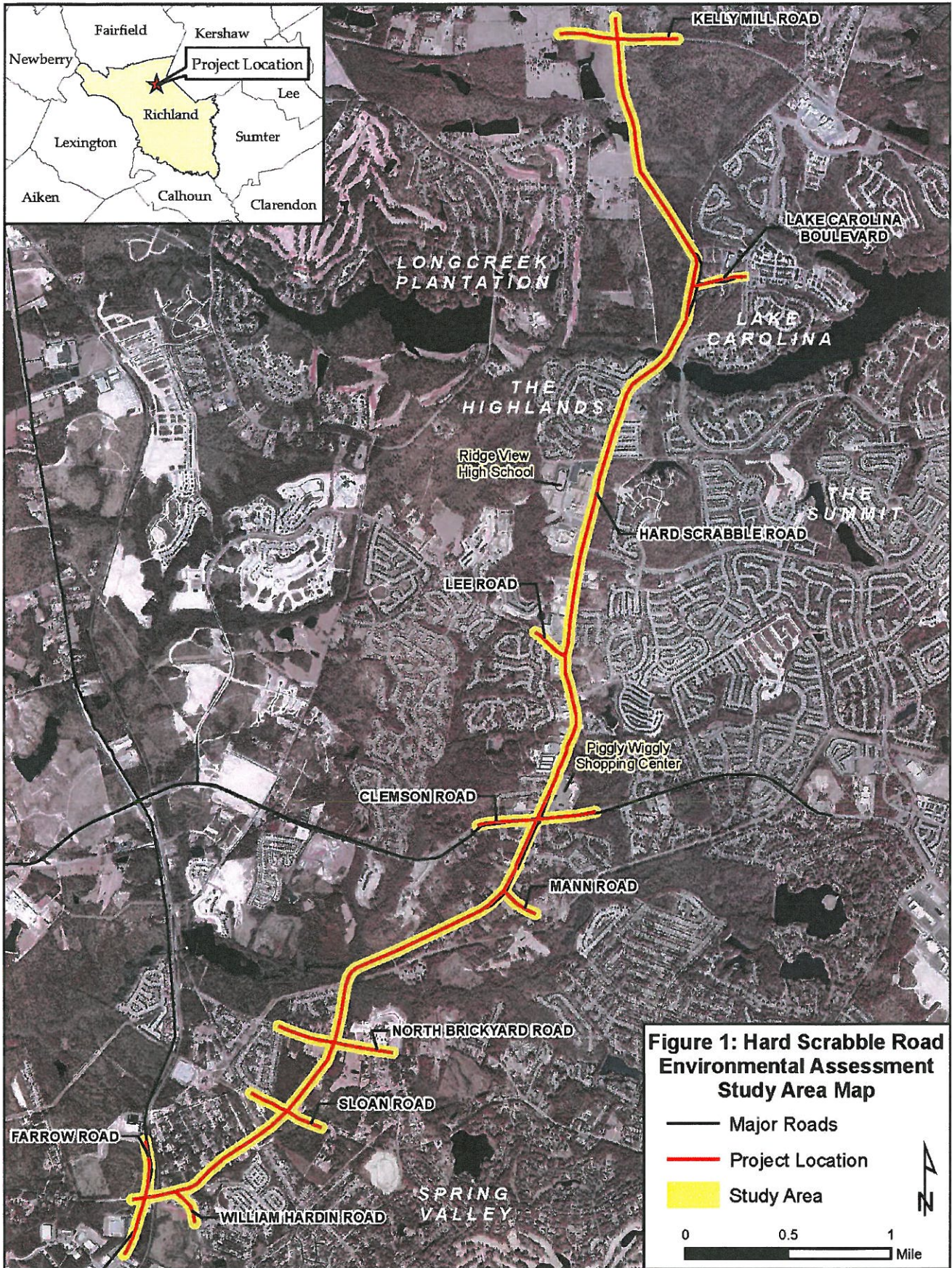
ZONING CLASSIFICATIONS

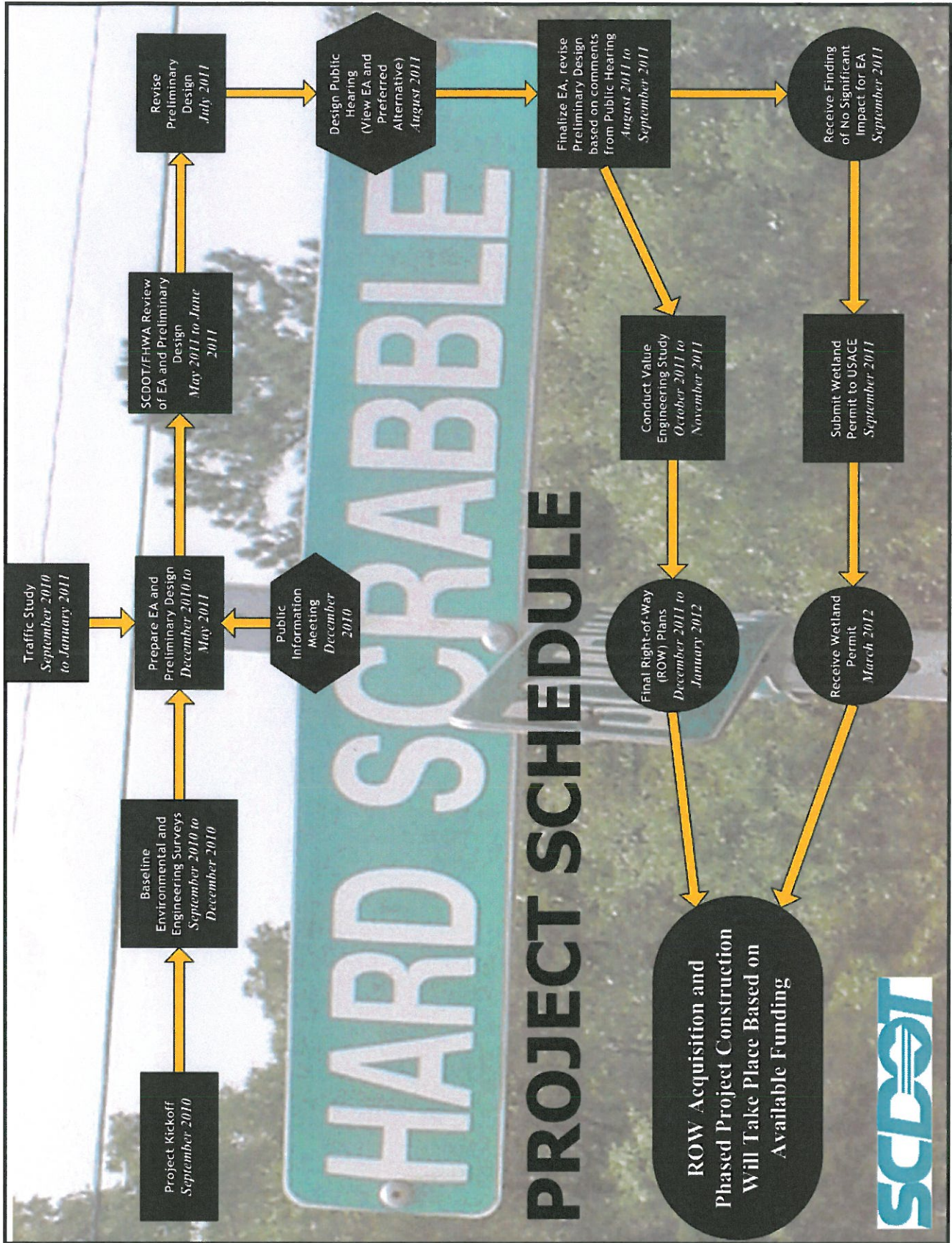
RR	RS-E	MH	NC	LI	TROS
C-1	RS-LD	RM-MD	GC	HI	Subject Property
C-3	RS-MD	RM-HD	RC	PDD	
RG-2	RS-HD	OI	M-1	RU	



**Case 11-04 MA
OI to NC
TMS 17216-10-22 (p)**





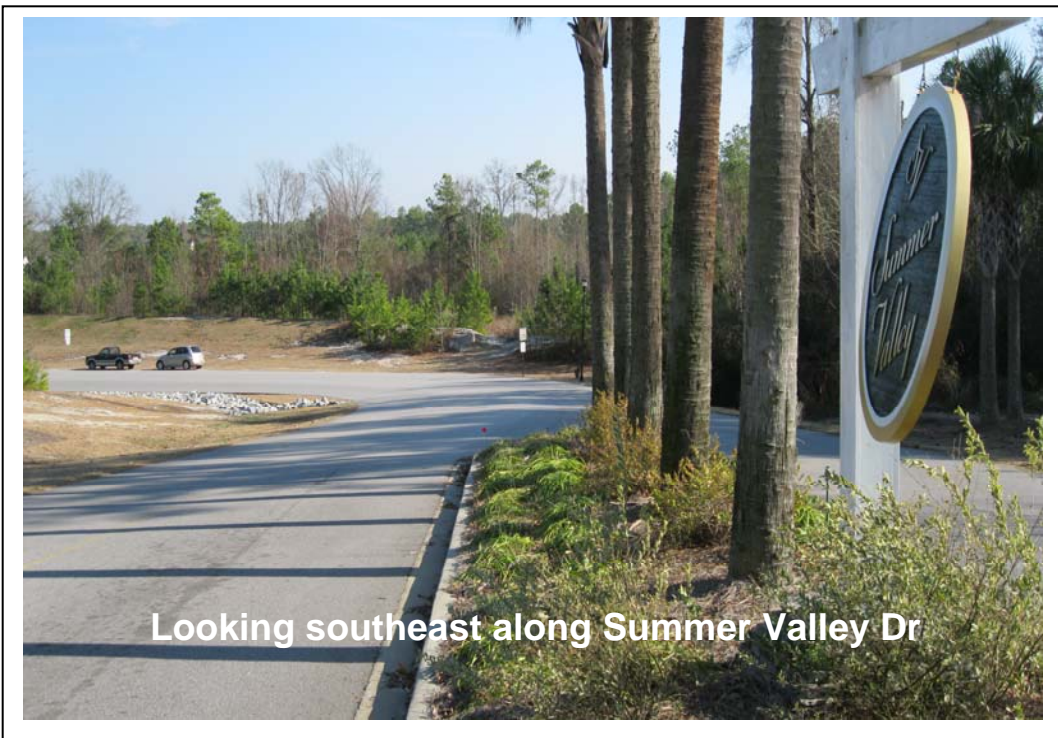


CASE 11-04 MA

From OI to NC

TMS# 17216-10-22(P)

Hardscrabble Rd & Summer Valley Dr



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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE AND PERFORMANCE STANDARDS; SECTION 26-185, TEMPORARY AND ACCESSORY USES; SUBSECTION (B), ACCESSORY USES AND STRUCTURES (CUSTOMARY); PARAGRAPH (1), GENERAL STANDARDS AND LIMITATIONS; SUBPARAGRAPH (D); SO AS TO PROVIDE SIZE RESTRICTIONS FOR ACCESSORY STRUCTURES IN THE RU (RURAL) 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 VII, General Development, Site and Performance Standards; Section 26-185, Temporary and Accessory Uses; Subsection (b), Accessory Uses and Structures (Customary); Paragraph (1), General Standards and Limitations; Subparagraph d., Size Restrictions; is hereby amended to read as follows:

d. *Size restrictions.*

1. Accessory structures in residential districts shall not exceed a maximum total area of fifty percent (50%) of the gross floor area of the principal building or one thousand two hundred (1,200) square feet, whichever is greater, and shall not cover more than thirty percent (30%) of the yard. Provided, however, accessory structures on lots that are two (2) acres in size or greater in the RU Rural district shall not exceed a maximum total area of fifty percent (50%) of the gross floor area of the principal building or twenty five hundred (2,500) square feet.
2. There are no size restrictions for accessory structures that are associated with commercial uses in the RU district.

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. Effective Date. This ordinance shall be enforced from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2011.

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: February 22, 2011 (tentative)
First Reading: February 22, 2011 (tentative)
Second Reading:
Third Reading:

MEMORANDUM

TO: Richland County Council Members

FROM: Amelia R. Linder, Esq.

DATE: February 7, 2011

RE: Text Amendment (Ordinance to permit the subdivision of property to family members)

On February 7, 2011, the Richland County Planning Commission discussed the above-referenced ordinance and unanimously recommended DENIAL on a vote of 8-0. Their concerns included the following:

1. There will be difficulty in enforcing this ordinance. (The subdivision of property is limited to family members and staff would have difficulty verifying legal proof of family relationships and whether or not a future grantee is actually a family member).
2. The draft ordinance should only apply in the (RU) rural zoning district.
3. There is a lack of clarification as to why this ordinance only applies to family members and not to the public at large, since the effect of the subdivision (and subsequent burden to the county) would remain the same.
4. There is a lack of clarification as to why the subdivision is limited to 7 lots. There was a concern that this number was arbitrary.
5. There should be clarification that only conveyances that are made without the exchange of money be allowed (i.e. the grantor should not make a profit on transferring his/her land).
6. The Commission felt that this ordinance would not be improving the quality of life within communities and would decrease land values in specific areas.

The Planning Commission recommended denial of the ordinance as presented, and the consensus of the members present was to have the opportunity to draft their own ordinance and bring it before County Council for consideration.

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SECTION 26-224, DIVISION OF REAL PROPERTY TO HEIRS OF A DECEDENT; SO AS TO PERMIT THE SUBDIVISION OF PROPERTY TO FAMILY MEMBERS.

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 X, Subdivision Regulations; Section 26-224, Division of Real Property to Heirs of a Decedent; is hereby amended to read as follows:

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

- (a) ~~*Purpose.* Real property held by a deceased person is frequently devised to other family members, and a probate estate is opened. Probate judges will oversee the division of all property of the deceased, including real property. However, probate judges sometimes see the heirs' difficulty in transferring real property of the deceased due to the county's land development regulations, especially as they apply to subdivisions and the need to construct paved roads and install sidewalks. The purpose of this section is to ease the burden of Richland County citizens and to reduce the expenses that heirs may be required to expend in settling the deceased's estate. It also provides a means for real property to be subdivided and transferred to heirs of deceased property owners.~~
- (b) ~~*Applicability.* The provisions of this section shall apply to all zoning districts.~~
- (c) ~~*Special requirements for private road subdivisions.*~~
- (1) ~~*Review.* Subdivision of heir property is subject to the minor subdivision review procedure found at Sec. 26-54(e)(2). All Planning Department subdivision plan review fees shall be waived; provided, however, all fees charged by DHEC (and collected by the Richland County Public Works Department) shall be paid by the applicant.~~
- (2) ~~*Roads.* Roads in subdivisions of heir property shall be exempt from the road paving requirements of Sec. 26-181 of this chapter, but shall not be exempt from any other road design requirement. Roads in subdivisions of heir property shall not be eligible or accepted for county maintenance, which is otherwise provided pursuant to Section 21-5 of the Richland County Code of Ordinances, until they meet the road construction standards provided in Chapter 21 of the Richland County Code. The roadway shall have a minimum right of way width of sixty six (66) feet and minimum twenty (20)~~

~~foot wide passable surface, which meets the standards established and set forth by the county engineer. The subdivision documents shall include a conspicuous statement stating that improvements to the roadway without the approval of the county engineer are prohibited.~~

~~(3) — Sidewalks. Subdivisions of heir property shall be exempt from the sidewalk requirements of Sec. 26-179 of this chapter.~~

~~(4) — Size of lots. Any and all lots created in a subdivision of heir property shall conform to the zoning district's requirements.~~

~~(5) — Number of dwelling units. Only one (1) dwelling unit shall be permitted on each lot.~~

~~(6) — E-911 requirements. The road, and each lot, shall conform to the county's E-911 system addressing and posting requirements.~~

~~(d) — Legal documents required. An applicant for a subdivision of heir property shall submit:~~

~~(1) — A copy of the certificate of appointment from the probate court.~~

~~(2) — A copy of the probate court's order that divides the property amongst the heirs, if there is one.~~

~~(3) — A copy of the will, if there is one.~~

~~(4) — The necessary legal documents that:~~

~~a. — Clearly provide permanent access to each lot.~~

~~b. — State that the county shall not be responsible for either construction or routine (i.e. recurring) maintenance of the private road.~~

~~c. — Clearly state that the parcels created by this process shall not be divided again, except in full compliance with all regulations in effect at the time.~~

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

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

Sec. 26-224. Private driveway subdivisions.

(a) *Purpose.*

- (1) It is the intent and purpose of this section to furnish a means of subdividing property in the county without incurring the costs associated with major subdivisions. For the purposes of this section, family members are defined as the grantor, his or her spouse, parents, grandparents, great-grandparents, brothers, sisters, children, grandchildren, and great-grandchildren of either the grantor or the spouse of the grantor.
- (2) Notwithstanding any of the provisions of this section, a private driveway subdivision road will be accepted in to the county road system, provided the road meets all applicable standards as set forth in Chapter 21, “Roads, Highways and Bridges”, of the Code of Ordinances for Richland County.
- (3) Subdivision of land meeting the intent and purpose of this section is exempt from the road access and paving requirements of this Chapter, but is not exempt from the road design requirements to permit acceptable ingress and egress of emergency vehicles.

(b) *Approval procedure.*

- (1) The applicant shall submit a sketch plan for review by the staff of the planning department prior to expenditure of major funds. The applicant must certify that the conveyance shall be to family members only.
- (2) If the sketch plan meets the requirements of this section, it may be scheduled for the next meeting of the development review team for conceptual approval. If conceptual approval is given, the applicant shall comply with all conditions listed in subsection (c), below.
- (3) Once the conditions listed in subsection (c) are satisfied, the restrictive covenants and plat shall be submitted to the staff of the planning department. The development review team shall review and approve, disapprove, or approve with modifications, the restrictive covenants and plat at the meeting in which it is presented. Review and approval of the restrictive covenants is limited to the purpose of assuring compliance with the requirements of this section. If the restrictive covenants and plat are approved, the staff of the planning department shall collect from the owner the necessary recording fees and shall promptly record the plat and restrictive covenants for the owner.

(c) *Conditions for approval.*

- (1) An owner of land may subdivide a tract of land pursuant to this section provided that no more than seven (7) lots result from the subdivision, and each lot has a minimum size of one (1) acre, exclusive of the private driveway. After recording a final subdivision plat under the provisions of this section, subdivision of the remaining tract of land into smaller parcels

shall not be permitted except in full compliance with the provisions of all land development regulations.

(2) *Restrictive covenants.* Prior to the transfer of any interest in land and/or the recording of any deed or plat subdividing the property, the owner shall submit to the planning department a properly executed set of restrictive covenants covering the tract to be subdivided. These restrictive covenants shall be in a form acceptable to the county attorney and shall provide at a minimum:

a. A privately maintained driveway, which has an acceptable all-weather surface as determined by the county engineer and approved by the development review team, having a minimum access width of fifty (50) feet, an approved encroachment to a public road, and which provides access to all lots and shall be established by one (1) of the following methods:

1. Cross easements in favor of each lot owner fronting on the driveway containing a provision for common maintenance of the driveway with fee simple owned by each lot owner.

2. Conveyance of an undivided interest of each lot owner fronting on the driveway, the numerator of which is one (1) and the denominator of which is the number of lots fronting on the driveway, together with a provision for cross easements and for maintenance of the driveway by all lot owners. Said driveway shall be jointly owned and maintained by all property owners abutting the driveway. Such private driveway shall comply with any lending requirements of FHA and VA.

b. Provision shall be made for maintenance of the private driveway in perpetuity by the property owners abutting the driveway. All lot owners shall be jointly and severally financially required to maintain the driveway, said obligation to be enforceable by the filing of a lien by the remaining property owners against the property of a defaulting owner. The following statement in capital letters shall be conspicuously displayed in the restrictive covenants:

THE PRIVATE DRIVEWAY PROVIDING ACCESS TO LOTS IN THIS DEVELOPMENT IS NOT AND WILL NOT BE MAINTAINED BY RICHLAND COUNTY. OWNERS OF LOTS IN THIS DEVELOPMENT ARE FINANCIALLY OBLIGATED TO MAINTAIN THIS DRIVEWAY IN PERPETUITY FOR THE

BENEFIT OF ALL PROPERTY OWNERS IN THE DEVELOPMENT.

- c. The requirements of subsection (c)(2)a. may be modified at the discretion of the county engineer, subject to the following:
 - 1. The all-weather surface driveway may be omitted upon showing undue hardship and a plat showing a maximum of four (4) lots.
 - 2. A restriction limiting the total number of dwellings to five (5) overall.
 - 3. A cleared, passable surface of a minimum of twenty-four (24) feet is maintained.
- d. The restrictive covenants shall require that any deed or document conveying any interest in a lot in the subdivision shall conspicuously contain the following language with an appropriate space for signature by the grantee or grantees acknowledging same:

THE REAL PROPERTY DESCRIBED IN THIS DEED IS SUBJECT TO RESTRICTIVE COVENANTS RECORDED IN DEED BOOK ____ AT PAGE ____. THESE RESTRICTIVE COVENANTS PROVIDE, AMONG OTHER THINGS, A FINANCIAL OBLIGATION TO MAINTAIN A PRIVATE DRIVEWAY. THESE RESTRICTIVE COVENANTS ARE SPECIFICALLY ACKNOWLEDGED BY THE GRANTEE(S).

GRANTEE(S)

- (3) *Plat.* A plat of the development shall be prepared by a licensed surveyor. This plat shall, at a minimum, show the borders of all lots resulting from the proposed subdivision, the size and acreage of each lot exclusive of the access driveway, the frontage of the overall tract on public roads and streets, and the locations and dimensions of the privately maintained access driveway. The following statement must be conspicuously shown on the plat in capital letters:

THE PRIVATE DRIVEWAY PROVIDING ACCESS TO LOTS (INSERT THE LOT NUMBERS) SHOWN HEREON IS NOT, AND WILL NOT BE, MAINTAINED BY RICHLAND COUNTY. SEE DECLARATION OF RESTRICTIVE COVENANTS RECORDED IN

DEED BOOK ____, PAGE ____, IN THE REGISTER OF DEEDS OFFICE FOR RICHLAND COUNTY, SOUTH CAROLINA.

- (4) *Road frontage.* The tract proposed to be subdivided must have frontage of no less than fifty (50) feet on a public road or street. A minimum distance of not less than two hundred (200) feet shall be required between the centerlines of such driveways.
- (5) *Sign.* The owner shall conspicuously place on the privately maintained driveway near the entrance to the development a street sign with an approved name for E9-1-1 coordination.
- (6) *Driveway improvements and drainage.* Any impermeable or semipermeable improvements to the driveway at any point shall require submission of a storm drainage plan to the public works department for review and approval by the county engineer. Submittal of a storm drainage plan under other circumstances prior to plat approval shall be at the discretion of the county engineer. In any event, the deed or any document conveying any interest in the subdivision shall conspicuously contain the following language with an appropriate space for signature(s) by the grantee(s) acknowledging same:

ALTERATION OF STORM DRAINAGE FLOW IS PROHIBITED WITHOUT A STORM DRAINAGE PLAN PREPARED IN ACCORDANCE WITH THE RICHLAND COUNTY STORM DRAINAGE REGULATIONS, AND AS REQUIRED AND APPROVED BY THE COUNTY ENGINEER.

GRANTEE(S)

The aforementioned language shall be conspicuously displayed in capital letters in the restrictive covenants and on the plat as a disclosure statement.

Secs. 26-225 – 26-250. Reserved.

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

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

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

