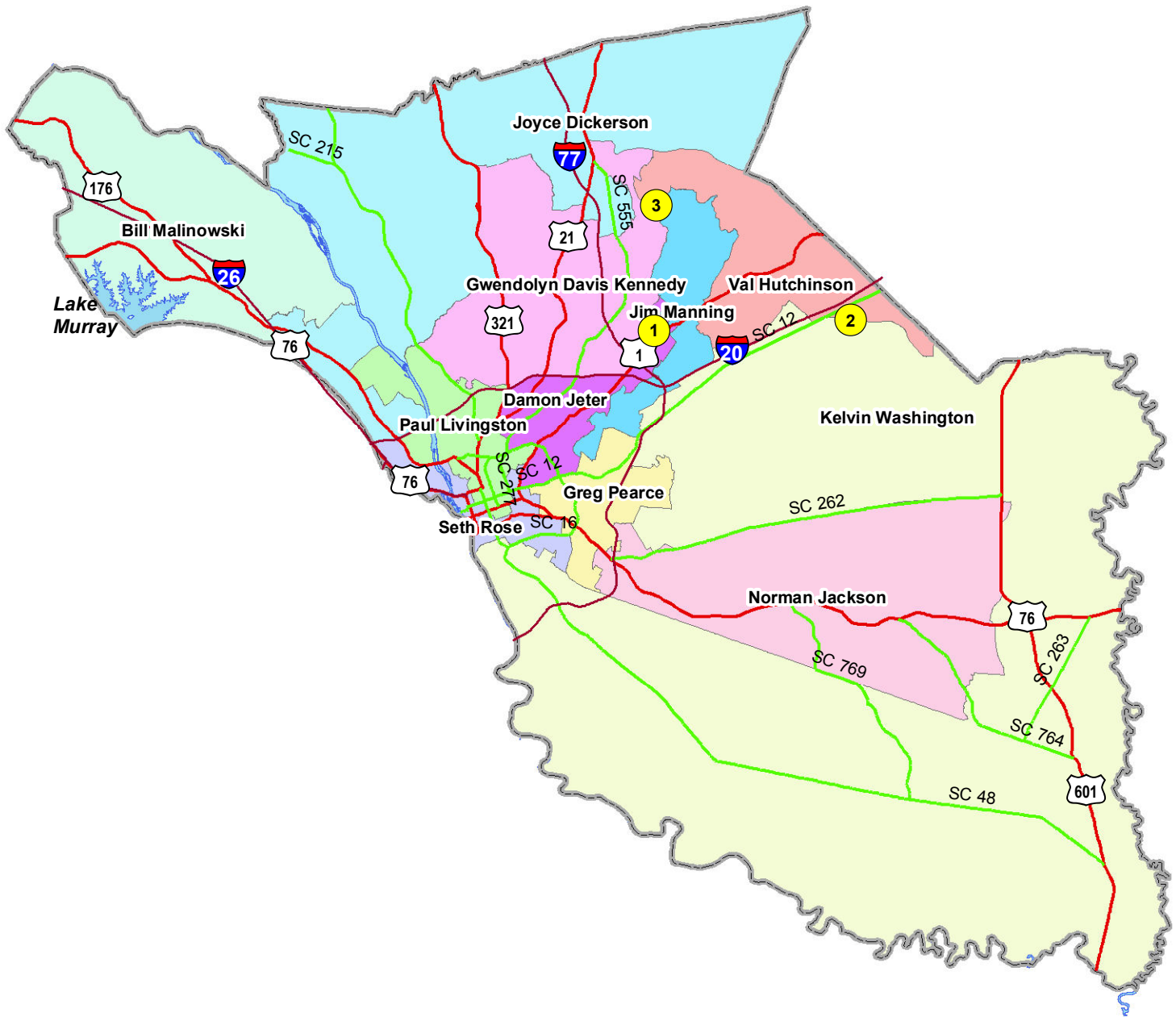


RICHLAND COUNTY
PLANNING COMMISSION



OCTOBER 1, 2012

RICHLAND COUNTY PLANNING COMMISSION OCTOBER 1, 2012



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 12-30 MA	Oliver Gospel Mission	19904-03-02	140 Flora Drive	Jeter
2. 12-32 MA	Terri Darragh	31600-02-18 (p)	Screaming Eagle Road	Hutchinson
3. 12-33 MA	Trinity Presbyterian, Inc.	20300-02-48	Longtown Road & Longtown Road East	Manning

RICHLAND COUNTY PLANNING COMMISSION

Monday, October 1, 2012
Agenda
1:00 PM
2020 Hampton Street
2nd Floor, Council Chambers

STAFF Tracy Hegler, AICP.....Planning Director
Geonard Price.....Deputy Planning Director/Zoning Administrator
Amelia R. Linder, Esq. Attorney
Holland Jay Leger, AICP..... Planning Services Manager

PUBLIC MEETING CALL TO ORDER Patrick Palmer, Chairman

PUBLIC NOTICE ANNOUNCEMENT

PRESENTATION OF MINUTES FOR APPROVAL
July & September 2012 Minutes

ADOPTION OF THE AGENDA

ROAD NAMES

MAP AMENDMENTS

1. Case # 12-30 MA
Oliver Gospel Mission
M. Kevin Garrison, Esq.
RS-MD to OI (6.82 acres)
140 Flora Dr.
TMS# 19904-03-02
Page 1

2. Case #12-32 MA
Terri Darragh
Richland County Landfill, Inc.
RU to HI (79.11 acres)
Screaming Eagle Rd.
TMS# 31600-02-18 (p)
Page 11

3. Case #12-33 MA
Trinity Presbystery, Inc.
Frank Strasburger
RU to RS-MD (10 acres)
Longtown Rd. & Longtown Rd. East
TMS# 20300-02-48
Page 19

ADMINISTRATIVE REVIEW

1. Case #12-34 AR
Samuel T. Brick
Village at Longcreek
Flycatcher Lane, Longcreek Plantation
TMS# 20401-01-03
Page 25

TEXT AMENDMENT

2. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-186, GREEN CODE STANDARDS; SO AS TO CLARIFY SAID STANDARDS.
Page 31
1. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE AND PERFORMANCE STANDARDS; SECTION 26-176, LANDSCAPING STANDARDS; SUBSECTION (J), PROTECTION OF EXISTING TREES DURING DEVELOPMENT; PARAGRAPH (3), EXEMPTION – TREE PROTECTION; SO AS TO REMOVE BUFFER AND BMP REQUIREMENTS FOR FORESTRY ACTIVITIES.
Page 45
3. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-53, LAND DEVELOPMENT PERMITS; SO AS TO CLARIFY THE PERMITTING PROCESS.
Page 47
4. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SO AS TO CLARIFY THE SUBDIVISION REVIEW AND APPROVAL PROCESS.
Page 59
5. 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; “TRANSPORTATION, INFORMATION, WAREHOUSING, WASTE MANAGEMENT, AND UTILITIES” OF TABLE 26-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SO AS TO PROHIBIT ABOVEGROUND UTILITIES FROM CROSSING PERPETUAL CONSERVATION EASEMENTS.
Page 83

OTHER BUSINESS

1. Land Disturbance Permit
2. Group homes (10 to 15; less than 5 acres) in the RU (rural district), as a special exception.
3. Annual Neighborhood Conference

ADJOURNMENT



Planning & Development Services De

2020 Hampton Street, 1st Floor • Columbia, South Carolina 29204-

Post Office Box 192 • Columbia, South Carolina 29202-0111, 2012

To: Suzie Hayes, Development Services
From: Alfreda W Tindal, Addressing Specialist
CC: Tracey Hegler, Holland Ledger, Geo Price
Date: August 24, 2012
Re: Public announcements for renaming portions of Welland Street off Heyward Brockington Road and Salem Church Road/ Old Dutch Fork Road off Dutch Fork Road

According to South Carolina State Code Sec 6-29-1200, before a street name change can be given final approval by the Planning Commission, an announcement must be placed in the local newspaper 15 days prior to the Planning Commission monthly meeting. According to the inter-office Planning calendar, the next scheduled Planning Commission meeting is October 1, 2012. . Therefore, I am sending this notice below to be included in your next advertisement package.

Public Hearing Announcements

1. The Richland County Addressing Office is requesting the Planning Commission Board to rename portions of Salem Church Road and Old Dutch Fork Road to Old Dutch Fork Road.
2. Property owner had petitioned to rename a portion of Welland Street to Eddie Mary Lane located off Heyward Brockington Road.

If you have any questions or comments, please contact Alfreda Tindal, Addressing Coordinator @ (803) 576-2147 or tindala@rcgov.us.

If you have any questions or comments, please let me know.
Thank you.

"Making the Safety of Richland County Citizens Our #1 Priority, One Address at a Time"



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: September 12, 2012

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 Tax Map Number (s)	COUNCIL DISTRICT
1. Wading Bird 2. Rockybank 3. Wing Bar 4. Chestnut Wren 5. Bay Wren 6. Nava Wren 7. Spotted Wren	Jeremy Lechner, Civil Engineering	Wren Creek & Weston Woods Subdivision	R14800-01-03, R14900-01-6, 15	Joyce Dickerson (2)
8. Fox Horn	David Winburn, Palmetto Civil Solutions	The Knolls @Fox Meadow	R20505-02-47	Val Hutchinson (9)
9. County Line Trail	Planning Dept.	F/K/A County Line Road	R28900-01-04, 06, 07,18,34, 36	Val Hutchinson (9)
10. Eddie Mary Lane	Lavelle Berry	F/K/A Welland Street (p)	R09600-01-47 thru- 58	Gwen Kennedy (7)
11. Cohn	Kevin Krick, H B Engineering	Clemson Rd Business Park	R25800-07-14	Val Hutchinson (9)



Richland County Planning & Development Services Department

Map Amendment Staff Report

PC MEETING DATE: October 1, 2012
RC PROJECT: 12-30 MA
APPLICANT: Kevin Garrison

LOCATION: Flora Drive

TAX MAP NUMBER: 19904-03-02
ACREAGE: 6.82
EXISTING ZONING: RS-MD
PROPOSED ZONING: OI

PC SIGN POSTING: September 12, 2012

Staff Recommendation

Disapproval

Background /Zoning History

The current zoning, Residential Single-family Medium Density District (RS-MD), reflects the original zoning as adopted September 7, 1977.

The parcel contains seventy six (76) feet of frontage along Flora Drive.

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: 109 dwelling units
The net density for this site is approximately: 76 dwelling units

Direction	Existing Zoning	Use
<u>North:</u>	RS-MD/RS-MD	Multifamily Residences (Pitts Apartments)/Single Family Residences (Rabon Farms)
<u>South:</u>	RS-MD	Single Family Residences (Greengate)
<u>East:</u>	RS-MD	Single Family Residences (Greengate)
<u>West:</u>	RS-MD	Single Family Residences

Plans & Policies

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

Suburban 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.

Non-Compliance: The proposed zoning would not be in compliance with the recommended objective for suburban commercial/office activities in the Comprehensive Plan. The site is not located at a traffic junction and would be surrounded by residential zoning.

Traffic Impact

The 2010 SCDOT traffic count (Station # 611) located northwest of the subject parcel on Rabon Road identifies 8,700 Average Daily Trips (ADT’s). Rabon Road is classified as a two lane undivided Collector, maintained by SCDOT with a design capacity of 8,600 ADT’s. Rabon Road is currently operating at Level of Service (LOS) “D”.

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

Conclusion

The subject parcel contains existing brick structures that are being utilized as an addiction recovery facility for homeless males (The Bethel House Ministries). Otherwise, the parcel has sidewalks and limited frontage along Flora Drive, residential vegetation, some street lighting, wooden and chain link fencing on the perimeter and a gentle slope. The immediate area is primarily characterized by residential use in all directions. North of the subject parcel is a non-conforming multi-family development (Pitts Development) and the Rabon Farms Abutting the south and east of the subject parcel is the Greengate Subdivison. Further south of the subject parcel at the intersection of Rabon Road and Flora Drive are some undeveloped and commercial uses. These uses are located on the south side of Rabon Road and include an automotive shop (Fish’s Customs), a landscaping service (Ambrosia Landscaping), and a convenience store with gas pumps (Exon Gas Station). There are two General Commercial District (GC) parcels located on the northwest and northeast corners of the intersection of Rabon Road and Flora Drive. Both sites are undeveloped.

The Office and Institutional District (OI) permits certain uses outright, such as residential, recreational, institutional, educational, civic, business and professional services, and retail trade and food services.

The subject parcel is within the boundaries of School District 2. Windsor Elementary School is located .6 miles southeast of the subject parcel on Dunbarton Road. The Jackson fire station

(number 32) is located .3 miles east of the subject parcel on Two Notch Road. There is a fire hydrant located on site as well as west of the parcel on Flora Drive. The proposed map amendment would not negatively impact public services or traffic. Water is provided by the City of Columbia and sewer service is provided by East Richland County Public Service District.

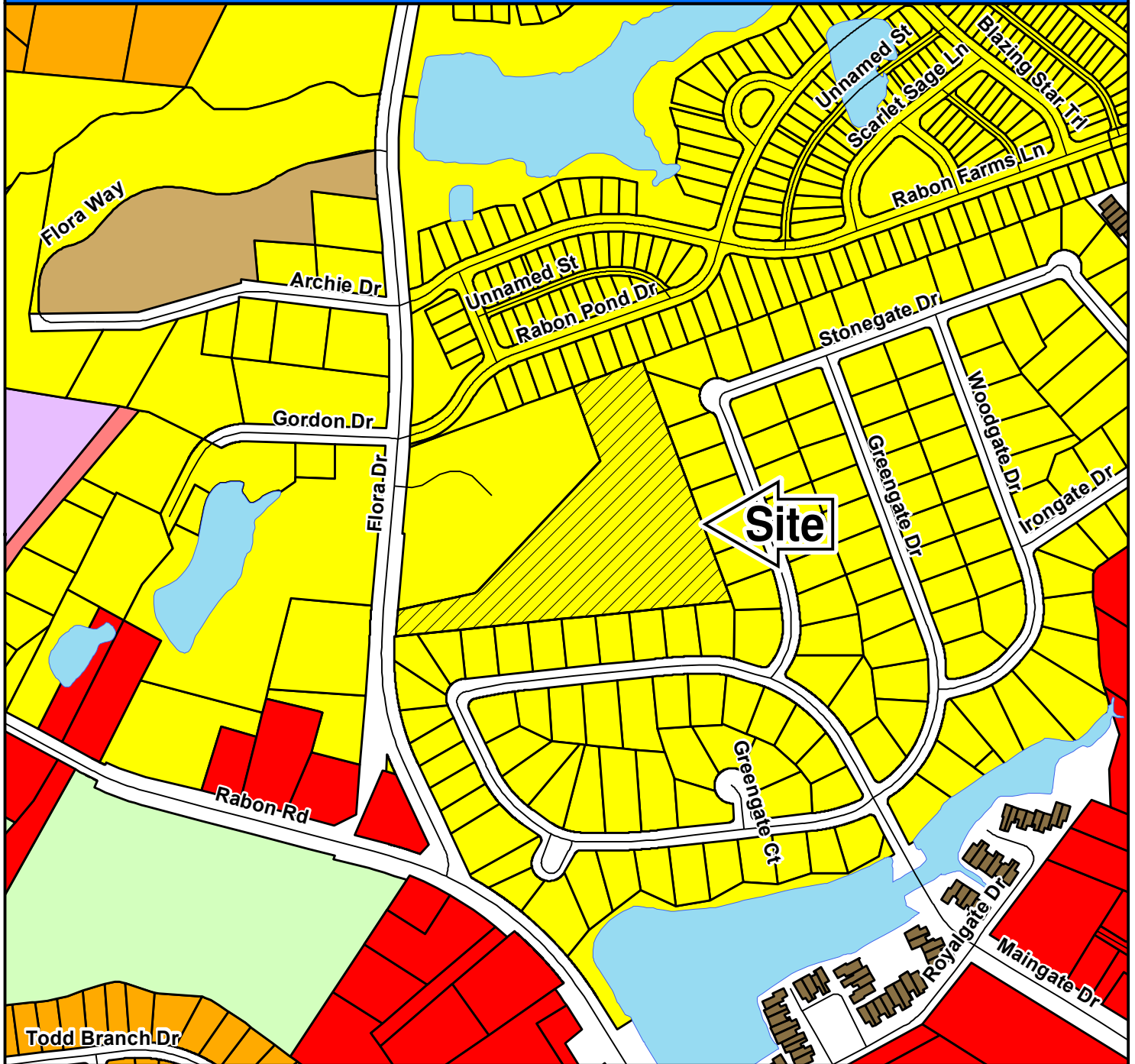
The subject parcel is contiguous to residential zoning uses on all sides. As such, any rezoning in the immediate area could have negative effects on the well-established residential community. The fact that Rabon Farms, among others, is a relatively recent development attests to continued residential development in the area. The apartments north of the subject parcel are considered non-conforming and are allowed to continue under their current status. As there exists no other non-residential zoning nearby, particularly OI zoning, rezoning this parcel could set a precedent for the rezoning of adjacent parcels and could be out of character with Rabon Farms, Greengate and other residential communities in the area. The exception is the commercial at the intersection of Flora Drive and Rabon Road. Since the parcel is surrounded by two established residential subdivisions staff is of the opinion that rezoning would encroach upon the established residential uses in the area. Based upon this rationale and the potential for negative impacts staff believes that the proposed request is not in compliance with the Comprehensive Plan and recommends **Disapproval** of this map amendment.

Zoning Public Hearing Date

October 23, 2012

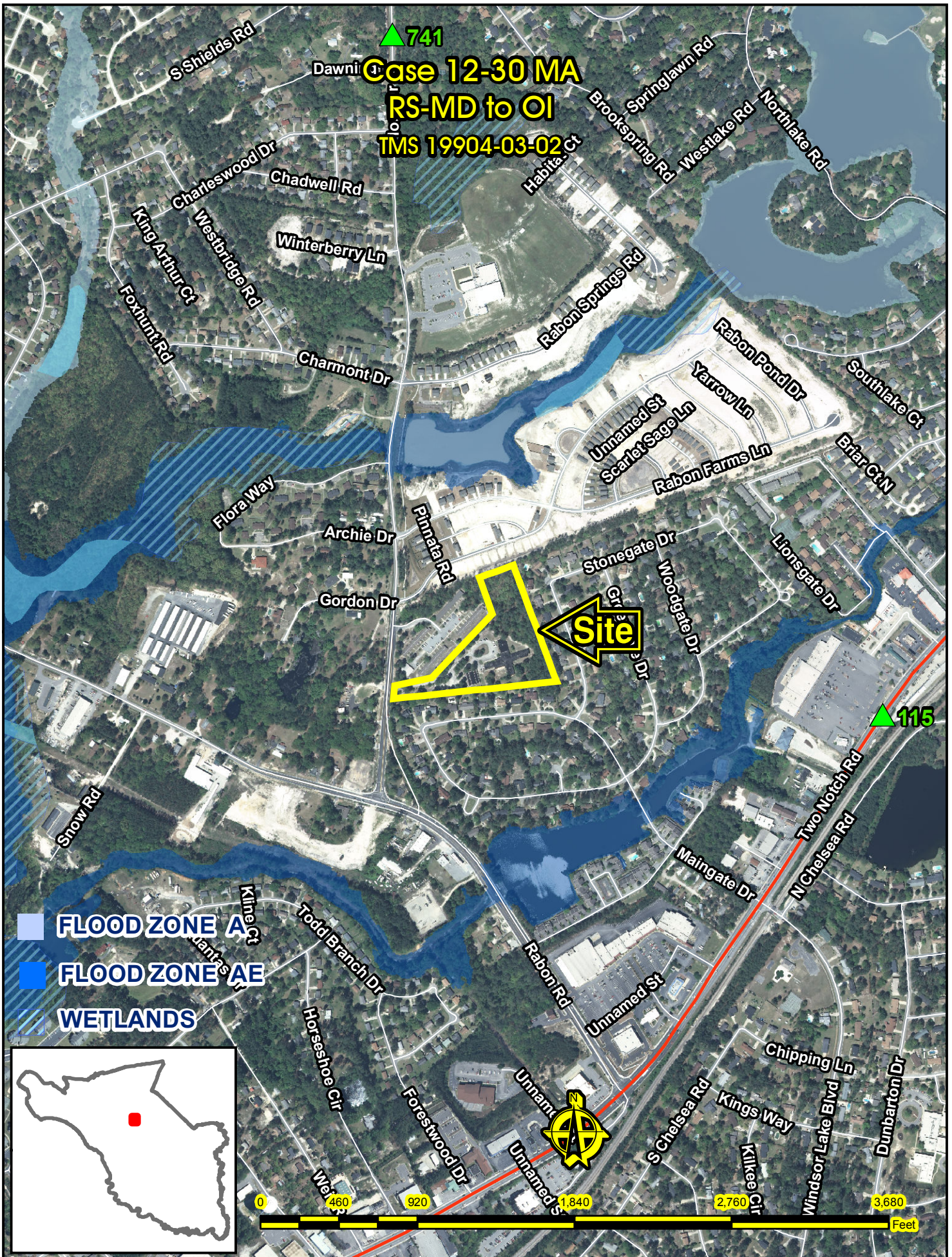
Case 12-30 MA

RS-MD to OI



ZONING CLASSIFICATIONS

CC-1	C-1	RS-E	MH	NC	LI	TROS
CC-2	C-3	RS-LD	RM-MD	GC	HI	Subject Property
CC-3	RG-2	RS-MD	RM-HD	RC	PDD	
CC-4	RR	RS-HD	OI	M-1	RU	



CASE 12-30 MA

From RS-MD to OI

TMS# 19904-03-02

Flora Drive



The zoning change from RS-MD (Residential Medium Density) to OI (Office/Institutional) would permit the introduction of the following uses which were not allowed previously in the original zoning

USE TYPES	OI
Continued Care Retirement Communities	SR
Dormitories	SE
Multi-Family, Not Otherwise Listed	P
Fraternity and Sorority Houses	P
Group Homes (10 or More)	SE
Rooming and Boarding Houses	SE
Special Congregate Facilities	SE
Clubs or Lodges (Ord No.054-08HR; 9-16-08)	P
Dance Studios and Schools	P
Marital Arts Instructional Schools	P
Physical Fitness Centers	P
Ambulance Services, Transport	P
Animal Shelters	
Auditoriums, Coliseums, Stadiums	P
Cemeteries, Mausoleums (Ord. 069-10HR)	SR
Colleges and Universities	P
Community Food Services	P
Correctional Institutions	
Courts	P
Day Care Centers, Adult (Ord. 008-09HR; 2-17-09)	SR
Day Care, Child, Licensed Center (Ord. 008-09HR; 2-17-09)	SR
Government Offices	P
Hospitals	P

Individual and Family Services, Not Otherwise Listed	P
Museums and Galleries	P
Nursing and Convalescent Homes	P
Orphanages	P
Post Offices	P
Postal Service Processing & Distribution	
Schools, Administrative Facilities	P
Schools, Business, Computer and Management Training	P
Schools, Fine Arts Instruction	P
Schools, Junior Colleges	P
Schools, Technical and Trade (Except Truck Driving)	P
Zoos and Botanical Gardens	SE
Accounting, Tax Preparation, Bookkeeping, and Payroll Services	P
Advertising, Public Relations, and Related Agencies	P
Automatic Teller Machines	P
Automobile Parking (Commercial)	P
Banks, Finance, and Insurance Offices	P
Barber Shops, Beauty Salons, and Related Services	P
Bed and Breakfast Homes/Inns (Ord. 020-10HR; 5-4-10)	SR
Computer Systems Design and Related Services	P

Clothing Alterations/Repairs; Footwear Repairs	P
Construction, Special Trades, without Outside Storage	P
Employment Services	P
Engineering, Architectural, and Related Services	P
Funeral Homes and Services	P
Kennels	SR
Landscape and Horticultural Services	
Laundromats, Coin Operated	
Laundry and Dry Cleaning Services, Non-Coin Operated	P
Legal Services (Law Offices, Etc.)	P
Management, Scientific, and Technical Consulting Services	P
Massage Therapists	P
Medical/Health Care Offices	P
Medical, Dental, or Related Laboratories	P
Office Administrative and Support Services, Not Otherwise Listed	P
Packaging and Labeling Services	P
Pet Care Services (Excluding Veterinary Offices and Kennels)	P
Photocopying and Duplicating Services	P
Photofinishing Laboratories	P
Photography Studios	P
Picture Framing Shops	P
Professional, Scientific, and Technical Services, Not Otherwise Listed	P
Real Estate and Leasing Offices	P

Research and Development Services	SR
Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services)	SR
Watch and Jewelry Repair Shops	P
Weight Reducing Centers	P
Antique Stores (See Also Used Merchandise Shops and Pawn Shops)	P
Art Dealers	P
Bars and Other Drinking Places	SE
Book, Periodical, and Music Stores	P
Caterers, No On Site Consumption	P
Convenience Stores (with Gasoline Pumps)	P
Convenience Stores (without Gasoline Pumps)	P
Drugstores, Pharmacies, with Drive-Thru	P
Drugstores, Pharmacies, without Drive-Thru	P
Office Supplies and Stationery Stores	P
Optical Goods Stores	P
Outdoor Power Equipment Stores	
Restaurants, Cafeterias	P
Restaurants, Full Service (Dine-In Only)	P
Restaurants, Limited Service (Delivery, Carry Out)	P
Restaurants, Snack and Nonalcoholic Beverage Stores	P
Courier Services, Substations	P
Radio and Television Broadcasting Facilities (Except Towers)	P

Radio, Television, and Other Similar Transmitting Towers	SE
Utility Company Offices	P
Warehouses (General Storage, Enclosed, Not Including Storage of Any Hazardous Materials or Waste as Determined by Any Agency of the Federal, State or Local Government)	SR
Buildings, High Rise, 4 or 5 Stories	SR
Buildings, High Rise, 6 or More Stories	SE



**Richland County
Planning & Development Services Department**

Map Amendment Staff Report

PC MEETING DATE: October 1, 2012
RC PROJECT: 12-32 MA
APPLICANT: Terry Darragh

LOCATION: Screaming Eagle Road
TAX MAP NUMBER: 31600-02-18 (Portion Of)
ACREAGE: 79.11 acres
EXISTING ZONING: RU
PROPOSED ZONING: HI

PC SIGN POSTING: September 12, 2012

Staff Recommendation

Approval

Background /Zoning History

The current zoning, Rural District (RU), reflects the original zoning as adopted September 7, 1977. A previous request for parcels (12-07MA) 31600-02-17 & 18 totaling 232.91 acres was deferred at the request of the applicant at the June 4th Planning Commission meeting. Subsequently their request was withdrawn by the applicant. The remainder of the subject parcel not included in the rezoning has three hundred and forty eight (348) feet of frontage on Percival Road.

The parcel contains two thousand seven hundred and ninety three (2793) feet of frontage along Screaming Eagle Road.

Summary

The proposed zoning, Heavy Industrial (HI) District is intended to primarily accommodate uses of a manufacturing and industrial nature, and secondly, uses that are functionally related thereto, such as distribution, storage, and processing. General commercial uses are allowed, but are considered incidental to the predominantly industrial nature of this district.

No minimal lot area except as required by DHEC; and no maximum density standard.

Direction	Existing Zoning	Use
<u>North:</u>	RU	Undeveloped
<u>South:</u>	RU	Fort Jackson
<u>East:</u>	RU/RU	Mineral Extraction/Waste to Energy Plant
<u>West:</u>	RU	Undeveloped

Plans & Policies

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

Rural Area

Objective: Industrial uses should not locate near residential or commercial uses without adequate space for buffering/setbacks. Proposed industrial uses should consider sites with adequate room for expansion, existing infrastructure, and access to major arterials and/or highways. Sites will be considered during the rezoning process and periodically updated.

Compliance: The site is located 1.6 miles from the Interstate 20 interchange at Clemson Road. Additionally the site is adjacent to the Richland County Landfill and an operating sand mine. There appears to be adequate space to buffer the few adjacent residential parcels.

Traffic Impact

The 2010 SCDOT traffic count (Station # 307) located west of the subject parcel on Screaming Eagle Road identifies 5,900 Average Daily Trips (ADT's). Screaming Eagle Road is classified as a two lane undivided Collector, maintained by SCDOT with a design capacity of 8,600 ADT's. Screaming Eagle Road is currently operating at Level of Service (LOS) “B”.

The 2010 SCDOT traffic count (Station # 217) located west of the subject parcel on Percival Road identifies 9,800 Average Daily Trips (ADT's). Percival Road is classified as a two lane undivided Minor Arterial, maintained by SCDOT with a design capacity of 10,800 ADT's. Percival Road is currently operating at Level of Service (LOS) “C”.

There are no planned or programmed improvements for this section of Screaming Eagle Road or Percival Road.

Conclusion

The subject parcel is undeveloped, wooded, and has a rolling topography. The parcel located to the east of the subject parcel was previously mined for Kaolin (a type of clay typically used in ceramics, porcelain, medicines and paints). The surrounding area is characterized by some residential and industrial type uses. West of the site there is a scattering of residential parcels. Located further to the east of the subject parcels is the Richland County landfill. There is a sand mining operation (Hardaway Sand Plant) to the east of the subject parcel. The mine was originally zoned Rural District (RU) and was rezoned to Development District (D-1) in 1989, (case number 89-06MA) and subsequently expanded. However, in the countywide zoning map update that took place in 2005, the D-1 zoning was eliminated and the D-1 District became the RU district. The mine is allowed to continue operating as a legal nonconforming use. The existing mineral extraction operation (sand mine to the north) would not be allowed to expand without a rezoning. East of the subject parcel is a waste-to-energy plant operating in conjunction with the landfill. The large parcel to the south is Fort Jackson.

In accordance with Chapter 29 of the South Carolina Local Government Comprehensive Planning Enabling Act, Article 13 Section 6-29 1630, any land use or zoning decision located

within 3,000 feet of any military installation requires notification to the commander of the installation. The staff contacted Fort Jackson's Department of Public Works (DPW) Master Planning Division and was advised that the proposal will not adversely affect Fort operations. In addition, the parcel is part of the proposed Military Activity Zone (MAZ) 6 as identified in the Joint Land Use Study (JLUS). The MAZ 6 does not contain specific land use restrictions, but recommends coordination with the military installation. However, there are recommendations for limits to outdoor lighting. Those recommendations propose less visually intrusive lighting so that the glare does not interfere with operations that use night vision training. An additional recommendation suggests avigation or noise easements dedicated to the County that would grant the installation the right to conduct noise generating training activity.

The Heavy Industrial District (HI) permits certain uses outright, such as recreational, institutional, educational, civic, business and professional services, wholesale trade, transportation, information, warehousing, utilities, manufacturing, mining, and industrial, and retail trade and food services.

The subject parcel is within the boundaries of School District Two. Pontiac Elementary School is 1.84 miles west of the subject parcel on Spears Creek Church Road. The Northeast fire station (number 4) is located 2.1 miles west of the subject parcel on Spears Creek Church Road. There are no fire hydrants located near the subject property. Water and sewer would be provided by well and septic.

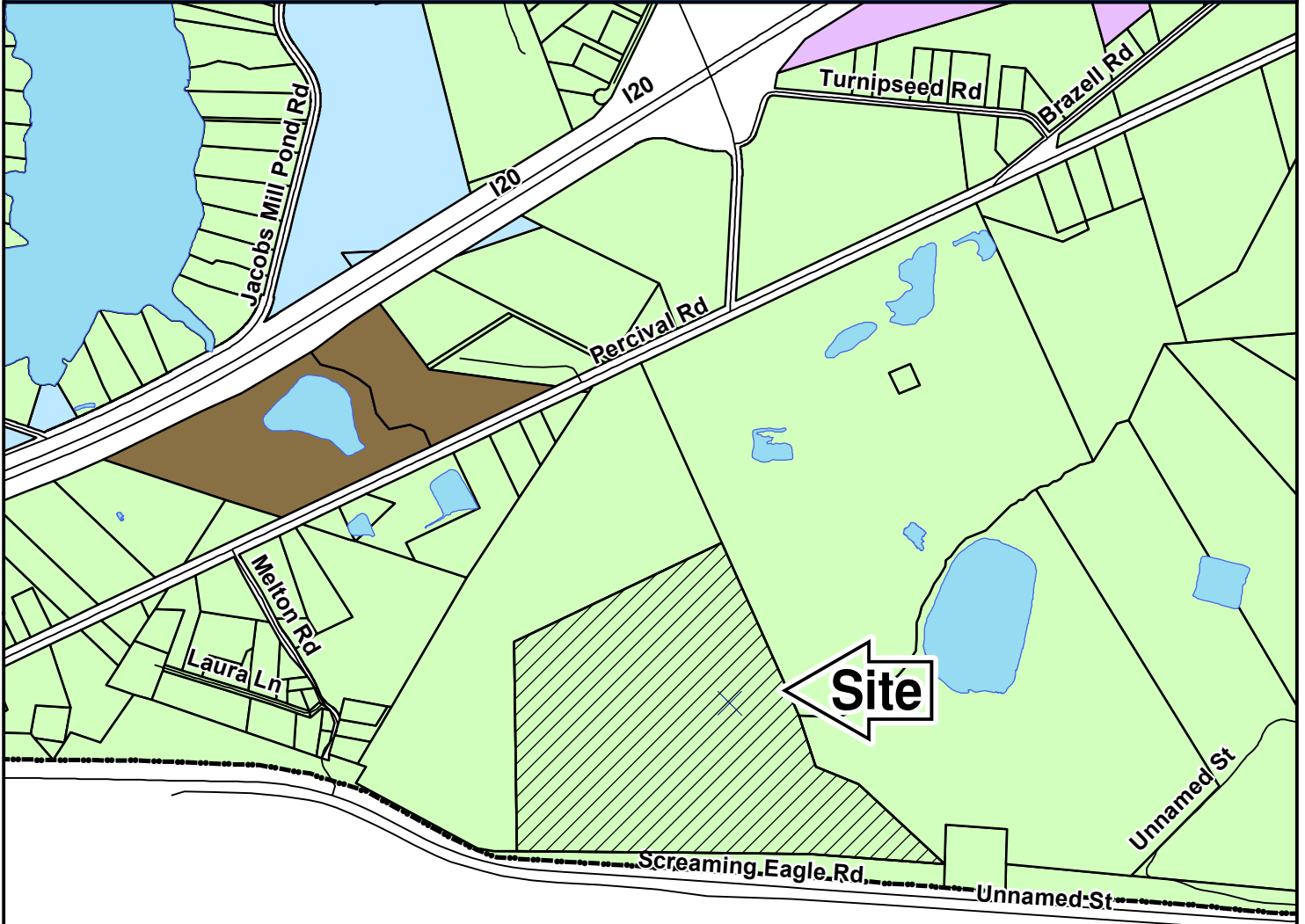
With a review of nearby land use characteristics, staff has found that the area to the west is made up of a mixture of uses that include large lot, residential housing and wooded tracts. The area to the east includes mining operations, wooded tracts, Fort Jackson, and Richland County's landfill. Both Percival Road and Screaming Eagle Road are two-lane roads, with existing heavy truck traffic generated by the landfill and local logging operations. The site is located adjacent to the landfill, which is a use permitted by special exception in the RU District. Given the nature of the uses east and south of the site, along with the fact that there appears to be adequate space to buffer the few residential parcels west of the site, staff is of the opinion that the rezoning request would be in character with the industrial type uses in the area.

As a result of this analysis the staff has concluded that the proposed zoning map amendment is in compliance with the Comprehensive Plan and recommends **Approval** of this request.

Zoning Public Hearing Date

October 23, 2012

Case 12-32 MA RU to HI



*City of
Columbia*

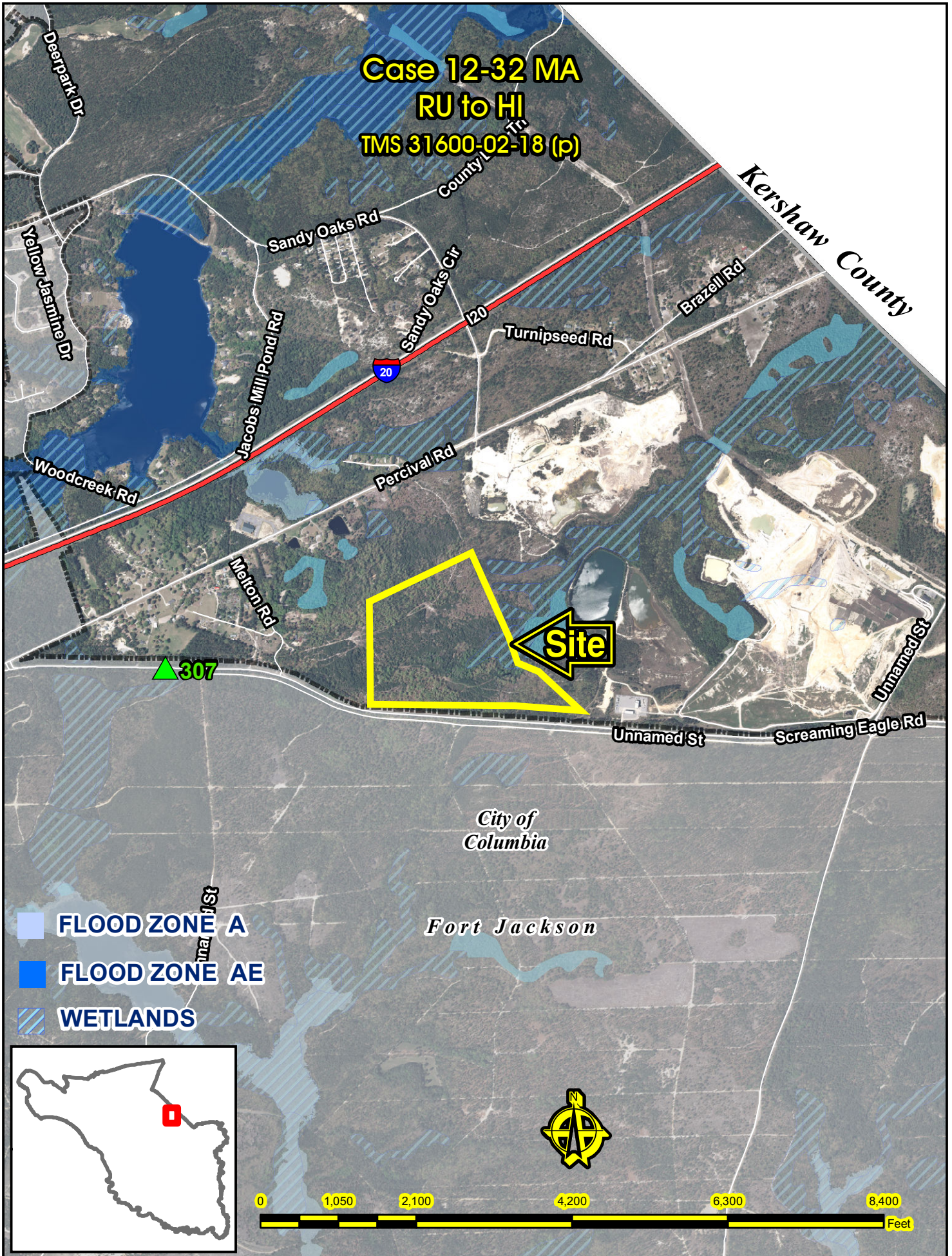
Fort Jackson

ZONING CLASSIFICATIONS

CC-1	C-1	RS-E	MH	NC	LI	TROS
CC-2	C-3	RS-LD	RM-MD	GC	HI	Subject Property
CC-3	RG-2	RS-MD	RM-HD	RC	PDD	
CC-4	RR	RS-HD	OI	M-1	RU	



**Case 12-32 MA
RU to HI
TMS 31600-02-18 (p)**



The zoning change from RU (Rural) to HI (Heavy Industrial) would permit the introduction of the following uses which were not allowed previously in the original zoning

USE TYPES	HI
Go-Cart, Motorcycle and Similar Small Vehicle Tracks	P
Post Offices	P
Schools, Truck Driving	P
Automatic Teller Machines	P
Automobile Parking (Commercial)	P
Automobile Rental or Leasing	P
Automobile Towing, Not Including Storage	P
Automobile Towing, Including Storage Services	P
Building Maintenance Services, Not Otherwise Listed	P
Car and Light Truck Washes (See also Truck Washes)	P
Carpet and Upholstery Cleaning Services	P
Computer Systems Design and Related Services	P
Construction, Building, General Contracting, with Outside Storage	P
Construction, Building, General Contracting, without Outside Storage	P
Construction, Heavy, with Outside Storage	P
Construction, Heavy, without Outside Storage	P

Construction, Special Trades, with Outside Storage	P
Construction, Special Trades, without Outside Storage	P
Furniture Repair Shops and Upholstery	P
Janitorial Services	P
Laundry and Dry Cleaning Services, Non-Coin Operated	P
Linen and Uniform Supply	P
Packaging and Labeling Services	P
Photocopying and Duplicating Services	P
Photofinishing Laboratories	P
Publishing Industries	P
Rental Centers, with Outside Storage	P
Rental Centers, without Outside Storage	P
Repair and Maintenance Services, Appliance and Electronics	P
Repair and Maintenance Services, Automobile, Major	P
Repair and Maintenance Services, Automobile, Minor	P
Repair and Maintenance Services, Boat and Commercial Trucks, Large	P
Repair and Maintenance Services, Boat and Commercial Trucks, Small	P
Repair and Maintenance Services, Commercial and Industrial Equipment	P
Research and Development Services	P
Septic Tank Services	P

Tire Recapping	P
Truck (Medium and Heavy) Washes	P
Vending Machine Operators	P
Building Supply Sales with Outside Storage	P
Building Supply Sales without Outside Storage	P
Convenience Stores (with Gasoline Pumps)	P
Convenience Stores (without Gasoline Pumps)	P
Electronic Shopping and Mail Order Houses	P
Fuel Sales (Non- Automotive)	SR
Truck Stops	P
Used Merchandise Stores	
Apparel, Piece Goods, and Notions	P
Beer/Wine/Distilled Alcoholic Beverages	P
Books, Periodicals, and Newspapers	P
Chemicals and Allied Products	P
Drugs and Druggists' Sundries	P
Durable Goods, Not Otherwise Listed	P
Electrical Goods	P
Farm Products, Raw Materials	P
Farm Supplies	P
Flowers, Nursery Stock, and Florist Supplies	P
Furniture and Home Furnishings	P

Groceries and Related Products	P
Hardware	P
Jewelry, Watches, Precious Stones	P
Lumber and Other Construction Materials	P
Machinery, Equipment and Supplies	P
Market Showrooms (Furniture, Apparel, Etc.)	P
Metal and Minerals	P
Motor Vehicles	P
Motor Vehicles, New Parts and Supplies	P
Motor Vehicles, Tires and Tubes	P
Motor Vehicles, Used Parts and Supplies	P
Nondurable Goods, Not Otherwise Listed	P
Paints and Varnishes	P
Paper and Paper Products	P
Petroleum and Petroleum Products	SR
Plumbing & Heating Equipment and Supplies	P
Professional and Commercial Equipment and Supplies	P
Scrap and Recyclable Materials	SE
Sporting and Recreational Goods and Supplies (Except Sporting Firearms and Ammunition)	P
Sporting Firearms and Ammunition	P
Timber and Timber Products	P
Tobacco and Tobacco Products	P
Toys and Hobby Goods and Supplies	P
Airports or Air Transportation Facilities and Support Facilities	P
Bus Facilities, Interurban	P

Bus Facilities, Urban	P
Charter Bus Industry	P
Courier Services, Central Facility	P
Courier Services, Substations	P
Limousine Services	P
Materials Recovery Facilities (Recycling)	P
Power Generation, Natural Gas Plants, and Similar Production Facilities	P
Rail Transportation and Support Facilities	P
Recycling Collection Stations	P
Remediation Services	P
Scenic and Sightseeing Transportation	P
Sewage Treatment Facilities, Private	P
Taxi Service Terminals	P
Truck Transportation Facilities	P
Utility Service Facilities (No Outside Storage)	P
Warehouses (General Storage, Enclosed, Not Including Storage of Any Hazardous Materials or Waste as Determined by Any Agency of the Federal, State or Local Government)	P
Warehouses, Self-Storage	P
Waste Collection, Hazardous	SE
Waste Collection, Other	P
Warehouses, Self-Storage	P
Waste Collection, Solid, Non-Hazardous	P
Waste Treatment and Disposal, Hazardous	SE
Waste Treatment and Disposal, Non-Hazardous	P
Water Treatment Plants,	P

Non-Governmental, Public	
Animal Food	P
Animal Slaughtering and Processing	P
Apparel	P
Bakeries, Manufacturing	P
Beverage, Other Than Soft Drink and Water, and Tobacco	P
Beverage, Soft Drink and Water	P
Cement and Concrete Products	P
Chemicals, Basic	P
Chemical Products, Not Otherwise Listed	P
Clay Products	P
Computer, Appliance, and Electronic Products	P
Dairy Products	P
Dolls, Toys, and Games	P
Fabricated Metal Products	P
Food Manufacturing, Not Otherwise Listed	P
Furniture and Related Products	P
Glass and Glass Products	P
Jewelry and Silverware	P
Leather and Allied Products (No Tanning)	P
Leather and Hide Tanning and Finishing	P
Lime and Gypsum Products	P
Machinery	P
Manufacturing, Not Otherwise Listed	P
Medical Equipment and Supplies	P
Mining/Extraction Industries	P
Office Supplies (Not Paper)	P
Paint, Coating, and Adhesives	P

Paper Products (Coating and Laminating)	P
Paper Products (No Coating and Laminating)	P
Petroleum and Coal Products Manufacturing	SR
Primary Metal Manufacturing	P
Printing and Publishing	P
Pulp, Paper, and Paperboard Mills	P
Rubber and Plastic Products	P
Seafood Product Preparation and Packaging	P
Signs	P
Soap, Cleaning Compounds, and Toilet Preparations	P
Sporting and Athletic Goods	P
Textile Mills	P
Textile Product Mills	P
Transportation Equipment	P
Wood Products, Chip Mills	P
Wood Products, Excluding Chip Mills	P
Sexually Oriented Businesses	SR



**Richland County
Planning & Development Services Department**

Map Amendment Staff Report

PC MEETING DATE: October 3, 2012
RC PROJECT: 12-33 MA
APPLICANT: Frank D. Strasburger

LOCATION: Longtown Road and Longtown Road East

TAX MAP NUMBER: 20300-02-48
ACREAGE: 10
EXISTING ZONING: RU
PROPOSED ZONING: RS-MD

PC SIGN POSTING: September 12, 2012

Staff Recommendation

Approval

Background /Zoning History

The current zoning, Rural District (RU), reflects the original zoning as adopted September 7, 1977. The parcel was part of a previous request for a Planned Development District (case number 12-09MA) and contained three parcels with a total acreage of 140 acres. The requested zoning was denied by the planning commission.

The parcel contains five hundred and thirty one (531) feet of frontage along Longtown Road East and seven hundred and twenty four (724) feet of frontage along Longtown Road.

Summary

The Residential Single Family Medium Density District (RS-MD) 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. The maximum density standard: no more than one principal dwelling unit may be placed on a lot except for permitted accessory dwellings.

- The gross density for this site is approximately: 51 dwelling units
- The net density for this site is approximately: 35 dwelling units

Direction	Existing Zoning	Use
<u>North:</u>	RS-LD	Undeveloped
<u>South:</u>	GC	Undeveloped
<u>East:</u>	RU	Undeveloped
<u>West:</u>	RU	Residence

Plans & Policies

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

Suburban Area

Objective: Residential areas are encouraged to contain a mix of residential and civic land uses. Existing single family developments may be adjacent to multifamily or a PDD including a buffer from higher intensity uses. Residential developments should occur at medium densities of 4-8 dwelling units per acre.

Compliance: The proposed zoning would permit 5.1 dwelling units per acre which is in accordance with the recommended objective for suburban residential use outlined in the Comprehensive Plan.

Traffic Impact

The 2010 SCDOT traffic count (Station # 711) located north of the subject parcels on Longtown Road identifies 8,700 Average Daily Trips (ADT's). Longtown Road is classified as a two lane undivided Collector, maintained by SCDOT with a design capacity of 8,600 ADT's. Longtown Road is currently operating at Level of Service (LOS) “C”.

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

Conclusion

The subject parcel is undeveloped and wooded with flat topography. The parcel has frontage along Longtown Road and Longtown Road East, both of which are two-lane residential collector streets without sidewalks or streetlights. The immediate area is primarily characterized by residential use west and north. East of the subject parcel remains undeveloped and wooded. South of the subject parcel are a number of General Commercial District (GC) parcels; with the exception of the GC parcel located at the intersection of Longtown Road and Lee Road the parcels are undeveloped. At the intersection of Longtown Road and Lee Road there are two convenience stores with gas pumps, a church, an elementary school (Sandlapper Elementary School), and a Dollar General store. The Residential Single-Family Low Density District (RS-LD) subdivision (Club Colony) northeast of the subject parcel was approved under 94-008MA (Ordinance number 037-94HR) on May 24th, 1994.

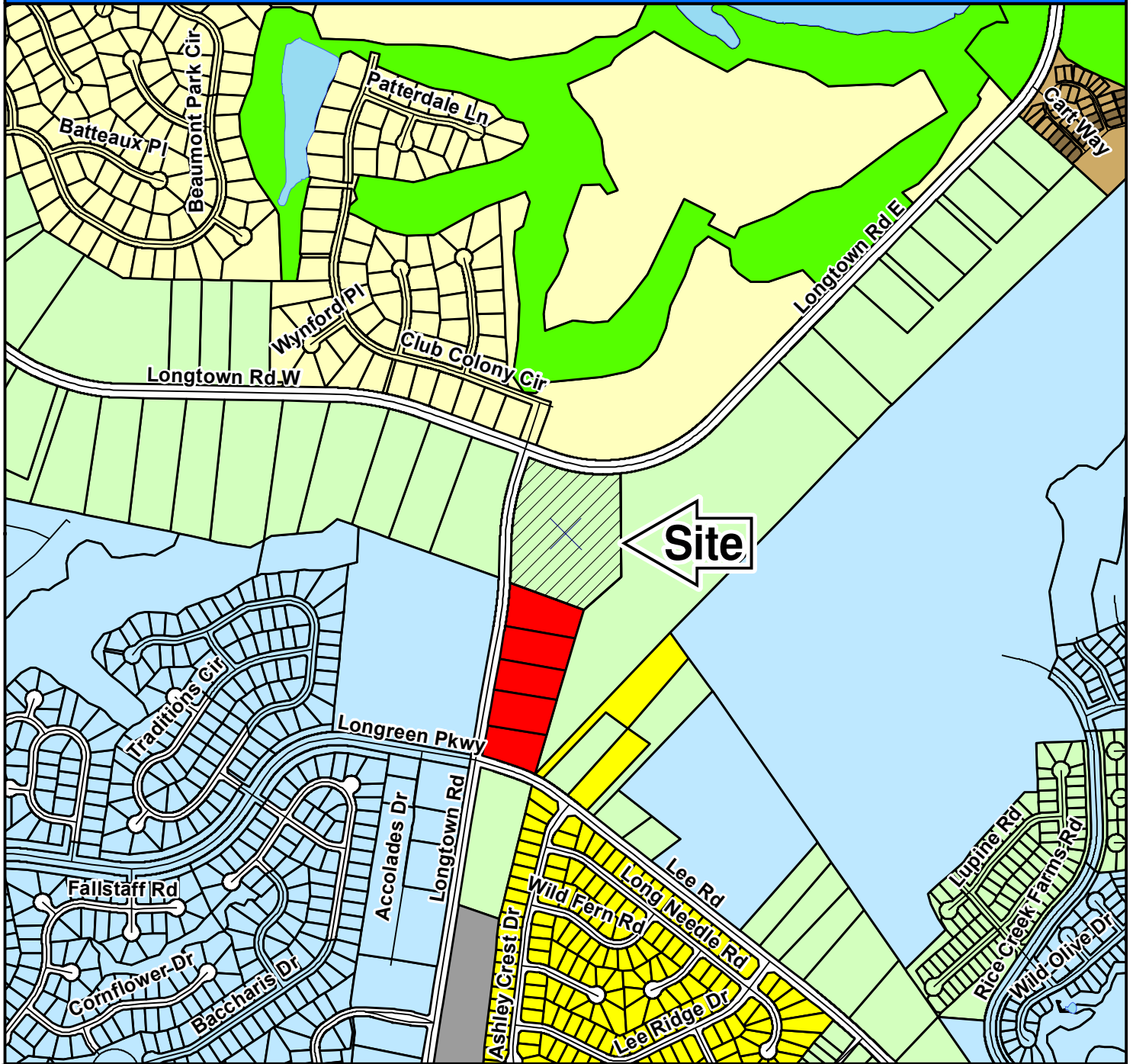
The subject parcel is within the boundaries of School District 2. Sandlapper Elementary School is located 400 feet southeast of the subject parcel on Longtown Road. The Elders Pond fire station (number 34) is located 1.4 miles southeast of the subject parcels on Elders Pond Drive. There are no fire hydrants located along Longtown Road and Longtown Road East. The proposed map amendment would not negatively impact public services or traffic. Water is provided by the City of Columbia and sewer service is provided by Palmetto Utilities.

As a result of this analysis the staff has concluded that the proposed zoning map amendment is in compliance with the Comprehensive Plan and recommends **Approval** of this request.

Zoning Public Hearing Date

October 23, 2012

Case 12-33 MA RU to RS-MD

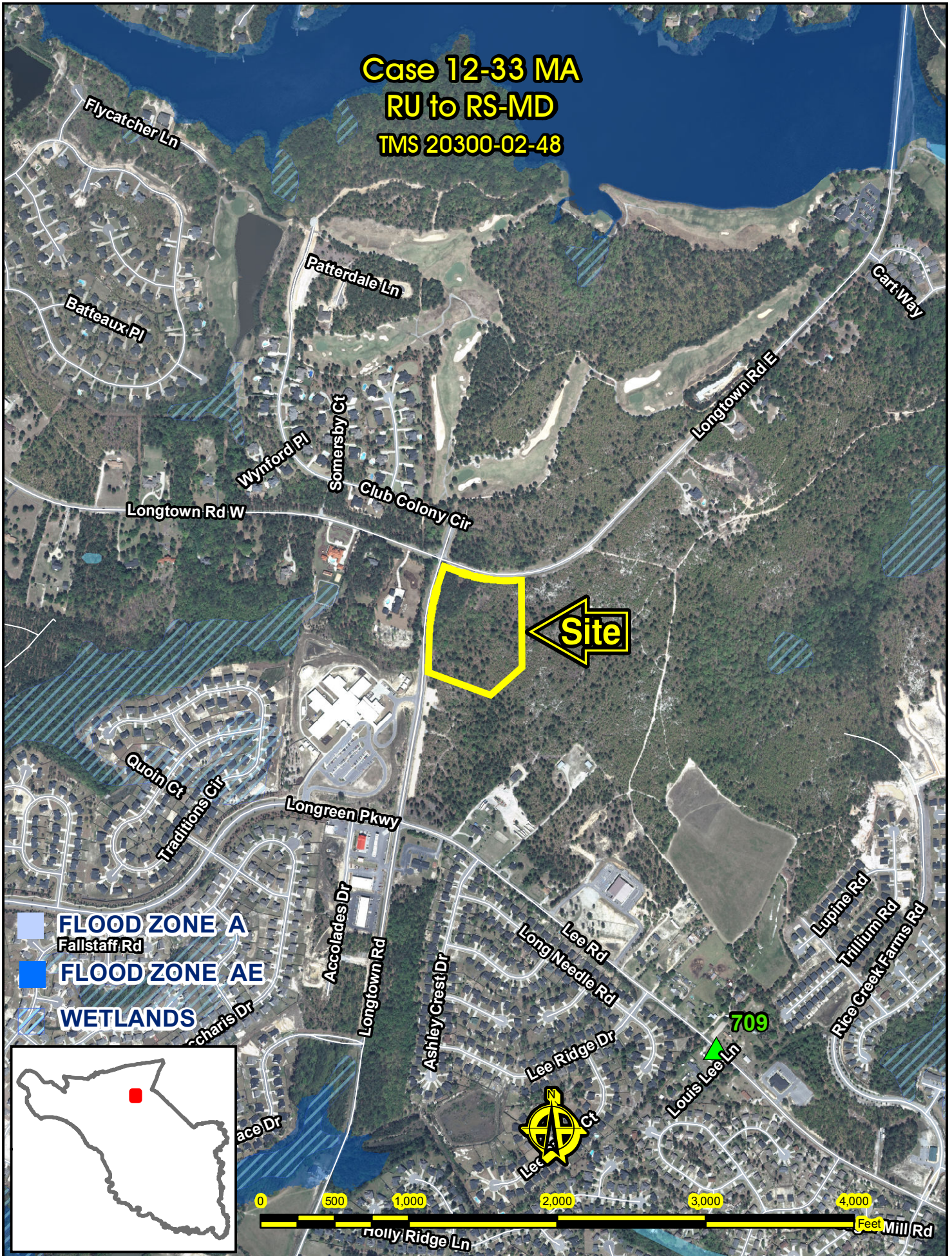


ZONING CLASSIFICATIONS

	CC-1		C-1		RS-E		MH		NC		LI		TROS
	CC-2		C-3		RS-LD		RM-MD		GC		HI		Subject Property
	CC-3		RG-2		RS-MD		RM-HD		RC		PDD		
	CC-4		RR		RS-HD		OI		M-1		RU		



Case 12-33 MA
RU to RS-MD
TMS 20300-02-48



The zoning change from RU (Rural) to RS-MD (Residential Medium Density) would permit the introduction of the following uses which were not allowed previously in the original zoning

USE TYPES	RS-LD
Single-Family, Zero Lot Line, Parallel	SR

PLANNING COMMISSION
APPEAL FROM
DECISIONS OF DEVELOPMENT REVIEW TEAM

RECEIVED
2012 SEP -5 PM 12:40
RICHLAND COUNTY
PLANNING AND DEVELOPMENT
SERVICES

Project: The Villages at LongCreek

Location: Longcreek Plantation; Flycatcher Lane

TMS # 20401-01-03

Zoning: Residential, Single Family-Low Density District (hereinafter, RS-LD)

This is an appeal of the Development Review Team's approval of the sketch plan submitted in support of the above-referenced project. This appeal is to the Planning Commission under its authority pursuant to Section 26-54(c)(3)d.3.

The appeal is for the Development Review Team's failure to comply with the policy of the county comprehensive plan in its approval on August 9, 2012, of the sketch/concept plan for the proposed major development, Villages at LongCreek. Notice was sent on August 14, 2012, to John Champoux, a developer with a copy to the applicant, the owner of the property.

Your applicants are adjacent landowners to the proposed project and your applicant Samuel Brick also is a contiguous landowner.

First; Improper Acceptance of Village Subdivision as a Green Code Development. The application is for the development of three major subdivisions of over 50 lots each within approximately 100.7 unconnected acres under Section 26-186, the Green Code. Two of the subdivisions are contiguous, the third, the object of this First part of the appeal, is separated from the other two villages/subdivisions. Each subdivision is characterized as a separate village within the proposed sketch and each is a major subdivision. Each village has separate lot numbers and a separate character. There are over twenty-two similar villages to the village situated alongside Longtown Road throughout the LongCreek Plantation community. All such villages share common published guidelines for development that the owner has enforced, for the most part, since starting development in Richland County.

The first part of this appeal is to the Development Review Team's adoption of the subdivision village that is located along Longtown Road as a residential green code community. The village fails to meet green code standards as set forth in Section 26-186(a). This subdivision is composed of 59 lots and two neighborhood greens. It has a buffer next to its boundary, Longtown Road that is required under Section 26-176, Landscaping standards. The buffer area is required whether the area is developed under the green code or under normal development.

There are no distinctive environmental resources, scenic vistas, or natural and cultivated landscapes in this subdivision village. There are no conservation areas other than the mentioned buffer and the two greens that the developer characterized as secondary conservation areas. The greens would in all likelihood be a part of any similar, not green-code, development. There is no primary conservation area in this village/subdivision. The sketch plan does not indicate any minimization of land disturbance; to the contrary, the sketch plan suggests the entire area will be covered with residential lots. There is no connection to the other two villages by walkways. In fact there are no walkways or indication of green type sidewalks. The other two villages indicate pedestrian walkways which are a common characterization of green communities. There is no indication of a reduction of infrastructure maintenance costs by efficient or special community design. The sketch plan design is no different from any other development of a similar size in Northeast Columbia. There are no wildlife corridors or pedestrian linkages suggested. Finally, there are no historical or archeological features and no protection of contiguous undeveloped areas within this subdivision village. Across Longtown Road from this village the area is zoned under Section 26-86 as RU, Rural which is designed for "very low density" housing. The other boundaries to this village are a road alongside a golf course and a few houses within the subdivision that face onto the golf course.

This area currently is festooned with small immature pine trees. It has a few mature trees but standard construction practice is to clear the entire area in order to construct such a development. The sketch plan suggests that the area, as designed, would meet the RS LD zoning in which it is planned however the sketch plan does not indicate its acreage nor are lots sizes indicated. It, in all likelihood, would be acceptable as an RS-LD development. It is not a green code community as envisioned under Section 26-186. The concept plan filed for this development under Section 26-186(f) does not mention this area as of any environmental or conservation concern. To approve this village/subdivision as green would open up development throughout the county under the Green Code and provide special exceptions to the zoning requirements otherwise in effect. This would undermine the comprehensive plan and the system of zoning areas set forth in the Land Development Code. It also would remove supervision of land development through map approvals from the County Council.

It is suggested that this portion of the sketch plan be disapproved with direction that the developer reapply for development of the object of this part of the appeal under its current RS-LD zoning. One benefit to the owner would be that his application of the two other subdivisions under Green Code provisions would provide him a greater percentage of conservation set asides thereby providing a higher bonus density under subsection 26-186 (i) than he otherwise would be eligible for with this area included in his proposal. It is not good government to interpret an expansive application of a special provision providing substantial relief from otherwise particular statutory requirements. The Development Review Team has done just that. Its precedent would have dire consequences.

Second. Insufficient Detail in the Sketch Plan with regard to Zero Lot and unauthorized attached housing. Section 26-151(c)(30) states zero lot line dwellings in the RS-LD district must be parallel and unattached. This is differentiated from common attached zero lot line houses authorized in multifamily districts. The sketch plan suggests common lot lines in that the houses appear set one in front of the other as opposed to in a parallel design. The sketch plan further fails to identify the individual lot line for each lot. Section 26-172(a)(2) requires that there be no more than one single-family dwelling on an individual lot in a single-family residential zoning district. RS-LD is such a district. See also the definition of Dwelling, single family, zero lot line, parallel in section 26-22 that defines parallel zero lots as detached, side by side lots. It does not appear in the sketch plan that parallel, detached lots are intended or planned.

The sketch plan is deficient in not addressing this requirement by including lot lines and a proper parallel placement of single-family detached homes with the required widths. The developer should be required to revise the sketch accordingly. The sketch plan further suggests attached housing in its minimum lot widths section. The Development Review Team erred in not addressing this error.

Third. Minimum Lot Widths. The sketch plan states minimum lot widths are 60 feet for detached dwellings and 25 feet for attached. Section 26-186(h) does not address minimum lot width as a requirement or standard. Section 26-89 for RS-LD sets a minimum lot width of 75 feet as a development *standard* (emphasis the appellants). Section 26-186(f)(2) and (3) require the developer or applicant to specify minimum lot widths. This is to ensure the correct minimums are applied. The green code development requirements do not address lot width. The appropriate zoning district standard accordingly applies. Why else would there be such a requirement under subsection (f) to report minimum lot widths? Furthermore, the green code specifies that the development *standards* set forth in its section may be applied in lieu of the development *standards* set forth in the applicable zoning district (emphasis noted by your appellants).

The lack of a width standard in the green code is not a drafter's mistake. When read with the requirement in Section 186(f)(2) and (3), a specific intent to continue the host zoning district's width requirements becomes apparent. It further is noted that the standards to which the above-cited language refers is to the standards regarding density in section 26-186(i), not the development requirements set forth in section 26-186(h). Note the specific reference in the zoning district language providing relief for the density bonus from its provisions. See with regard to the instant case the specific reference to section 26-186 (i) as being the standard to be applied if the developer meets the Green Code requirements. The reference is not to section 26-186(h) a Green Code requirement section not a density standard. The language in section 26-186(b) references standards, not requirements. When this is read in conjunction with the delineation of the various zoning districts and the specific reference to subsection (i) in section 26-89, the relief to the developer is bonus density as set forth in paragraph section 26-186(i). The Development Review Team failed to enforce the correct width requirements throughout the

sketch plan. This should be corrected and the required widths be incorporated in a revised sketch plan.

Fourth. Off Street Parking and Lack of Statement or Clarity within the Sketch Plan. Section 26-173 states standards for Off-street parking. Off-street parking is required to be addressed in the concept plan pursuant to Section 26-186(f)(2). Table VII-1 of section 26-173 requires a minimum of two off street parking spaces for every single family dwelling unit. The use of pervious or impervious surfaces and where and how they are situated in connection with other storm water management practices are important in any green development. The sketch plan suggests one off street parking area around a proposed community center but there is no discussion as to the type of parking etc. This should be clarified. Also, especially since the use of zero lot line parallel lots are suggested in areas without alleys, dwelling lot off-street parking should be explained, not just for the zero lot areas but for all dwelling units. Parking for common areas and how are they to be integrated with sidewalks, culverts, rain gardens, and other storm water management practices should be identified. The Development Review Team should have required this in its review. The Director of the Conservation Department alluded to this in his comments in response to the application but only as they may apply with the submittal of preliminary plans. Off street parking goes to the heart of a green community concept. It should be fully explained prior to sketch plan/concept approval. A proper Development Review Team review of this entire issue along with correction of the other matters mentioned in this appeal require a revised submission of the entire plan for a new Development Review Team examination in accordance with your findings.

Fifth. Density. The sketch plan includes lots of various sizes, the exact square footage of which is impossible to determine from the drawings. Many lots appear to be within the minimum lot requirement for RS-LD zoning. Several lots are less. The Development Review Team failed to uphold the density/minimum lot requirements of RS-LD developments. Section 26-186 states that an owner of stated zoning districts (that includes the LS-RD district), “may apply the development standards found within this section, in lieu of the development standards set forth for the applicable zoning district.” See in this regard the discussion above regarding width requirements and the intent of this provision to apply to density standards in section 26-186(i) and not Green Code requirements in section 26-186(h).

Subsection 26-186(h)(2) states “(2) Lot area: No minimum.” Subsection 26-186(h) does not address density. Subsection 26-186 (i) does address density standards with the statement, “The residential gross density in each zoning district is established in other sections of this Code;”. Subsection (i) goes on to provide density bonuses based on the owner meeting various open space requirements. Density is defined by section 26-22 of the Land Development Code as the “number of dwelling units per gross acre of land.” It does not state acres but keeps the word singular and this comports with the manner the Land Development Code manages density. In RS-LD, the density standard is determined by a specified minimum lot area for each dwelling unit. Accordingly, to give credence to the integrity of the density sections along with the green

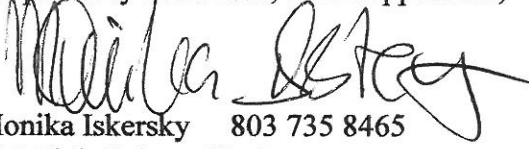
code application, density must consider the minimum lot size of the district in which the green code is applied. The instant owner/developer would turn a blind eye to this anomaly by disregarding the bonus features of subparagraph (i) altogether. That fails to consider the still applicable provision of density for RS-LD in section 26-89. Density is not a development standard but under the Land Development Code, density includes a minimum lot size. When read with the definition of density being number of houses per acre, and the specific reference to subsection (i), the anomaly has a logical answer. Density must consider lot size in square footage.

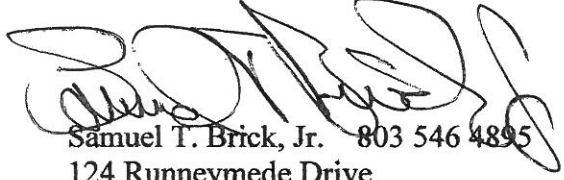
If you consider there is a conflict between the two provisions, Section 26-21, Rules of Construction at subparagraph (d)(3)b. remedies the problem. *Conflicting provisions of this chapter*, at subparagraph (d)(3)b, states in the event of conflict in different provisions of this chapter the more restrictive provision applies. Applying the resolution set forth in Section 26-21, the sketch plan should be revised to ensure that the proposed lots meet the 12,000 square footage minimum requirement for RS-LD zoning. This reading further conforms to the specific purposes of Chapter 26, the Land Development Code. Regulation of density and, among other things, compatibility between neighboring properties and adjacent zoning districts, are stated statutory purposes of the Land Development Code. The green code does not remove density standards from its developments. Instead it features density and provides density percentage increases as a reward for green code conservation area set asides. Since density increases are provided, density base lines must be contemplated. Such base lines are found within the zoning districts delineated in Section 26-186(b).

The Development Review Team erred in not enforcing the proper density requirements and the project should be returned to the owner/developer to be revised to apply RS-LD density requirements.

Requested Relief: That the sketch plan be returned to the owner/developer to clarify and to revise the project sketch plan in accordance with the foregoing and your decisions thereon. As mentioned above, the Development Review Team action of August 9, 2012, should be voided; the applicant owner advised of the various required changes to his submittal with requirement to reapply in accordance with the required revisions; and a new Development Review Team review required after such resubmittal.

Respectfully submitted, Your Appellants,


Monika Iskersky 803 735 8465
305 Club Colony Circle
Blythewood, SC 29016
Adjacent Property Owner


Samuel T. Brick, Jr. 803 546 4895
124 Runnymede Drive
Blythewood, SC 29016
Adjacent and Contiguous Property Owner

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-186, GREEN CODE STANDARDS; SO AS TO CLARIFY SAID 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 VII, General Development, Site, and Performance Standards; Section 26-186; is hereby amended to read as follows:

Sec. 26-186. Green Code standards.

- (a) *Purpose.* Green Code standards are intended to ~~encourage result in~~ the development of residential communities ~~based upon the Comprehensive Plan for Richland County, and~~ which are designed to:
- (1) Preserve and protect environmental resources, scenic vistas, and natural and cultivated landscapes; and
 - (2) Enhance land, water, air and tree resources by minimizing the area of land disturbance, reducing impervious surface, ~~optimizing protecting~~ stream buffers, preserving tree cover and ~~encouraging retention and protection of designating and protecting~~ Conservation Areas; and
 - (3) Reduce infrastructure maintenance costs as a result of efficient community design; and
 - (4) Provide ~~a~~ Conservation Areas and pedestrian linkages and wildlife corridors among residential communities and to ~~encourage facilitate~~ recreation opportunities; and
 - (5) Preserve significant historical, cultural and archeological features; and to preserve and protect contiguous undeveloped areas within the development.
- (b) *Applicability/Establishment.* The owner of property within an RU, RR, RS-E, RS-LD, RS-MD, ~~RS-HD, or~~ MH, ~~RM-MD, RM-HD, or CC~~ zoning district may apply the development standards found within this section, in lieu of the development standards set forth for the applicable zoning district, subject to meeting the requirements of this section.

- (c) *Application.* A property owner desiring to use the development standards of this section must first submit an application to the Planning ~~d~~Department. The application shall be accompanied by an “Existing Features Site Analysis Plan” (see subsection (e), below), and a “Concept Plan” (see subsection (f), below). An application will not be accepted if the property has been clear-cut (i.e. marketable timber has been removed; provided, however, thinning of pine timber is permitted pursuant to a certified forest management plan, with such plan addressing reforestation) within the past twenty-four (24) months. In addition, property must utilize a public sanitary sewer, unless the owner obtains prior approval from DHEC to utilize a well and septic tank system.
- (d) *Approval by the County’s ~~Soil and Water Conservation~~ Department.* A Conservation Area that delineates the land that is to be set aside for conservation purposes must be certified and accepted by the Richland County ~~Soil and Water Conservation~~ ~~d~~Department. The Planning ~~d~~Department shall submit this information to the ~~Soil and Water Conservation~~ ~~d~~Department for review.
- (e) *Existing Features Site Analysis Plan.* ~~At time of development, and prior to preparing the~~ Along with submittal of a Concept Plan, an Existing Features Site Analysis Plan, sealed by a registered engineer or landscape architect, shall be prepared and submitted by the applicant or developer.
- (1) The purposes of the Existing Features Site Analysis Plan are to:
- a. Delineate areas that have been identified as worthy of permanent protection as a Conservation Area because of their environmental values.
 - ~~b. Set forth the particulars of the site, including boundary, topographic data (minimum 2 foot contour intervals), existing structures and utility easements. County topographical data, current GIS data other published data will be acceptable.~~
 - eb. Provide the starting point for design of the conservation subdivision with built areas being designed as separate from the areas delineated as worthy of permanent protection.
- (2) The Existing Features Site Analysis Plan shall include, at a minimum, the following information:
- a. ~~Perennial and intermittent streams, wetlands, and FEMA designated 100 Year Flood Hazard Zones. The source of this information shall also be indicated. USACE approved delineation is not required. Delineation of stream buffers along intermittent streams and perennial streams. The particulars of the site,~~

including boundary, topographic data (minimum 2 foot contour intervals), existing structures, and utility easements. (County topographical data, current GIS data, and other published data will be accepted). The required buffers are:

~~For an Intermittent stream—a 25 foot buffer on each side, and~~

~~For a Perennial stream—a 50 foot buffer on each side.~~

~~For a delineated wetland area—a 50 ft buffer.~~

- ~~b. Identification of tree lines, native woodlands, open fields or meadows, peaks or rock outcroppings, and prime agricultural land. 100 year Floodplain.~~
- ~~c. Delineation of tree resource areas by type, such as hardwoods, pines or mixed; and old or new growth, as determined by existing and published data. Riparian buffers (include Water Quality buffers consistent with Section 26-187).~~
- ~~d. Delineation of steep slope areas (25% or greater). The plan shall provide for protective vegetative cover on slopes greater than forty percent (40%). Cemeteries and burial grounds.~~
- ~~e. Identification of historical, archeological or other significant features. Protected trees, as identified in Section 26-176(k)(1).~~
- ~~f. Identification of the Conservation Area, Open Space, or common areas contiguous to the project. Delineation of steep slope areas (25% or greater). The plan shall provide for protective vegetative cover on slopes greater than forty percent (40%).~~
- ~~g. Identification of protected plant species as listed by the South Carolina Department of Natural Resources, to be certified by a registered landscape architect, forester, arborist, biologist, botanist or horticulturist. Wetlands, including isolated wetlands.~~
- ~~h. The plan also shall include a notarized statement by the landowner that marketable timber has not been removed (provided, however, thinning of pine timber is permitted pursuant to a certified forest management plan, with such plan addressing reforestation) within the past twenty-four (24) months within stream and/or wetland buffer areas in the previous twenty-four (24) months prior to the approval of a Concept Plan. Archeological sites, historic sites and features eligible for or listed in the National Register of Historic Places.~~

i. Identification of the Conservation Area, Open Space, or common areas contiguous to the project, including open space corridors of twenty-five (25) feet or greater and all easements.

j. Rare, threatened, or endangered species/habitats, as identified by federal and/or state listings.

k. Scenic view sheds.

l. Unique natural features.

m. Forestlands and prime agricultural lands.

(3). The plan also shall include a notarized statement by the landowner that marketable timber has not been removed (provided, however, thinning of pine timber is permitted pursuant to a certified forest management plan, with such plan addressing reforestation) within the past twenty-four (24) months within stream and/or wetland buffer areas in the previous twenty-four (24) months prior to the approval of a Concept Plan.

(f) *Concept Plan.* At time of development application, a Concept Plan shall be submitted by the developer for review and approval in accordance with the requirements and procedures of this chapter. A Concept Plan shall consist of either a site plan or a sketch plan, including the following information:

(1) Delineation and specifications of a Conservation Area, including calculations, and any “Neighborhood Greens,” play areas, or trail system to be constructed.

(2) A typical detail on the plan indicating minimum lot width, building setback lines, off-street parking, street trees, sidewalks, and street pavement and right-of-way width.

(3) Minimum lot width area and percent of floodplain specifications in tabular form; and density calculations (gross and net).

(g) *Conservation Area Requirements.* In order to use the development standards of this section, the Conservation Area shall meet the following requirements:

(1) *Minimum.* A minimum of ten percent (10%) Conservation Area is required for use of the standards set forth herein.

(12) *Delineation.* Priority shall be given in delineating Conservation Areas as those areas of significance identified in the Existing Features Site Analysis Plan, around which the built areas are designed.

(23) *Undeveloped and Natural.* The Conservation Area shall remain undeveloped and natural except for the provision of non-motorized passive recreation opportunities, such as running, walking, biking, and similar outdoor activities. Trail construction and maintenance activities shall be allowed, including trail markers and routine mowing. For trail systems, boardwalks are allowed. Trail wetland and stream bank mitigation projects are also permitted. Natural vegetation shall not be disturbed, except for utility crossings within the required buffers.

a. “Primary Conservation Areas” ~~are required to be included in the Conservation Area. These areas~~ shall be covered by a provision for permanent protection and shall include 100-Year floodplains, stream buffer zones, and slopes greater than forty percent (40%) consisting of a contiguous area of at least 5,000 square feet, wetlands, endangered or threatened species or their habitat, archeological sites, cemeteries or burial grounds.

b. “Secondary Conservation Areas” are features that are acceptable and desirable for Conservation Area designation, and may be covered by the provisions for permanent protection. These include important historic sites, existing healthy, native forests of at least one (1) contiguous acre, scenic view sheds, peaks and rock outcroppings, prime agriculture lands consisting of at least five (5) contiguous acres, and existing trails that connect the tract to neighboring areas. Also considered Secondary Conservation Areas are “Neighborhood Greens”, ~~and~~ storm water management facilities and practices, buffer transition yards and street frontage buffers, and these may be constructed and maintained in the Conservation Area. However, “Neighborhood Greens” shall not exceed twenty percent (20%) of the total required Conservation Area.

c. Proposed Permanent Lakes that will be used for wet detention shall be credited at fifty percent (50%) of the land area.

d. Existing lakes that are used for stormwater detention shall be credited at one hundred percent (100%), and no more than fifty percent (50%) of land area located within a proposed permanent wet stormwater basin may be credited.

e. Buffer transition yards, required as set forth in this section, shall be credited.

f. Street frontage buffers, required as set forth in this section, shall be credited.

(34) *Exclusions.* The following features are excluded from the minimum amount of Conservation Area that must be set aside:

- a. Residential yards.
- b. Impervious surfaces in recreation areas shall not be credited.
- c. Land area within power, gas pipeline easements, sewer line easements or pump stations shall not be credited unless these easements contain sensitive areas and are approved for common use areas.
- d. Land area devoted to public or private streets or any land that has been, or is to be, conveyed to a public agency for such use as parks, schools, or other public facilities, shall not be credited.
- e. Dry stormwater detention basins shall not be credited.

(45) *Ownership of Conservation Areas.* ~~Prior to any building permits being issued for the subdivision, t~~The Conservation Area that is delineated on the Bonded or Final Plat shall be permanently protected by ~~either one or both of~~ the following ~~options~~:

- ~~a. *Option 1. Conveyance to Qualified Organizations or Entities.* Except for “Neighborhood Greens,” developed recreation areas or Secondary Conservation Areas not desired for permanent protection, the Conservation Area shall be permanently protected by the: 1) recording of a covenant or conveyance of an easement which runs in perpetuity under South Carolina law in favor of any corporation, trust, or other organization holding land for the use of the public or certain governmental entities; or 2) conveyance of a conservation easement running in perpetuity to a third party “qualified organization” recognized by Federal Treasury Regulation Section 1.170A-14(e)(1). Qualified organizations recognized by this Treasury Regulation include, but may not be limited to, governmental entities, local and national land trusts, or other conservation groups that are organized or operated primarily or substantially for one of the conversation purposes specified in the Internal Revenue Code. Governmental entities that qualify to be named in covenants or to receive conservation easements under the Treasury Regulation referred to above for purposes of this section shall include the Federal government, the State of South Carolina, Richland County, or authorities of the State of South Carolina or Richland County. If a covenant is recorded or an easement conveyed in favor of a governmental entity, formal~~

~~acceptance by the governmental entity or qualified conservation organization shall be obtained prior to the recording of the covenant or conveyance of the easement. The developer shall record the necessary legal instrument to accomplish protection of the Conservation Area prior to, or concurrent with, the recording of the Final Plat. Both the deed and the Final Plat shall contain, at a minimum, the following covenant:~~

~~“The Conservation Area conveyed by deed and shown on the Final Plat shall remain permanently protected and shall not be disturbed or cleared except to clean up storm damage, or to create or maintain hiking trails, and shall have the following goals: 1) protection of streams, floodplains and wetlands; 2) protection of steep slopes; 3) protection of woodlands, open fields and meadows; 4) protection of historical and archeological features; 5) protection of significant wildlife habitats; 6) protection of scenic vistas; and 7) passive recreation and connectivity with nearby open spaces. The following uses may be allowed: passive recreational amenities, such as pervious-surface paths and minimal parking spaces; picnic and restroom facilities (constructed facilities shall not exceed fifteen percent (15%) of the Conservation Area). This covenant is intended to benefit said area to the public and the use of same to the subdivision lot owners and residents, and it shall run in perpetuity.”~~

~~ab. Option 2. Conveyance to the Property Owners’ Association: A deed conveying ownership of the Conservation Area in fee-simple to a property owner’s association shall be recorded and delivered prior to, or concurrent with, the recording of the Bonded or Final Plat for the first phase of the subdivision. The legal instrument shall contain, at a minimum, the ~~same language required to be placed on a deed as stated in Option 1 of this Section~~ following:~~

~~“The Conservation Area conveyed by deed and shown on the Bonded or Final Plat shall remain permanently protected and shall not be disturbed or cleared except to clean up storm damage, or to create or maintain hiking trails, and shall have the following goals: 1) protection of streams, floodplains and wetlands; 2) protection of steep slopes; 3) protection of woodlands, open fields and meadows; 4) protection of historical and archeological features; 5) protection of significant wildlife habitats; 6) protection of scenic vistas; and 7) passive recreation and connectivity with nearby open spaces. The following uses may be allowed: passive recreational amenities, such as pervious-surface paths and minimal parking spaces; picnic and restroom facilities (constructed facilities shall not exceed fifteen percent (15%) of the Conservation Area). This~~

covenant is intended to benefit said area to the public and the use of same to the subdivision lot owners and residents, and it shall run in perpetuity.”

b. The property owner’s association bylaws or covenants, at a minimum, shall contain the following provisions:

1. Governance of the association.
2. Lien rights to the association for maintenance expenses and tax obligations.
3. Responsibility for maintenance of the open space, including, if applicable, low impact development stormwater management mechanisms.
4. Responsibility for insurance and taxes.
5. Automatic compulsory membership of all lot purchasers and their successors; and compulsory assessments.

c. Conditions and timing of transferring control of the association from the developer to the lot owners.

d. The property owner’s association, or other entity approved in advance by the Planning department, shall be responsible for the continuous maintenance and/or preservation of buffers, Conservation Area, trails and recreation areas.

(h) *Development Requirements.* Subdivisions shall meet the following requirements:

- (1) Minimum Subdivision Size: 2 contiguous acres.
- (2) Lot Area: No minimum.
- (3) Minimum Yard Areas (Setbacks):
 - a. Front: 20 feet; provided, however, the front yard setback may be reduced to 5 feet if dwellings are provided side or rear entry garages.
 - b. Rear: 20 feet.
 - c. Side: 5 feet.
 - d. Corner lots secondary side ½ front or 10 feet

- e. For alley loaded developments:
 - Front: 10 feet
 - Rear: 15 feet
 - Side: 3 feet, 6 feet combined
 - Corner lots secondary side 10 feet

- f. For a zero “lot line” development:
 - Front: 15 feet
 - Rear: 15 feet
 - Side: 0 feet, 6 feet combined
 - Corner lots secondary side 7 1/2 feet

(4) Buffer Transition Yards: Buffer transition yards are required to provide separation and screening between land uses of different impact. The buffer transition yard may count towards Conservation Area calculations.

a. Minimum Requirements: All applications of this code shall:

- 1. Be designated as “High Impact Residential Use” as the Proposed Use per Section 26-176(f)(3).
- 2. Require a minimum buffer transition yard width of twenty-five (25) feet.
- 3. Consist of natural vegetation.

b. Specifications and Exclusions: Open or common areas may be used to meet the buffer transition yard requirements, so long as they are natural, vegetative, or provide passive recreation. Active recreation areas, such as pools and playgrounds, are excluded from use in a buffer transition yard.

c. Determination of buffer transition yard requirements: To determine the buffer transition yard required between two (2) adjacent land uses, the following procedure shall be followed:

- 1. Identify the existing adjacent land use as set forth in Table VII-6 of Section 26-176(f)(3).
- 2. Determine the type of buffer transition yard required on each boundary (or segment thereof) of the subject parcel by referring to Table VII-7 of Section 26-176(f)(4).

3. Identify the buffer transition yard planting requirements for the required yard type as set forth in Table VII-8 of Section 26-176(f)(5).
- d. Location: As set forth in Section 26-176(f)(2)(a) and (b). Residential yards (front, side or rear) shall not apply towards buffer transition yards.
- e. Buffer yard credits: All existing healthy, mature trees retained in buffer areas, can be credited toward meeting the buffer yard requirements, upon determination that adequate screening is provided. This may require a field visit and determination by the Planning Department.
- f. Buffer yard reductions: Reductions of the minimum transition buffer yard widths are not permitted.
- g. Buffer material specifications: As set forth in Section 26-176(f)(7).
- (45) Street Frontage Buffer along existing roads: Twenty-five (25) feet in width (not part of any building lot). The street frontage buffer shall remain undisturbed and natural, except for entrance features, necessary street construction activities, right-of-way crossings, public utility easements, and corner right-of-way miters or radii. If the required street frontage buffer is void of vegetation, it shall be planted in accordance to landscape buffer type “A” to provide an effective visual screen, which may include landscaped berms and decorative fences. The street frontage buffer may be counted towards Conservation Area calculations.
- (56) Maximum Height: Three (3) stories above ground level. (For the purpose of this subparagraph, “ground level” shall mean: the average finished ground elevation at the base of a structure to the highest point of the roof of the structure; provided that spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, mechanical equipment, or other such structures that are placed above roof level and are not intended for human occupancy, shall not be subject to height limitations).
- (67) Yards: Front yards shall be stabilized with sod. All other disturbed areas on dwelling lots shall be stabilized ~~with sod, or landscaped with muleh and native plants for landscaping and stabilization of the entire lot.~~
- (78) Street trees shall be provided along all roads at intervals of ~~twenty-five (25)~~ thirty-five (35) feet and shall be 2½ inch caliper/10 feet in height at time of planting.

- (89) Proposed utilities shall be located underground.
- (910) Community streets shall be as follows: set forth in Section 26-181.
- ~~a. Main Roads twenty-four (24) feet pavement width with 1.5 feet minimum rolled curb.~~
 - ~~b. Park Roads seventeen (17) feet pavement width with 1.5 feet minimum rolled curb. On cul-de-sac bulbs, the inside curb shall be one (1) foot ribbon curb.~~
 - ~~c. Street Lighting if street lighting is proposed, a pedestrian scale shall be utilized (maximum 12 feet in height).~~
 - ~~d. All streets shall conform to Richland County standards for pavement section, horizontal and vertical curvature. All streets in the community will have sidewalks on at least one side.~~
- (11) e. Sidewalks shall provide access to community trail systems. All sidewalks shall be a minimum of five (5) feet wide and meet ADA standards. Sidewalks shall be setback five (5) feet from the curb, providing a grass or landscaped buffer between the sidewalk and roadway.
- (1012) Storm water management. Where possible, detention shall be accomplished in wet ponds. In addition, low impact development (LID) options shall be utilized when feasible throughout the community. However, in either case, storm water controls shall meet Richland County's standards. LID stormwater mechanisms, such as grassy cul-de-sacs and neighborhood greens shall be owned and maintained by the Home Owners' Association.
- (1113) Pervious material may be used for sidewalks and driveways. The maximum impervious surface allowed is fifty percent (50%) of the developed area.
- ~~(12) Certification shall be issued by the Richland County Council for the completion of development that meets the within Green code standards, which enhances the environment, improves our quality of life, and prioritizes Green Development.~~
- (i) *Density.* The residential gross density in each zoning district is established in other sections of this Code; provided, however, bonus density shall be granted based on meeting ~~open space~~ eConservation Area targets as follows:
- ~~—30% required minimum open space—10% bonus density~~

- ~~— 40% open space provided — 20% bonus density~~
- ~~— 50% open space provided — 30% bonus density~~

~~Density bonus can be applied on a pro-rata basis for open space amounts falling between the benchmarks.~~

Conservation Area on Parcel	Density Bonus Allowed (%)					
	RU	RR	RS-E	RS-LD	RS-MD	MH
30%*	10%	10%	10%	10%	10%	10%
40%	20%	20%	20%	15%	15%	15%
50% or more	30%	30%	30%	20%	20%	20%

*No density bonuses are applied for Conservation Areas of less than 30%.

Applying these gross bonuses will yield the densities shown on the following table.

Conservation Area on Parcel	Gross Density					
	RU	RR	RS-E	RS-LD	RS-MD	MH
30%*	1.45	1.45	2.40	3.99	5.63	6.60
40%	1.58	1.58	2.62	4.17	5.89	6.90
50% or more	1.72	1.72	2.83	4.36	6.14	7.20

*No density bonuses are applied for Conservation Areas of less than 30%.

The maximum net density shall be no greater than 7.00 dwelling units per acre in any zoning district allowed under this Code. Net densities for each zoning district, applying the process shown in the table below and the net density restriction will yield the following net densities:

Conservation Area on Parcel	Net Density					
	RU	RR	RS-E	RS-LD	RS-MD	MH
30%*	2.07	2.07	3.43	5.70	7.00	7.00
40%	2.63	2.63	4.37	6.95	7.00	7.00
50% or more	3.44	3.44	5.66	7.00	7.00	7.00

*No density bonuses are applied for Conservation Areas of less than 30%.

The following tables illustrate two example applications of the density bonus on a 100 acre tract zoned RU and on a 100 acre tract zoned RS-LD:

Conservation Area on Parcel	100 acre example for RU				
	Density Bonus	Max # of Lots	Gross Density	Net Area	Net Density
30%	10%	145	1.45	70 ac	2.07
40%	20%	158	1.58	60 ac	2.63
50% or more	30%	172	1.72	50 ac	3.44

Conservation Area on Parcel	100 acre example for RS-LD				
	Density Bonus	Max # of Lots	Gross Density	Net Area	Net Density
30%	10%	399	3.99	70 ac	5.70
40%	15%	417	4.17	60 ac	6.95
50% or more	20%	436	4.36	50 ac	7.00

Density bonus can be applied on a pro-rata basis for open space amounts falling between the benchmarks.

- (j) *Appeals.* The Board of Zoning Appeals, consistent with section 26-58, shall hear appeals of decisions of the Planning Department pertaining to this section (26-186).

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2012.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE _____ DAY
OF _____, 2012

Michelle M. Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: July 31, 2012
Public Hearing: October 23, 2012 (tentative)
Second Reading: October 23, 2012 (tentative)
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE AND PERFORMANCE STANDARDS; SECTION 26-176, LANDSCAPING STANDARDS; SUBSECTION (J), PROTECTION OF EXISTING TREES DURING DEVELOPMENT; PARAGRAPH (3), EXEMPTION – TREE PROTECTION; SO AS TO REMOVE BUFFER AND BMP REQUIREMENTS FOR FORESTRY ACTIVITIES.

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 26-176, Landscaping Standards; Subsection (j), Protection of Existing Trees During Development; Paragraph (3), Exemptions – Tree Protection; is hereby amended to read as follows:

- (3) *Exemptions – tree protection.* Commercial timber, tree farms, agricultural operations, or timber clearing on private property are exempt from tree protection requirements, but must comply with the buffer requirements and other voluntary protective measures known as “Best Management Practices (BMPs)”, as published by the South Carolina Forestry Commission. In addition to the BMPs, this shall include an undisturbed buffer along the entire perimeter of the property, including road frontages, except for approved access crossings. Such buffer shall be fifty (50) feet wide or equal to the required setback for the zoning district in which the property is located, whichever is greater.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2012.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE ____ DAY

OF _____, 2012.

Michelle M. Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-53, LAND DEVELOPMENT PERMITS; SO AS TO CLARIFY THE PERMITTING PROCESS.

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 IV, Amendments and Procedures; Section 26-53, Land Development Permits; is hereby amended to read as follows:

Sec. 26-53. Land development permits.

- (a) *General.* No building or other structure shall be erected, moved, added to, or structurally altered without a land development permit being issued by the county. In addition to building or structural change, a land development permit shall also be required for expansions of existing uses as well as for a change of use. A land development permit shall not be issued by the planning department except in conformity with the provisions of this chapter, unless the planning department receives a written order from the Richland County Board of Zoning Appeals in the form of an interpretation involving error (Section 26-58) or a special exception (Section 26-56) or variance (Section 26-57). If the permit is denied, reasons for the denial shall be stated. The planning department shall notify the Building and Inspections Department and the Emergency Services Department whenever plans are submitted that affect the “Emergency Planning Zone” (EPZ) of the V.C. Summer Nuclear Plant (which is located in Fairfield County) that involves an entity that will employ or house more than one hundred (100) persons in a facility on a regular basis, as in those instances an evacuation plan must be first submitted to and approved by the Emergency Services Department prior to the issuance of any building permit or land development permit.
- (b) *Processes.* There are three types of land development permit processes: land development compliance review, minor land development review, and major land development review. The type of process to be applied to a particular development application depends on the nature of the development proposed.
 - (1) *Land development compliance review.*
 - a. *Applicability.* Construction of detached single-family dwelling units and two-family dwellings on individual lots of record are

subject only to land development compliance review in order to obtain a land development permit. In addition, changes of use not involving new construction are subject only to land development compliance review in order to obtain a land development permit.

~~b. *Pre-application procedure.* No pre-application conference is required prior to applying for a land development permit subject to land development compliance review. Applicants are encouraged to call or visit the planning department prior to requesting a land development permit to determine what information is required for the application.~~

eb. *Plan submittal.* An application for a land development permit subject to land development compliance review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted – including the permit fee, as established by Richland County Council.

~~1. *Filing of application.* An application for a land development permit subject to land development compliance review may be filed by the owner of the property or by an authorized agent. The application for a land development permit shall be filed with the planning department on a form provided by the department.~~

~~2. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.~~

dc. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies. Provided the application is complete, the planning department, for projects not involving some other form of review, shall approve; ~~approve conditionally~~; or deny the approval of the application within thirty (30) days of receipt. Failure to act within thirty (30) days, unless extended by mutual agreement, shall be considered to constitute approval. In most situations, land development compliance review and the issuance of a land development permit can be handled at the time of application submittal. A record of all actions will be maintained as a public record and the applicant must be notified in writing of any actions taken.

ed. *Public notification.* No public notification is required for land development permit issuance subject to land development compliance review.

fe. *Formal review.* No formal review is required for land development permit issuance subject to land development compliance review.

gf. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.

hg. *Appeals.* Appeals of the decisions of the planning department regarding land development permit applications, which must be filed within thirty (30) days after actual notice of the decision, shall be heard by the planning commission under the procedures set forth at Section 26-58 of this chapter. Such appeals shall encompass all issues for appeal. An appeal from the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

ih. *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may ~~apply request to the planning department for~~ a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved by the planning department shall render the land development permit invalid.

(2) *Minor land development review.*

a. *Applicability.* Minor land developments are those developments (exclusive of residential or commercial subdivisions) that do not meet the standards for applicability for “land development compliance review” or “major land development” review. If a phased project would reach the thresholds for a major land development within a five (5) year period, then the project shall be treated as a major land development, regardless of the size of the individual phases. To be considered a minor land development, the subdividing of property or the dedication of land to the county for open space or other public purposes shall not be part of the development. Minor land developments are subject to the review process outlined in subparagraphs b. through f. below in order to obtain a land development permit.

~~b. *Pre-application procedure.* No pre-application conference is required prior to applying for a land development permit subject to minor land development review. Applicants are encouraged to call or visit the planning department prior to requesting a land development permit to determine what information is required for the application.~~

cb. *Plan submittal.* An application for a land development permit subject to minor land development review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted – including the permit fee, as established by Richland County Council.

~~1. *Filing of application.* An application for a land development permit subject to minor land development review may be filed by the owner of the property or by an authorized agent. The application for a land development permit shall be filed with the planning department on a form provided by the department and shall be accompanied by plans drawn to scale of the development. The application and plans shall include all information requested by the department.~~

~~2. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.~~

dc. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies

within ten (10) days of the most recent submission date. Provided the application is complete, the following shall occur.

1. *Planning staff review.* Plans for development requiring minor land development review shall be reviewed by the planning department for compliance with the requirements of this chapter.
2. *Development review team.* As needed, plans for development requiring minor land development review shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. No formal team review shall be required.

The planning department shall approve, approve conditionally, or deny the approval of the application within thirty (30) days of receipt. Failure to act on an application within thirty (30) days shall be considered to constitute approval. A record of all actions will be maintained as a public record and the applicant must be notified of any actions taken.

~~ed.~~ *Public notification.* No public notification is required for land development permit issuance subject to minor land development review.

~~fe.~~ *Formal review.* No formal review is required for land development permit issuance subject to minor land development review.

~~gf.~~ *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter. However, requests for variances from the requirements set forth in Article IX. shall be heard by the planning commission.

~~hg.~~ *Appeals.* Appeals of the decisions of the planning department regarding land development permit applications (subject to minor land development review), which must be filed within thirty (30) days after actual notice of the decision, shall be heard by the planning commission under the procedures set forth in Section 26-58 of this chapter. Such appeals shall encompass all issues for appeal. An appeal of the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision. In the alternative, also within thirty (30) days, a

property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court, accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

ih. *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may ~~apply request to the planning department for~~ a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved by the planning department shall render the land development permit invalid.

(3) *Major land development review.*

- a. *Applicability.* Major land developments are those developments, exclusive of residential or commercial subdivisions, which:
1. Involve one hundred thousand (100,000) or more square feet of nonresidential floor space;
 2. Involve one hundred and fifty (150) or more multi-family residential dwelling units, lots or manufactured home spaces in a manufactured home district; and/or
 3. Involve the dedication of land to the county for open space or other public purposes.

Due to the size of these projects, a more formal review process is required. This review process is established to ensure the safety of the public and to assure that adequate services and facilities can be provided for these developments and to assure that they do not

negatively impact the area in which they are proposed to be located or the county as a whole.

~~b. *Pre application procedure.* All applicants for a land development permit that is subject to major plan development approval are required to schedule a pre-application conference with the planning director prior to the preparation of development plans. This conference allows the applicant and planning staff an opportunity to discuss the review process, the requirements for completing the review schedule, contact persons for services and permits, and information regarding site plan requirements. The staff can also determine if any special reviews will be required. It is also highly recommended that the developer, as appropriate, meet with representatives of the neighborhood in which the proposed project is located. This meeting, which can be held at the pre-application stage, will allow the developer an opportunity to explain the proposed project and to be informed of the concerns of the neighborhood.~~

eb. *Plan submittal.*

1. *Filing of application.* Applications for land development permits subject to major land development review ~~may~~ shall be filed by the owner of the property or an authorized agent. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council. ~~The application shall be filed with the planning department on a form provide by the department and shall be accompanied by the required number of site plans. The application and plans shall include all information requested by the department. The schedule for submittal of applications in order to have them reviewed at established technical review team and planning commission meetings shall be maintained in the planning department.~~
2. *Preparation of plans.* Site plans for developments requiring major land development review shall be prepared by a registered architect, engineer, landscape architect, or licensed surveyor. ~~Plans shall include a Traffic Impact Assessment.~~
3. ~~*Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.~~

dc. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within ~~thirty (30)~~ ten (10) days of the most recent submission date. Provided the application is complete, the following shall occur:

1. ~~*Planning staff review Scheduling.* Plans for development requiring major land development review shall be reviewed by the planning department for compliance with the requirements of this chapter. The schedule for meetings of the Development Review Team shall be kept and maintained in the Office of the Richland County Planning and Development Services Department.~~

2. *Development review team.* The planning department shall ~~present~~ distribute site plans ~~for developments requiring major land development review~~ to members of the development review team. ~~Within thirty (30) days of receipt of a site plan from the planning department, t~~The development review team members shall review the site plans for compliance with the development regulations of Richland County. Upon review, ~~the existing federal, state and local laws and regulations, as well as for compatibility with the county's comprehensive plan.~~ The development review team shall ~~take~~ determine one of the following ~~three (3) actions on the application within fifteen (15) days of reviewing the site plan.:~~

[a] ~~*Approval by development review team*~~The project is in compliance with the development regulations of Richland County. If the site plan is approved by the development review team, the planning department shall notify the applicant and transmit the site plan to the planning commission for their information.

[b] ~~*Conditional approval by development review team*~~The project is not in compliance with the development regulations of Richland County. ~~If t~~The site plan ~~receives conditional approval, the applicant shall revise the plan based upon the conditions of the approval and resubmit it. The revised plan shall be reviewed by the planning department and if it meets all of the review team conditions, the site plan shall be transmitted to the Richland County Planning Commission for their information. Conditional approval may also be~~

~~appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections e. and f. below.~~

~~[e] Denial by development review team. If the site plan is shall be denied, and the reasons for denial shall be provided to the applicant. The site plan may be revised to address the reasons for denial and resubmitted ~~in accordance with the provisions of this chapter.~~ The denial may also be appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections e. and f. below and the payment of any fees established by the Richland County Council. Revised site plans shall be administratively reviewed; provided, however, major changes that materially affect the characteristics of the site plan, as determined by the planning director, may require an additional DRT review.~~

~~Appeals must be filed within fifteen (15) days of the date the decision is received by the applicant for a land development permit.~~

ed. *Public notification.* No public notification is required for land development permit applications ~~issuance subject to major land development review where a report of approval is being made by the development review team. However, when an appeal is made to the planning commission, notice of said appeal shall be published in a newspaper of general circulation in the county fifteen (15) days in advance of the hearing. Such notice shall contain the date, time, and place of the public hearing, and the nature and character of the proposed action. The notice shall also inform the public where information may be examined and when and how written comment may be submitted on the proposed matter.~~

~~f. Formal review.~~

~~1. Public hearing or report before planning commission. Following receipt of a report or appeal on a proposed major land development plan, the matter shall be scheduled for report or hearing by the Richland County Planning Commission. The planning commission shall consider this request at the next available meeting. There shall be no public hearing held in conjunction with a report on a~~

~~development project approved by the development review team. In these cases, the commission shall receive a report on the decision of the development review team for their information. In case of an appeal, the planning commission shall conduct a public hearing on said appeal. Failure by the planning commission to act within sixty (60) days of the original complete submittal (minus any time taken for making changes as set forth by the development review team) shall constitute approval, unless this time period is extended by mutual agreement.~~

~~2. *Decision by planning commission.* Where an appeal has been made to them on a major land development, the Richland County Planning Commission, after conducting the public hearing, may: deny approval, table the application pending submittal of additional information, or approve the application for a land development permit. The decision on the land development permit application shall be by a majority vote of the commission as set forth in the bylaws of the commission.~~

~~ge.~~ *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.

~~hf.~~ *Appeals.*

~~1) Appeals of the decisions of shall be made to the Richland County Planning Commission, subject to the procedures set forth in Sec. 26-58 and the payment of fees as established by Richland County Council, by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision and must encompass all issues for appeal. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.~~

~~2) Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision of the planning commission may appeal such decision to the circuit court,~~

provided that a proper petition is filed with the Richland County Clerk of Court within thirty (30) days after receipt of the written notice of the decision by the applicant. An appeal shall cease all staff review regarding the subject property. However, a reconsideration request may be heard at the same time as an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

ig. *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may ~~apply request to the planning department for~~ a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved by the planning department shall render the land development permit invalid.

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 _____, 2012.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE _____ DAY

OF _____, 2012

Michelle M. Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SO AS TO CLARIFY THE SUBDIVISION REVIEW AND APPROVAL PROCESS.

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 IV, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; is hereby amended to read as follows:

Sec. 26-54. Subdivision review and approval.

- (a) *General.* Pursuant to the requirements of Section 6-29-1110, et seq., of the South Carolina Code of Laws, as amended, no subdivision of land in Richland County may be recorded without review and approval in accordance with this section. No road, right-of-way, easement, or other land, shall be accepted, or maintained by the county, be extended or connected, nor shall any certificate of occupancy be issued by a department of the county for any building, or other improvements, until the subdivision, and/or other property division, complies with the requirements of this section. These review procedures are designed to ensure that the purposes of various regulations set forth in this section are carried out and that the objectives and policies of the comprehensive plan for the county are implemented.
- (b) *Sketch ~~(site)~~ plans and plats to show flood limit lines as depicted on the current FIRM panel.* All sketch ~~(site)~~ plans for subdivisions and plats submitted for approval pursuant to this section shall be prepared by a registered engineer or licensed surveyor and shall contain a delineation of all flood lines and floodway boundary lines, as shown on the County's Flood Insurance Rate Map as adopted in Section 26-106 (b).
- (c) *Processes.* There are three types of subdivision review processes: administrative review, minor subdivision review, and major subdivision review. The type of process to be applied to a particular development application depends on the nature of the development proposed.
 - (1) *Administrative review.*

a. *Applicability.* The following types of subdivisions are subject to administrative review in accordance with this section:

1. The combination or recombination of portions of previously platted and recorded lots where the total number of lots is not increased and the resultant lots are equal to the applicable site development standards set forth in this chapter.
2. The division of land into parcels of five (5) acres or more where it does not result in the creation of a new roadway or the widening of an existing roadway.
3. The combination or recombination of entire lots of record where no new road or change in existing roads is involved.
4. The division of a parcel into two (2) lots which do not result in the construction of a new road or the improvement (including, but not limited to, paving and/or widening) of an existing road; or the construction of new water facilities, other than private on-site wells; or the construction of new sewerage facilities, other than on-site septic tanks; or the construction of new storm drainage facilities, other than roadside swales and culverts; and is not in conflict with any provision or portion of the comprehensive plan, official map, or this chapter.

~~b. *Pre-application procedure.* There is no pre-application procedure for administrative subdivision review. Applicants are encouraged to visit the planning department prior to requesting subdivision approval to determine what information is required for the application.~~

~~eb. *Plan-s*Submittal. Applications for administrative subdivision review shall be filed by the owner of the property or an authorized agent. The application shall be filed with the planning department. All documents/information required on the application must be submitted – including the permit fee, as established by Richland County Council. Plats must be prepared by a South Carolina licensed land surveyor.~~

- ~~1. *Filing of application.* Applications for administrative subdivision review shall be filed by the owner of the property or an authorized agent. The application shall be filed with the planning department and shall be~~

~~accompanied by a final subdivision plat containing all information as required by the department.~~

~~2. Fees. A permit fee, as established by the Richland County Council, shall be submitted with the application.~~

~~dc. Staff review. The planning department shall approve or deny review the application ~~and subdivision plat and provide a written decision regarding the request as soon as possible, but no later than~~ within thirty (30) days after the submission date of a completed application. If the department does not provide the applicant with ~~written a~~ notice of the application's status within thirty (30) days after the submission date of a completed application, then in this time period, the application shall be deemed approved.~~

~~ed. Public notification. No public notification is required for administrative subdivision review.~~

~~fe. Formal review. No formal review is required for administrative subdivision review.~~

~~gf. Variances. Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter. However, variances from the requirements set forth in Article IX. must be approved by the planning commission.~~

~~hg. Appeals.~~

~~1) Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Sec. 26-58 and the payment of fees as established by Richland County Council. A person who may have a substantial interest in the decision of the planning department regarding subdivision applications may appeal such decision to the Richland County Planning Commission. Such appeal must be made within thirty (30) days of receipt of the decision by the property owner. The appeal shall be in writing and delivered to the planning department. The appeal must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the basis or reason for the appeal. An appeal from the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice~~

~~of the decision. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.~~

2) Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision of the planning commission may appeal such decision to the circuit court, provided that a proper petition is filed with the Richland County Clerk of Court within thirty (30) days after receipt of the written notice of the decision by the applicant. An appeal shall cease all staff review regarding the subject property. However, a reconsideration request may be heard at the same time as an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

ih. *Recordation/aApproval validity/final plat/recordation.* A final plat for an approved subdivision subject to administrative review shall be recorded by the applicant, within thirty (30) days of approval, with the Richland County Register of Deeds and a copy of the recorded plat shall be provided to the planning department by the applicant for the public record. Any hold-harmless agreement, if required, shall be attached to said recorded plat and any other subsequent property transfer instruments, and shall run with the land. No building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property.

1. *Recordation.* A signed and sealed plat for an approved subdivision must be recorded by the applicant, within thirty (30) days of approval, with the Richland County Register of Deeds. The applicant shall provide the planning

department with at least one (1) copy of the recorded plat. No building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property.

2) Approval validity. Failure to record a plat within thirty (30) days shall invalidate the plat approval.

(2) *Minor subdivision review.*

- a. *Applicability.* The minor subdivision review process is required for those divisions of land that do not qualify for administrative subdivision review (see above) but which consist of less than fifty (50) lots. A minor subdivision shall not require engineered documents pertaining to design of infrastructure or the dedication of land to the county for open space or other public purpose. If a phased project, with fewer than fifty (50) lots in one or more phases, involves a total of fifty (50) or more lots within five (5) years of the recording of any prior phase, then the project shall be treated as a major subdivision, regardless of the size of the individual phases.
- b. ~~*Filing of application*~~*Submittal.* An application for minor subdivision review shall be filed by the owner of the property or by an authorized agent. The application for minor subdivision approval shall be filed with the planning department on a form provided by the department. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council.
- c. *Staff review.*
 1. *Planning staff review.* Plans for minor subdivision developments s shall be reviewed by the planning department for compliance with the requirements of this chapter.
 2. *Development review team.* As needed, plans for minor subdivisions s developments shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. No formal team review shall be required.

The planning department shall approve or deny the application for a minor subdivision within thirty (30) days after the submission date of a completed application. If the department does not

provide the applicant with a notice of the application's status within thirty (30) days after the submission date of a completed application, then the application shall be deemed approved.

- d. *Public notification.* No public notification is required for minor subdivision review.
- e. *Formal review.* No formal review is required for minor subdivision plan approval.
- f. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.
- g. *Appeals.*

1. Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Section 26-58, and the payment of fees established by the Richland County Council.

2. Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who has a substantial interest in the decision may appeal such decision of the Richland County Planning Commission to the Circuit Court, provided that a proper petition is filed with Richland County Clerk of Court within thirty (30) days after the applicant receives written notice of the decision. An appeal shall cease all staff and review agency activity regarding the subject project. However, a reconsideration request may be heard at the same time an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the Planning Commission may appeal by filing a notice of appeal with the Circuit Court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

- h. ~~*Approval validity*~~/*Recordation*/*approval validity*.

1. *Recordation.* A signed and sealed plat for a minor subdivision must be recorded by the applicant within thirty (30) days of approval, with the Richland County Register of Deeds. Approval of the plat shall constitute the final subdivision approval. The applicant shall provide the planning department with at least one (1) copy of the recorded plat. No building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property.
3. *Approval validity.* Failure to record a plat within thirty (30) days shall invalidate plat approval.

(3) *Major subdivision review.*

- a. *Applicability.* The major subdivision review process is required for all those subdivisions of land in Richland County that do not meet the requirements for exemption from the subdivision review process (See definition of “subdivision” in Section 26-22 above) and that do not qualify for administrative or minor subdivision review (Section 26-54(b)(1) and Section 26-54(b)(2)). Any subdivision that involves the dedication of land to the county for open space or other public purposes shall be considered a major subdivision. Any major subdivision with fewer than fifty (50) lots shall not be required to install sidewalks along roads abutting the development.

~~b. *Pre-application procedure.* It is required that every applicant for major subdivision review meet with the planning department in a conference prior to the submittal of a subdivision plat. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plans/plats for approval. It is also highly recommended that the developer, as appropriate, meet with representatives of the neighborhood in which the proposed project is located. This meeting, which can be held at the pre-application stage, will allow the developer to explain the proposed project and to be informed of the concerns of the neighborhood.~~

~~c. *Plan submittal.*~~

- ~~1. *Filing of application.* An application for major subdivision review may be filed by the owner of the property or by an authorized agent. The application for major subdivision approval shall be filed with the planning department on a form provided by the department. The application shall be accompanied by a sketch plan containing all information~~

~~required on the application including a sketch of the entire proposed development even in cases where the development is occurring in phases. Sketch plans for developments requiring major land development review shall be submitted in both a paper and a digital format as specified by the County, and shall be prepared by a registered architect, engineer, landscape architect, or licensed surveyor.~~

~~2. Fees. A permit fee, as established by the Richland County Council, shall be submitted with the application.~~

db. *Sketch plan review and approval.*

1. Plan submittal. An application for major subdivision review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted – including the permit fee, as established by Richland County Council. Sketch plans shall be prepared by a registered architect, engineer, landscape architect, or licensed surveyor.

12. Staff review. The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the ~~application~~ applicant of the deficiencies within ~~fifteen (15)~~ ten (10) days of the most recent submission date. Provided that the application is complete, the following shall occur:.

[a] Scheduling. The schedule for meetings of the Development Review Team shall be kept and maintained in the office of the Richland County Planning and Development Services Department.

~~[a] Planning staff review.~~ ~~Sketch plans for development requiring major subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter.~~

[b] Development review team. The planning department shall ~~present~~ distribute sketch plans ~~for developments requiring major subdivision review to members of~~ the development review team. ~~Within thirty (30) days of receipt from the planning department,~~ The development review team

members shall review the sketch plans for compliance with ~~existing federal, state, and local laws as well as compatibility with the county's comprehensive plan~~ the development regulations of Richland County. Upon review, ~~t~~The development review team shall ~~take~~ determine one of the following ~~three (3) actions on the application within fifteen (15) days of reviewing the sketch plan:~~

[1] ~~Approval by development review team. The project is in compliance with the development regulations of Richland County.~~ If the sketch plan is approved by the development review team, the planning department shall notify the applicant and transmit the sketch plan to the planning commission for their information only.

~~[2] Conditional approval by development review team. If the sketch plan receives conditional approval, the applicant shall revise the plan based upon the conditions of the approval and resubmit it. The revised plan shall be reviewed by the planning department, and if it meets all of the review team conditions, the sketch plan shall be transmitted to the Richland County Planning Commission for their information. Conditional approval may also be appealed to the planning commission subject to the procedures for a public hearing set forth in subsections 2. and 3. below.~~

[3] ~~Denial by development review team. The project is not in compliance with the development regulations of Richland County. If ~~t~~The sketch plan ~~is~~ shall be denied, and the reasons for denial shall be provided to the applicant. The sketch plan may be revised to address the reasons for denial and resubmitted ~~in accordance with the provisions of this chapter.~~ The denial may also be appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections d.2. and d.3. below, and the payment of any fees established by the Richland County Council. Revised sketch plans shall be~~

administratively reviewed; provided, however, major changes that materially affect the characteristics of the sketch plan, as determined by the Planning Director, may require an additional DRT review.

~~Appeals shall only be filed by the applicant, a contiguous landowner, or an adjacent landowner, and must be filed within fifteen (15) days of the date the decision is received by the applicant for a land development permit.~~

~~2. *Public notification.* No public notification is required for major subdivision sketch plan review where a report of approval is being made by the development review team. However, when an appeal is made to the planning commission, notice of said appeal shall be published in a newspaper of general circulation in the county fifteen (15) days in advance of the hearing. Such notices shall contain the date, time, and place of the public hearing, and the nature and character of the proposed action. The notice shall also inform the public where information may be examined and when and how written comment may be submitted on the proposed matter.~~

~~3. *Formal review.*~~

~~[a] *Public hearing or report before planning commission.* Following receipt of a report or appeal on a proposed major subdivision sketch plan, the matter shall be scheduled by the Richland County Planning Commission. The planning commission shall consider this matter at the next available meeting. There shall be no public hearing held in conjunction with a report on a sketch plan approved by the development review team. In these cases, the commission shall receive a report on the decision of the development review team for their information. In case of an appeal, the planning commission shall conduct a public hearing on said appeal. Failure by the planning commission to act within sixty (60) days of complete submittal shall constitute approval unless this time period is extended by mutual agreement.~~

~~[b] — Decision by the planning commission. Where an appeal has been made to them on a major subdivision sketch plan, the Richland County Planning Commission, after conducting the public hearing, may: deny approval, table the application pending submittal of additional information, or approve the application. The planning commission shall approve the sketch plan if it finds:~~

~~[1] — The proposed project complies with the policies and objectives of the county comprehensive plan.~~

~~[2] — The proposed project complies with the purpose, scope, and provisions of this chapter.~~

~~[3] — The county address coordinator has approved the subdivision name and addresses, and the planning commission has approved the subdivision road names. (See Section 26-183 of this chapter).~~

~~[4] — The proposed project complies with the subdivision sketch plan checklist of the planning department.~~

~~The applicant shall be provided with a written statement of the planning commission's action (approval, approval with conditions, or denial). Such statement shall, at a minimum, include findings of fact based on the criteria described above and shall establish the general parameters for the development of the entire area subject to the sketch plan. The county shall not accept an application for a preliminary plan, or for roads, storm drainage or sediment/erosion control, until the sketch plan is approved.~~

42. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.

53. *Appeals.* Pursuant to the requirements of Section 6-29-1150 (C) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision may appeal such decision of the planning commission to the

~~circuit court, provided that a proper petition is filed with the Richland County Clerk of Court within thirty (30) days after receipt of the written notice of the decision by the applicant. An appeal shall cease all staff and review agency activity regarding the subject project. However, a reconsideration request may be heard at the same time an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.~~

[a] Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Sec. 26-58 and the payment of fees as established by Richland County Council.

[b] Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision of the planning commission may appeal such decision to the circuit court, provided that a proper petition is filed with the Richland County Clerk of Court within thirty (30) days after receipt of the written notice of the decision by the applicant. An appeal shall cease all staff review regarding the subject property. However, a reconsideration request may be heard at the same time as an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150

and Section 6-29-1155 of the South Carolina Code of Laws.

~~6. *Reconsideration of proposed subdivision.* The planning commission may reconsider any decision it made on a proposed major subdivision when an applicant has submitted new facts directly related to the proposed project that have been discovered subsequent to the planning commission's sketch plan decision. Simply seeking an opportunity to make a better argument shall not warrant planning commission reconsideration of a sketch plan decision. Such alleged new factual information shall be submitted to the planning department within fourteen (14) days of the planning commission sketch plan decision to be eligible for reconsideration. The planning commission shall consider whether the request for reconsideration meets the criteria for reconsideration at the next available planning commission meeting. A request for reconsideration shall toll the time limit requirement to file an appeal pursuant to the requirements of subparagraph 5. above.~~

74. *Approval validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon written notice of sketch plan approval for a subdivision phase, the applicant shall have a two (2) year vested right to proceed with the development of the approved subdivision phase under the requirements of Article V (Zoning Districts and District Standards) of this Chapter, which are in effect on the date of sketch plan approval. Failure to submit an application for preliminary plan approval within this two (2) year period shall render the sketch plan approval void. However, the applicant may ~~apply request to the planning department for~~ a one (1) year extension of this time period no later than thirty (30) days and no earlier than ~~120 sixty (60)~~ days prior to the expiration of the sketch plan approval. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the approval. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved sketch plan that has not first been reviewed and approved by the planning department shall render the sketch plan approval invalid.

ec. Preliminary (construction drawings) subdivision plan review and approval.

1. ~~*Purpose/s*~~Submittal. ~~The purpose of the preliminary subdivision plan stage of major subdivision review is to ensure that the subdivision can be built in substantial compliance with the approved sketch plan. The preliminary plan shall be submitted to the planning department in both a paper and a digital format as specified by the County, and shall contain all information required by the department. An application for preliminary plan review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council.~~

2. *Staff review.* The planning department shall review the preliminary plan submittal and determine if it is complete. The applicant shall be notified within ten (10) days of submittal if the application is not complete. Provided that the application is complete, ~~the planning department shall review the plan for compliance with the requirements of this chapter and conformity with the approved sketch plan, and then issue a letter to the applicant either approving, approving with conditions, or denying the preliminary subdivision plan. Failure on the part of the planning department to act on the preliminary plat within thirty (30) days shall constitute approval. Approval of the preliminary subdivision plan shall not constitute final or bonded subdivision plat approval (see Sections 26-54(b)f. and g. below).~~ the following shall occur:

[a] *Development review.* The preliminary plat for developments requiring major subdivision review shall be reviewed by county development review staff for compliance with the development regulations of Richland County and conformity with the approved sketch plan and preliminary plan.

[b] The planning department shall approve or deny the application for a preliminary subdivision within thirty (30) days after the submission date of a completed application. If the department does not provide the applicant with a notice of the application's status within thirty (30) days after the

submission date of a completed application, then the application shall be deemed approved.

3. *Public notification.* No public notification is required for major subdivision preliminary plan review and approval.
4. *Formal review.* No formal review is required for major subdivision preliminary plan review and approval.
5. *Variances.* ~~There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review. Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals as set forth in Sec. 26-57 of this chapter.~~
6. *Appeals.* ~~The applicant, a contiguous landowner, or an adjacent landowner may appeal a planning department decision regarding the preliminary subdivision plan to the planning commission. Such appeal must be in writing and must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the basis or reason for the appeal. Such appeal shall be heard at the planning commission's next available meeting.~~

[a] Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Sec. 26-58 and the payment of fees as established by Richland County Council.

[b] Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision of the planning commission may appeal such decision to the circuit court, provided that a proper petition is filed with the Richland County Clerk of Court within thirty (30) days after receipt of the written notice of the decision by the applicant. An appeal shall cease all staff review regarding the subject property. However, a reconsideration request may be heard at the same time as an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a

property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

7. *Approval validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon written notice of preliminary plan approval for a subdivision phase, the applicant shall have a two (2) year vested right to proceed with the development of the approved subdivision phase under the requirements of Article VII (General Development, Site, and Performance Standards) and Article VIII (Resource Protection Standards) of this Chapter, which are in effect on the date of preliminary plan approval. Failure to submit an application for either bonded plat or final plat approval within this two (2) year period shall render the preliminary subdivision plan approval void. However, the applicant may ~~apply request to the planning department for~~ a one (1) year extension of this time period no later than ~~thirty (30)~~ days and no earlier than ~~120~~ sixty (60) days prior to the expiration of the preliminary subdivision plan approval. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the approval. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved preliminary plan that has not first been reviewed and approved by the planning department shall render the preliminary subdivision plan approval invalid. Preliminary subdivision plan approval allows the issuance of building permits or manufactured home setup permits in the name of the subdivision developer only, for one model dwelling unit per subdivision phase, as well as for a temporary construction office or storage structure or a temporary security office/quarters. ~~However, approval must be obtained from DHEC for water supply and sewage disposal prior to building occupancy.~~

fd. *Bonded subdivision ~~plan~~ plat review and approval.*

1. ~~*Purpose/s*~~Submittal. The purpose of the bonded subdivision plan stage of major subdivision review is, by mutual consent of both the developer and the county, to record a bonded plat, enable the conveyance of lots to third parties, and allow the issuance of building permits and manufactured home setup permits to third parties before the construction, installation, and acceptance of all required infrastructure improvements. The county protects these third parties and assures the orderly completion of the subdivision infrastructure by choosing to accept, in accordance with the provisions in Section 26-223 of this chapter, a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the county the actual construction and installation of all improvements and utilities within a specified time period. The bonded plan shall be submitted to the planning department in both a paper and a digital format as specified by the County, and shall contain all information required by the department. An application for bonded plat review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council.

2. *Staff review*. The planning department shall review the bonded ~~plan~~ plat submittal and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within ten (10) days after the most recent submission date. Provided that the application is complete, the following shall occur:
 - [a] ~~*Planning staff*~~ Development review. Bonded ~~plans~~ plats for development requiring major subdivision review shall be reviewed by ~~the planning department~~ county development review staff for compliance with the ~~requirements of this chapter~~ development regulations of Richland County and conformity with the approved sketch plan and preliminary plan.

 - [b] ~~*Development team*~~ review. ~~As needed, bonded plans for major subdivisions shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. No formal team review shall be required.~~

[b] The planning department shall approve, ~~approve with conditions,~~ or deny the bonded subdivision ~~plan plat~~ application based on written findings of fact. Approval of the bonded subdivision ~~plan plat~~ shall not constitute final subdivision ~~plan plat~~ approval (see subparagraph ~~g~~ below on final subdivision ~~plan plat~~ approval). Failure on the part of the planning department to act on the bonded plat within thirty (30) days after receiving a complete application shall constitute approval.

3. *Public notification.* No public notification is required for major subdivision bonded ~~plan plat~~ review and approval.
4. *Formal review.* No formal review is required for major subdivision bonded ~~plan plat~~ review and approval.
5. *Variances.* ~~There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review. Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals as set forth in Sec. 26-57 of this chapter.~~
6. *Appeals.* ~~An applicant, or other party of interest, may appeal a planning department decision regarding the bonded subdivision plan to the planning commission. Such appeal shall be heard at the planning commission's next available meeting.~~

[a] Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Sec. 26-58 and the payment of fees as established by Richland County Council.

[b] Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision of the planning commission may appeal such decision to the circuit court, provided that a proper petition is filed with the Richland County Clerk of Court within thirty (30) days after receipt of the written notice of the decision by the applicant. An appeal shall cease all staff review regarding the subject property. Since an appeal to the circuit court

must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

7. ~~Approval validity/~~Recordation. If Once approved, prior to recordation, the bonded plat must be signed ~~in the appropriate place~~ by the land development administrator or his/her designee. The approval of a bonded plat for a major subdivision shall not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. A bonded plat for a major subdivision must be recorded by the applicant within thirty (30) days of approval with the Richland County Register of Deeds. The applicant shall provide the planning department with at least ~~one (1)~~ five (5) copyies of the recorded plat. Except as allowed under Section 26-54(b)(3)e.7. of this chapter, no building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property. If the developer fails to complete the bonded infrastructure improvements and submit a complete application for final subdivision ~~plan~~ plat approval within the specified time period, the county may proceed to collect the financial surety and assume responsibility for completing the required infrastructure improvements.

ge. *Final subdivision ~~plan~~ plat review and approval.*

1. ~~Purpose/s~~Submittal. ~~The purpose of the final subdivision plan stage of major subdivision review is to document the satisfactory completion of required infrastructure improvements, enable the conveyance of lots to third parties, and allow the issuance of building permits and manufactured home setup permits to third parties. Following approval of a preliminary subdivision plan for a~~

~~major subdivision, (and optionally, a bonded subdivision plan) and the installation and acceptance of required infrastructure improvements, a final plat shall be prepared and submitted in both a paper and a digital format as specified by the County. The final plat application shall contain all information required by the planning department, including written county and utility provider acceptance of all infrastructure. An application for final plat review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council.~~

2. *Staff review.* The planning department shall review the final ~~plan plat~~ plat submittal and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within ten (10) days after the most recent submission date. ~~No later than thirty (30) days after receipt of a complete final plat package, the department shall approve, approve with conditions, or deny the final plat application. Failure on the part of the planning department to act on the final plat within thirty (30) days after receiving a complete application shall constitute approval. Provided that the application is complete, the following shall occur:~~
 - [a] Development review. The final plat for developments requiring major subdivision review shall be reviewed by county development review staff for compliance with the development regulations of Richland County and conformity with the approved sketch plan and preliminary plan.
 - [b] The planning department shall approve or deny the final subdivision plat application based on written findings of fact. Failure on the part of the planning department to act on the final plat within thirty (30) days after receiving a complete application shall constitute approval.
3. *Public notification.* No public notification is required for major subdivision final ~~plan plat~~ plat review and approval.
4. *Formal review.* No formal review is required for major subdivision final ~~plan plat~~ plat review and approval.

5. ~~Variances. There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review. Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals as set forth in Sec. 26-57 of this chapter.~~

6. ~~Appeals. An applicant, or other party of interest, may appeal a planning department decision regarding the final subdivision plan to the planning commission. Such appeal shall be heard at the planning commission's next available meeting.~~
 - [a] Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Sec. 26-58 and the payment of fees as established by Richland County Council.

 - [b] Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision of the planning commission may appeal such decision to the circuit court, provided that a proper petition is filed with the Richland County Clerk of Court within thirty (30) days after receipt of the written notice of the decision by the applicant. An appeal shall cease all staff review regarding the subject property. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

7. ~~Approval validity/Recordation. If approved, prior to recordation, the final plat must be signed in the appropriate place by the land development administrator. The approval of a final plat for a major subdivision shall not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other~~

~~ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. A final plat for a major subdivision must be recorded by the applicant within thirty (30) days of approval with the Richland County Register of Deeds. The applicant shall provide the planning department with at least one (1) copy of the recorded plat. Except as allowed under Section 26-54(b)(3)e.7. or unless an optional bonded plat has already been approved and recorded, no building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded final plat of the subject property. Once approved, prior to recordation, the final plat must be signed by the land development administrator or his/her designee. A final plat for a major subdivision must be recorded by the applicant within thirty (30) days of approval with the Richland County Register of Deeds. The applicant shall provide the planning department with at least five (5) copies of the recorded plat. The approval of a final plat for a major subdivision shall not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. Except as allowed under Section 26-54(b)(3)e.7., or unless an optional bonded plat has already been approved and recorded, no building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded final plat of the subject property.~~

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 _____, 2012.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE ____ DAY

OF _____, 2012

Michelle M. Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-12HR

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; “TRANSPORTATION, INFORMATION, WAREHOUSING, WASTE MANAGEMENT, AND UTILITIES” OF TABLE 26-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SO AS TO PROHIBIT ABOVEGROUND UTILITIES FROM CROSSING PERPETUAL CONSERVATION EASEMENTS.

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

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

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
<u>Transportation, Information, Warehousing, Waste Management, and Utilities</u>																	
Airports or Air Transportation Facilities and Support Facilities															P	P	P
Antennas		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
Bus Facilities, Interurban													P	P	P	P	P
Bus Facilities, Urban													P	P	P	P	P
Charter Bus Industry														P	P	P	P
Courier Services, Central Facility														P	P	P	P
Courier Services, Substations											P		P	P	P	P	P
Landfills, Sanitary and Inert Dump Sites		SE												P	P	P	SE
Limousine Services														P	P	P	P
Materials Recovery Facilities (Recycling)															P	P	P
Power Generation, Natural Gas Plants, and Similar Production Facilities																	P
Radio and Television Broadcasting Facilities (Except Towers)											P		P	P	P	P	
Radio, Television, and Other Similar Transmitting Towers		SE									SE	SE	SE	SE	SR	SE	SE
Rail Transportation and Support Facilities																	P
Recycling Collection Stations															P		P
Remediation Services															P		P
Scenic and Sightseeing Transportation													P	P	P	P	P
Sewage Treatment Facilities, Private																	P
Taxi Service Terminals													P	P	P	P	P
Truck Transportation Facilities															P	P	P
<u>Underground Utilities</u>	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR

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

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

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

- (19) Construction, Building, Heavy, with Outside Storage - (M-1, LI)
- (20) Construction, Special Trades, with Outside Storage - (M-1, LI)
- (21) Country Clubs with Golf Courses - (TROS, RU, GC, M-1, LI)
- (22) Day Care, Adult, Home Occupation (5 or fewer) – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, GC)
- (23) Day Care Centers, Adult - (RU, OI, NC, RC, GC, M-1)
- (24) Day Care, Child, Family Day Care, Home Occupation (5 or fewer) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, GC)
- (25) Day Care Centers, Child, Licensed Centers - (RU, OI, NC, RC, GC, M-1)
- (26) Drugs and Druggists' Sundries – (GC)
- (27) Durable Goods, Not Otherwise Listed – (GC)
- (28) Dwellings, Manufactured Homes on Individual Lots - (RU, MH)
- (29) Dwellings, Manufactured Homes on Individual Lots - (RR, RS-E)
- (30) Dwellings, Single Family, Zero Lot Line, Common and Parallel - (Common: RM-MD, RM-HD, OI, GC, M-1; Parallel: RS-E, RS-LD, RS-MD, RS-HD, RM-MD, RM-HD, OI, M-1)
- (31) Electrical Goods – (GC)
- (32) Fuel Oil Sales (Non-Automotive) - (M-1, HI)
- (33) Furniture and Home Furnishings – (GC)
- (34) Golf Courses - (TROS, GC, M-1, LI)
- (35) Golf Driving Ranges (Freestanding) - (TROS, RC, GC, M-1, LI)
- (36) Go-Cart, Motorcycle, and Similar Small Vehicle Tracks - (GC)
- (37) Group Homes (9 or Less) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (38) Group homes (10 to 15) - (RU)

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

- (61) Rental Centers, With Outside Storage – (GC)
- (62) Repair and Maintenance Service, Appliance and Electronics - (RC, GC, M-1, LI)
- (63) Research and Development Services – (OI)
- (64) Schools, Including Public and Private Schools, Having a Curriculum Similar to Those Given in Public Schools - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (65) Sexually Oriented Businesses - (GC, HI)
- (66) Sporting Firearms and Ammunition – (GC)
- (67) Swim and Tennis Clubs – (TROS)
- (68) Swimming Pools - (TROS, RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (69) Tobacco and Tobacco Products – (GC)
- (70) Underground Utilities – (All Districts)
- (71) Utilities, Aboveground – (All Districts)**
- (72)~~(71)~~Utility Substations - (All Districts)
- (73)~~(72)~~Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services) - (OI, NC)
- (74)~~(73)~~Warehouses (General Storage, Enclosed, Not Including Storage of Any Hazardous Materials or Waste as Determined by Any Agency of the Federal, State, or Local Government) - (OI, NC, RC, GC)
- (75)~~(74)~~Warehouses (Self Storage) - (RC, GC, M-1, LI)
- (76)~~(75)~~Yard Sales - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (77)~~(76)~~Zoos and Botanical Gardens – (GC, M-1)

SECTION III. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; is hereby amended by the insertion of a new paragraph to read as Paragraph “(71) Utilities, aboveground”, the existing Paragraph (71) is renumbered to

read as Paragraph (72), and all remaining paragraphs are renumbered in appropriate chronological order.

(71) Utilities, aboveground.

a. Use districts: All Districts.

b. Provided, however, no aboveground utility shall cross over, traverse, or encroach into any parcel protected by a perpetual conservation easement, unless superseded by Federal law or regulation concerning the interstate commerce and transport of natural gas or petroleum products. However, this special requirement does not apply to any aboveground utility line and supporting apparatus or equipment related to the distribution of water, natural gas, power, telephone and telecommunication cable, or disposal of storm and sanitary sewage, for any structure set forth and agreed to in a perpetual conservation easement between the grantee and grantor.

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

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

SECTION VI. Effective Date. This ordinance shall be enforced from and after _____, 2012.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE _____ DAY

OF _____, 2012

Michelle M. Onley
Clerk of Council

Public Hearing: October 23, 2012 (tentative)
First Reading: October 23, 2012 (tentative)
Second Reading:
Third Reading:

